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INFORMATION MEMORANDUM

To: State, territorial, and tribal Lead Agencies administering child care programs under the Child Care and Development Block Grant (CCDBG) Act, as amended, and other interested parties.

Subject: Statewide Disaster Plan (or Disaster Plan for a Tribe's service area) for child care.

References: The CCDBG Act, as amended (42 U.S.C §9857 *et seq.*); Section 418 of the Social Security Act (42 U.S.C. §618); 45 CFR Parts 98 and 99. This Information Memorandum supersedes CCDF-ACF-IM-2011-01.¹

Purpose: This Information Memorandum provides guidance to state, territorial, and tribal Lead Agencies to assist with development and implementation of the Statewide Disaster Plan (or Disaster Plan for a Tribe's service area) for child care.

Background: The CCDF program serves 1.4 million children each month and provides funding to care for CCDF eligible children to nearly 340,000 child care providers annually. A primary goal of CCDF and child care programs nationwide is to help ensure early childhood and school-age care programs support children's learning and development. This goal becomes especially important in the event of a major disaster, as children have unique needs in emergency situations and are among our most vulnerable populations. Maintaining the safety of children in child care programs necessitates planning in advance by child care providers. In addition, child care makes key contributions that support children, parents, and communities that are particularly relevant in the aftermath of a disaster. Child care services are essential in restoring the economic well-being of a community after a disaster because the ability for parents to go back to work depends on the availability of child care services. When the facilities of child care providers sustain significant damage and are unable to operate as a result of a disaster, communities can be substantially impacted. Furthermore, this can present significant challenges for states and localities struggling to support families impacted by a disaster and to rebuild critical infrastructure.

¹ Framework For Developing Child Care Emergency Preparedness And Response Plans, Sept. 11, 2012. Information Memorandum: CCDF-ACF-IM-2011-01. <https://www.acf.hhs.gov/occ/resource/information-memoradum-ccdf-acf-im-2011-01>.

CCDF Lead Agencies can play an important role in helping to better prepare child care providers and support programs after a disaster to help them quickly recover and be able to care for children in a safe and effective manner. This includes ensuring continuity of care and services for families receiving assistance through the CCDF program and for providers caring for children who receive subsidies. Lead Agencies may experience a surge in families applying for child care financial assistance as a result of the negative economic impacts of a disaster. More children may need child care to protect their safety, health, and emotional well-being while their parents make efforts to recover and rebuild their lives. In addition, Lead Agencies may be called upon to assist emergency management officials and voluntary organizations with the provision of emergency and temporary child care services after a disaster. Development of an emergency preparedness and response plan is essential to preparing Lead Agencies to be better able to manage these wide-ranging and critical roles.

The importance of the need to improve emergency preparedness and response in child care was highlighted in the *2010 Report to the President and Congress* issued by the National Commission on Children and Disasters. The Commission was an independent, bipartisan body established by Congress and the President to identify gaps in disaster preparedness, response, and recovery for children and make recommendations to close the gaps. The Commission's report included two primary recommendations for child care: (1) to improve disaster preparedness capabilities for child care services; and (2) to improve capacity to provide child care services in the immediate aftermath and recovery from a disaster.² A specific recommendation made by the Commission was the need for states to develop Statewide Disaster Plans in coordination with state and local emergency managers, public health officials, state child care regulatory agencies, and child care resource and referral agencies.

Guidance: The reauthorization of the CCDBG Act requires Lead Agencies to develop and maintain a comprehensive Statewide Disaster Plan to address emergency preparedness, response, and recovery efforts specific to child care. Under section 658E(c)(2)(U) of the Act³ and 45 CFR 98.16(aa) of the CCDF final rule, Lead Agencies are required to demonstrate how they will address the needs of children, including the need for safe child care, before, during and after a state of emergency declared by the Governor or a major disaster or emergency (as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act⁴) through a Statewide Disaster Plan (or Disaster Plan for a Tribe's service area). This Information Memorandum outlines the requirements in each area that a Lead Agency must address when developing and implementing its Statewide Disaster Plan (or Disaster Plan for a Tribe's service area) in accordance with the Act and the final rule at 45 CFR 98.16(aa) and 98.41(a)(1)(vii), including:

- Coordinating and collaborating with key partners;
- Guidelines for continuation of child care subsidies and services;
- Coordination of post-disaster recovery of child care services; and
- Requirements for CCDF providers and other child care providers.

