



Federal Child Care Regulations and Homelessness

The U.S. Department of Health and Human Services published final regulations to implement the Child Care and Development Fund program (CCDF) in September 2016. An explanation and summary of the final Child Care and Development Fund regulations on homelessness is below. The full regulations may be read [here](#). For more information on early childhood education and homelessness, see www.schoolhouseconnection.org.

Definition of Homelessness

The McKinney-Vento definition of homelessness used by all public schools in the United States includes children and youth who lack a fixed, regular, and adequate nighttime residence. This definition includes children and youth living in shelters, transitional housing, cars, campgrounds, motels, and sharing the housing of others temporarily due to loss of housing, economic hardship, or similar reasons. It is the same definition of homelessness used by Head Start, child nutrition, and other federal family and youth programs.

Per the CCDF regulation below, States that receive CCDF funds via the state's Lead Agency, and all child care providers/programs funded by CCDF, also must use the McKinney-Vento Act's education subtitle's definition, bringing child care into alignment with other federal early childhood and education programs.

§98.2 DEFINITIONS.

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

Grace Periods and Immunizations/Health and safety Requirements

As a result of their high rates of mobility, many families who experience homelessness do not have documentation of immunizations, which creates a barrier to accessing child care programs. Per the CCDF regulation below, states are required to establish a grace period for children experiencing homelessness to comply with immunization and other health and safety requirements. Homeless

children must be allowed to receive child care services during the grace period, while families work to meet health and safety requirements. The CCDF regulations do not establish a minimum or maximum grace period, but instead require the Lead Agency to establish the length of the grace period, in consultation with the applicable health agency. In addition, agencies are required to help families comply with immunization and other requirements during the grace period, and providers can receive payment during the grace period.

§98.41 Health and safety requirements.

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

Access, Outreach, and Training

States must use CCDF funds to improve access to quality child care for children experiencing homelessness. Those activities must include procedures to permit immediate enrollment of homeless children while required documents are obtained. On the rare occasion that documents show a homeless child to be ineligible for services, child care providers nonetheless will receive payment for services rendered. States also must provide staff and child care providers with training and technical assistance on how to identify and serve children experiencing homelessness. Every state Lead Agency must engage in specific, targeted outreach to families experiencing homelessness.

§98.51 Services for children experiencing homelessness.

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

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

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

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

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

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

(c) Specific outreach to families experiencing homelessness.

Prioritizing Children Experiencing Homelessness

States must prioritize children experiencing homelessness for child care services. States that fail to establish this priority will be penalized by a withholding of federal funds, unless they correct the failure within six months. To further incentivize services to homeless families, states may establish a higher payment rate for children experiencing homelessness. The higher rate would be based on homeless children having greater needs.

§98.46 Priority for child care services.

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

§98.45 Equal access.

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

§98.92(b) Penalties and Sanctions.

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

Coordination of Services

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

§98.14 Plan process.

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

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

Data Collection and Reporting

On a quarterly, basis States must report how many homeless families are receiving child care assistance.

§98.71 Content of reports

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

...(16) Whether the family is homeless