

Response to the Proposed Rule:

Increase Flexibility for Tribes in Child Care and Development Fund (CCDF) Eligibility

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Submitted to:

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Comment on Proposed Rule to Increase Flexibility for Tribes in Child Care and Development Fund Eligibility

The Child Care and Development Fund (CCDF), funded by the Office of Child Care (OCC), provides a vital federal funding source that supports access and quality in child care settings across Tribal Nations, states, and territories. As part of its support for Tribal Nations, CCDF seeks to support access to long-term, high-quality care for Indigenous children and their families. CCDF supports ongoing collaboration among OCC, Tribal Lead Agencies, early childhood development providers, and Tribal communities to promote robust and culturally responsive program models that integrate Indigenous knowledge, practices, and languages across early childhood programs.

This notice of proposed rulemaking extends the flexibility that Tribal Lead Agencies with small allocations have to disregard family income and assets in determining family eligibility for CCDF to Tribal Lead Agencies with medium and large allocations. Increasing flexibility for Tribal Nations to exert self-determination over how they care for their children and families has been a hallmark of OCC's dedication to upholding its Trust Responsibility and supporting Tribal sovereignty over the past decade.

Mathematica's response to this proposed rulemaking affirms and applauds OCC's proposal and seeks to offer meaningful recommendations that generate action to support this transition. For more than 50 years, Mathematica has worked with federal agencies, grant recipients, foundations, community organizations, and other community entities—including Tribal lead agencies, families, and early childhood care and education practitioners—to evaluate the effectiveness of existing programs in partnership with Tribal, state, and local agencies. Mathematica staff who are Tribal citizens prepared this response, which draws on our experience providing training and technical assistance (TTA) for Tribal child care programs, promoting Tribal sovereignty in federal programs, and coordinating early childhood programs. We have also provided insights and recommendations for changes to CCDF that can help meet the unique child care needs of Tribal communities, uphold Tribal sovereignty, and center the values and voices of Tribal communities (see [here](#)).

Discussion of proposed changes

For Tribal Lead Agencies implementing early childhood services supported by CCDF and other funding streams such as Head Start, the ability to deliver and tailor services to meet the needs of families is a primary driver of child care quality. This flexibility directly relates to each Tribal Nation's inherent right of self-determination. Tribal Nations have diverse and rich cultural beliefs that make service delivery in child care settings unique for each Tribal Lead Agency. Promoting flexible eligibility standards for CCDF ensures that Tribal Lead Agencies can tailor their programs to meet their communities' unique needs.

Based on our experience working with Tribal Lead Agencies and early childhood programs, we recommend the following enhancements to the proposed changes to CCDF eligibility:

Provide additional TTA to support Tribal Lead Agencies in transitioning to this proposed rulemaking.

- The proposed eligibility criteria change would facilitate increased integration and coordination for Tribal Nations, providing Tribal Lead Agencies increased flexibility to effectively braid childhood federal funding streams in ways that meet the unique needs of their communities. However, there are some potential challenges and areas for support that programs will need to respond to the change, including exploring the restructuring of eligibility models and determining which criteria to implement. **Supportive TTA should focus on transitioning program eligibility models, reducing administrative burden, implementing integrated funding streams, and promoting a more seamless service delivery.**
- Many Indigenous families face economic challenges regardless of income, and the proposed changes would improve access to critical child care services, ensuring that children in Tribal communities receive the support they need to thrive. Expanding flexibility in income eligibility criteria will enable more families to benefit from high-quality child care and early learning services. **Additional TTA should also focus on guidance and wise practices¹ for expanding outreach and engagement to newly eligible families.**
- The proposed change recognizes and respects Tribal sovereignty to shape eligibility requirements. Providing Tribal Lead Agencies greater authority in determining their own eligibility criteria within the framework of federal guidelines can better empower Tribal Nations to design programs that best serve their communities. **TTA should continue to support Tribal Lead Agencies in developing eligibility criteria that align with community-specific needs and cultural values.**

Through the OCC's formal request for information and other feedback processes, many Tribal Lead Agencies expressed support for the proposed eligibility criteria change. Consultation conducted in coordination with this proposed rule change affirms it reflects an important change toward increased flexibility to provide quality child care and uphold Tribal sovereignty. **We recommend that OCC maintain this consultative approach in future program modifications, ensuring that Tribal voices remain central to policy decisions. Sustained collaboration with Tribal communities leads to more effective and culturally congruent program outcomes.**

¹ Wise practices recognizes “the wisdom in each Indigenous community and in the community’s own stories of achieving success” (see [here](#)).

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