² National Commission on Children and Disasters, "2010 Report to the President and Congress," October 2010. <https://archive.ahrq.gov/prep/nccdreport/>.

³ 42 U.S.C. § 9858c(c)(2)(U).

⁴ 42 U.S.C. § 5122.

In addition, the checklist in **Appendix A** provides a summary of the key elements for the Lead Agency to include in an emergency preparedness plan to facilitate coordination with emergency management agencies and other partners.

1. Coordinating and Collaborating with Key Partners

The final rule at 45 CFR 98.16(aa) requires Lead Agencies to coordinate and collaborate with key stakeholders, in order to establish an effective Statewide Disaster Plan (or Disaster Plan for a Tribe's service area). Lead Agencies must make formal connections with and actively engage representatives from the:

- State human services agency, if different from the Lead Agency;
- State emergency management agency;
- State child care licensing agency;
- State health department or public health department;
- State and local resource and referral agencies; and
- State Advisory Council on Early Childhood Education and Care (designated or established pursuant to the Head Start Act (42 U.S.C. 9831 *et seq.*)) or similar coordinating body.

In addition, fostering connections at the county or local levels can facilitate collaboration during an actual disaster by establishing “on the ground” relationships and contacts ahead of time, possibly through a task force model. Guidance on how to establish these links and relationships is available for use by state agencies. Children and Youth Task Forces are a great resource for collaboration and partnerships prior to the onset of a disaster or emergency. Tribes should consult with agencies and partners that are relevant to their service area.⁵

Federal agencies including U.S. Department of Health and Human Services (HHS) and the Federal Emergency Management Agency (FEMA), as well as non-governmental voluntary organizations can provide resources and assistance with planning and preparedness activities. **Appendix B** of this guidance provides links to many of these resources. Existing networks for child care, such as child care resource and referral agencies, family child care networks and child care health consultants can help establish a mechanism for strategic communications and exchange of information among the child care community to enhance response efforts. Coordination between Lead Agencies and emergency management agencies should take place in preparing for disasters and coordinating the provision of emergency and temporary child care services.

An important example of a coordinating activity can be found in partnerships between child care and emergency managers to establish Geographic Information System (GIS) mapping systems and data sharing agreements. GIS mapping is one tool that can help during the planning phase by identifying child care providers in areas with specific risks, providing a baseline to the Lead Agencies. During the recovery phase of a disaster, this information is critical to connect families with child care providers that are still operating, and to facilitate damage assessments and rebuilding needs. Mapping systems enable

⁵ Children and Youth Task Force in Disasters: Guidelines for Development available online <http://www.acf.hhs.gov/programs/ohsepr/resource/children-and-youth-task-force-in-disasters>.

Lead Agencies to provide specific information to local emergency managers including distance from any given location as well as the county, capacity, and contact information of child care providers. FEMA regional offices often engage with state emergency managers in developing this type of capability.

2. Guidelines for Continuation of Child Care Subsidies and Services

The final rule at 45 CFR 98.16(aa) requires the Statewide Disaster Plan (or Disaster Plan for a tribe's service area) to incorporate guidelines for continuation of child care subsidies and child care services, which may include the provision of emergency and temporary child care services during a disaster, and temporary operating standards for child care after a disaster. State, territory, and tribal Lead Agencies have broad flexibility to operate the CCDF program and have a number of options within federal statute and regulation to adapt policies in order to maintain continuity of services for families affected by a disaster. It is important that Lead Agencies have a plan in place to perform essential functions and achieve programmatic continuity during and after an emergency or disaster for families receiving CCDF benefits. These essential functions include: (i) continuing payments to child care providers serving children receiving subsidies; (ii) provisions for extending eligibility re-determination for families; (iii) communication with the licensing agency to ensure that licensed programs receiving CCDF funds are safe and operational; (iv) assisting new enrollees or preparing for an influx of families who may need assistance; (v) implementation of a waiting list if the Lead Agency does not have one, as appropriate; and (vi) tracking families receiving subsidies impacted by the disaster.

OCC has recently provided guidance to Lead Agencies regarding the flexibility to spend CCDF funds in response to federal or state declared emergency situations.⁶ When developing plans for continuation of services to CCDF families, it is important to consider such options as the flexibility to modify eligibility criteria to permit uninterrupted child care, prioritize services to impacted families, or use CCDF quality dollars to provide supply-building grants for minor repairs or remodeling necessary to assist child care facilities in re-opening or establishing compliance with health and safety regulatory requirements. Lead Agencies that subcontract operation of the child care program, such as eligibility determination and provider payment functions, should ensure that contractors or sub-grantees have policies in place that establish how services will be provided in case of emergency evacuations or other types of occurrences that may remove or prohibit the staff from providing services in their locations. Some Lead Agencies also require contractors to establish policies and procedures to ensure that case records are not destroyed or lost.

Provision of Emergency and Temporary Child Care Services During a Disaster

Not all disasters reach the level of requiring the provision of emergency or temporary child care services to help families recover. However, Lead Agencies should plan in advance by collaborating with emergency management agencies and voluntary organizations to accommodate this need, should it arise. This may include entering into pre-event agreements or memoranda of understanding which outline responsibilities and

⁶ CCDF-ACF-IM-2017-02.

roles across agencies and organizations. Emergency child care⁷ can be provided in a variety of settings including shelters, schools, and other non-permanent facilities and can be an important supportive service for families who need temporary relief in the immediate aftermath of a disaster. Child care can protect children from disaster-related hazards and ensure children are safe while parents visit damaged property, access benefits, and make efforts to rebuild their lives. States should consider having child care available in a variety of settings.

FEMA issued guidance that a State, local, or tribal government may be reimbursed through the Public Assistance (PA) grant program for costs associated with providing child care services to families as part of emergency sheltering efforts, including the operation of standalone child care centers.⁸ This includes reimbursement for the cost to provide child care services and for the facility and its operations (e.g., labor costs, supplies, and commodities). A State or local government may use its own resources directly or can contract with a private entity or voluntary organization to provide emergency or temporary child care services. FEMA may provide PA funding for the cost of child care beyond the period of emergency sheltering, with certification that temporary child care is necessary to meet immediate threats to life, public health and safety, or property. Child care services include care for children with disabilities and care provided before or after school to eligible children. The provider may provide these services within a shelter facility or in a separate facility, as appropriate.

Lead Agencies should consider incorporating the capability to provide emergency and temporary child care services into formal emergency planning and preparedness efforts. This may include pre-positioning supplies that can be mobilized to support provision of temporary child care after a disaster. Lead Agencies are encouraged to engage emergency management officials to discuss processes for implementing temporary child care services directly through government agencies or by establishing standing contracts or agreements with outside organizations that have expertise in provision of temporary child care, such as child care resource and referral agencies (CCR&Rs) or voluntary organizations active in disasters.

A Lead Agency should also consider identifying pre-approved qualified caregivers that can be brought into a disaster area to provide emergency child care services. This eliminates concern about staff not having appropriate background checks or clearances and would provide access to a cadre of certified, trained, pre-screened child care providers willing to help in the immediate aftermath of a disaster. Child care providers that are properly trained, including on Psychological First Aid⁹ and other mental health approaches, can play a unique role in helping children cope with trauma. Play therapy, a

⁷ Emergency child care is the provision of licensed/regulated care for children in non-traditional settings, using short-term emergency licensing requirements. Note, this is not regular licensed child care and all efforts should be made to work closely in partnership with state child care licensing and department of health authorities to ensure the safety and protection of the children participating in emergency child care. Parents **are not required** to stay onsite for this type of child care. This is not the same as *temporary respite care* where parents are required to stay onsite.

⁸ <https://www.fema.gov/media-library/assets/documents/111781>.

⁹ PFA is an evidence-informed approach for helping children of all ages and their families in the aftermath of an emergency or disaster situation. PFA training is available through a variety of organizations-- <http://www.nctsn.org/>. Training on Psychological First Aid--<https://learn.nctsn.org/>.

supportive environment, providing encouragement and ability to express feelings, and restoration of routine can help children recover and become resilient. Trained child care providers can also help identify those children that suffer significant psychological trauma and impairment and assist in their referral to outside resources. Consideration should also be given to arranging in advance the services of mental health consultants to provide support to providers and the families they serve.

Temporary Operating Standards for Child Care

The provision of temporary child care, which often occurs in non-traditional settings, may require modifying regulatory or licensing standards or developing regulatory standards specific to the operation of emergency or temporary child care so that regulations are not a barrier to providing needed services to families in a way that preserves the health and safety of children. This is also relevant for child care facilities and family child care homes that are seeking to re-open. Lead Agencies should work with child care licensing and regulatory agencies to establish acceptable minimum conditions for temporary child care or reopening of child care facilities following a disaster, including a process for expediting criminal background checks. Some Lead Agencies have developed policies and provisional license agreements as well as waiver authority to be used to continue the operation of licensed child care after a disaster. Examples of areas to be addressed in temporary operating standards are: access to electricity, such as allowing a portable generator to be used on a temporary basis; access to an approved water source, such as bottled water; availability of appropriate sewage disposal, such as a port-a-potty; adequate supplies for diapering infants and toddlers; and adequate supplies of age-appropriate foods, such as baby formula and baby food.

In conjunction with the American Red Cross, FEMA, the American Academy of Pediatrics, and other partners, the National Commission on Children and Disasters developed a guidance document for shelter managers and staff titled, *Standards and Indicators for Disaster Shelter Care for Children*. A link to this document can be found in **Appendix B**. The guidance provides a summary of appropriate supports and essential resources to ensure children are cared for in a safe and secure environment after a disaster. Lead Agencies should consider using this guidance in discussions with emergency management agencies and other partners when planning for provision of temporary respite or emergency child care after a disaster.

3. Coordination of Post-Disaster Recovery of Child Care Services

The final rule at 45 CFR 98.16(aa) requires a Statewide Disaster Plan (or Disaster Plan for a tribe's service area) to include coordination of post-disaster recovery of child care services. This may include planning for the restoring or rebuilding of child care facilities and infrastructure after a disaster. Child care services must be restored as quickly as possible following a disaster to provide children with a safe environment and sense of routine while parents make efforts to rebuild their lives. ACF recommends that the planning for restoring or rebuilding of child care facilities and infrastructure after a disaster should include the following approaches:

- A strategy to work with emergency management officials, licensing agencies, and public health officials to conduct timely assessments of the damage to and status of child care providers within the impacted area.

- Strategies for engagement and training of child care providers to ensure business continuity should a disaster occur, including adequate insurance coverage and protection of records and assets.
- Strategies for providing information and resources to child care providers about financial assistance that is available for the rebuilding process if they need to rebuild.
- A strategy for engaging business associations, community development, financial institutions, and other organizations that can potentially provide financial assistance or microloans to help child care providers re-establish services.
- Preparedness planning with FEMA regional officials to clarify child care services that are eligible for reimbursement under the Public Assistance grant program.

It is important that child care providers engage in business continuity planning by taking steps to protect vital records and resources and ensuring they have adequate insurance coverage to facilitate a faster recovery should a disaster occur. Records protection and awareness should include insurance policies, rental agreements, building plans, bank account records, service agreements, licensing and regulatory approvals, and other documents needed to operate the business. Potential funding sources for rebuilding purposes include:

- Small Business Administration (SBA) - The Disaster Assistance Loan program provides low-interest loans to homeowners, renters, businesses of all sizes, and most private non-profit organizations to repair or replace real estate, personal property, machinery and equipment, inventory, and business assets that have been damaged or destroyed in a declared disaster. Lead Agencies could assist child care providers in applying for and accessing these loans for rebuilding, for example by hosting a seminar for child care providers to be able to meet with representatives from SBA and other disaster relief organizations or by enhancing contracts with CCR&R agencies to assist child care providers with accessing such supports.
- (FEMA) - Temporary Relocation of Facilities: Under the Public Assistance Program, FEMA may reimburse the cost for re-establishing child care services provided by States, territories, local, tribal governments or private non-profit organizations prior to a disaster. FEMA may provide assistance for the lease, purchase, or construction of temporary facilities to re-establish child care services provided prior to a disaster. FEMA does not mandate that the applicant pursue a specific option for a temporary facility, but FEMA only provides PA funding for the most cost-effective option. Assistance is limited to child care facilities operated by a governmental or eligible private non-profit (PNP) entity prior to a disaster. FEMA determines the eligibility of relocating services to another facility based on the safety of the damaged facility.
- (FEMA) - Repair, Restoration, or Replacement of Public and Private Nonprofit Facilities. FEMA has established that governmental and eligible private nonprofit (PNP) organizations that operate child care centers may be eligible for assistance in repair, restoration, or replacement of facilities (permanent work). For PNPs that provide non-critical, essential governmental services, FEMA only provides PA funding for eligible permanent work costs that an SBA loan will not cover. Therefore, non-critical PNPs must also apply for a disaster loan from the SBA.
- (CCDF) - Lead Agencies may use CCDF quality dollars to provide supply-building grants to providers impacted by a disaster. These funds may be used for supplies and minor remodeling to bring the facility into compliance with health and safety requirements; however, CCDF funds may not be used for the purchase, construction, or permanent improvement of a building or facility. (Also see CCDF-ACF-IM-2017-

02 Option E for further guidance on the definition of major renovations.) Note that tribal grantees may apply to use CCDF funds for construction or major renovation.

4. Requirements for CCDF Providers and Other Child Care Providers

The final rule at 45 CFR 98.16(aa) requires the Statewide Disaster Plan (or Disaster Plan for a tribe's service area) to include emergency planning and response requirements for child care providers. In addition, the final rule at 45 CFR 98.41(a)(1)(vii) requires child care providers to have in place certain procedures as part of their CCDF health and safety requirements and training. Lead Agencies must require providers to have procedures for evacuation, relocation, shelter-in-place and lock down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions. These requirements at a minimum must apply to all CCDF providers, including license-exempt CCDF providers (except relatives at the Lead Agency option) and at the State option may be extended to apply to non- CCDF providers.

Additionally, the provider training for accommodating infants and toddlers, children with disabilities, and children with chronic medical conditions should include plans that address multiple facets, including ensuring adequate supplies (*e.g.*, formula, food, diapers, and other essential items) in the event that sheltering-in-place is necessary. Communication and reunification with families should include procedures that identify entities with responsibility for temporary care of children in instances where the child care provider is unable to contact the parent or legal guardian in the aftermath of an emergency or disaster.

Providers should work in partnership with state child care regulatory agencies to evaluate the extent to which licensing and regulatory requirements for child care providers adequately address emergency preparedness and planning activities, including procedures for evacuation, relocation, shelter-in-place, and lockdown. Lead Agencies should provide sufficient resources in assisting child care providers to be better prepared for disasters.

In addition, Child Care Aware and Save the Children released a publication titled, *Protecting Children in Child Care During Emergencies: Recommended State and National Standards for Family Child Care Homes and Child Care Centers*,¹⁰ which includes recommended State regulatory and accreditation standards for family child care homes and child care centers. Child care providers should make a reasonable effort to plan and prepare for emergency or disaster circumstances that might compromise children's safety or disrupt the day-to-day operations of child care facilities. The continuity of child care services after a disaster is an essential part of recovery efforts because it ensures that children are safe while parents visit damaged property, access public benefits, return to work and make efforts to rebuild their communities.

¹⁰ <https://eclkc.ohs.acf.hhs.gov/hslc/tta-system/health/safety-injury-prevention/ep-response/protecting-children.pdf> .

Training and Technical Assistance for Child Care Providers

The final rule at 45 CFR 98.16(aa) and 98.41(a)(1) requires Lead Agencies to have certain procedures in place for staff and volunteer emergency preparedness training and practice drills as well as emergency preparedness response training requirements for CCDF providers at §98.41(a)(1)(vii). States and territories must demonstrate how they meet these requirements as part of their Statewide Disaster Plan (or Disaster Plan for a tribe's service area). Many States and territories partner with local CCR&Rs to provide training and resources to child care providers. CCR&Rs can provide technical assistance to child care staff and volunteers on emergency preparedness and reunification efforts and hold workshops and trainings for staff on plan development, emergency drills and implementation, as well as disseminate informational materials to parents. In addition, OCC will work with Lead Agencies to provide technical assistance where appropriate to support these requirements.

Questions: Inquiries should be directed to the appropriate [ACF Regional Office](#).

/s/

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