

part (i.e., by September 30 or March 31).

(2) If a State agency fails to submit a corrected data file that meets the compliance standards in section 1356.85 of this part and the deadline in paragraph (e)(1) of this section, ACF will make a final determination that the State is out of compliance, notify the State agency, and apply penalties as defined in section 1356.86 of this part.

[73 FR 10365, Feb. 26, 2008]

§ 1356.86 Penalties for noncompliance.

(a) *Definition of Federal funds subject to a penalty.* The funds that are subject to a penalty are the CFCIP funds allocated or reallocated to the State agency under section 477(c)(1) of the Act for the Federal fiscal year that corresponds with the reporting period for which the State agency was required originally to submit data according to section 1356.83(a) of this part.

(b) *Assessed penalty amounts.* ACF will assess penalties in the following amounts, depending on the area of non-compliance:

(1) *Penalty for not meeting file submission standards.* ACF will assess a penalty in an amount equivalent to two and one half percent (2.5%) of the funds subject to a penalty for each reporting period in which ACF makes a final determination that the State agency's data file does not comply with the file submission standards defined in section 1356.85(a) of this part.

(2) *Penalty for not meeting certain data standards.* ACF will assess a penalty in an amount equivalent to:

(i) One and one quarter percent (1.25%) of the funds subject to a penalty for each reporting period in which ACF makes a final determination that the State agency's data file does not comply with the data standard for error-free data as defined in section 1356.85(b)(1) of this part.

(ii) One and one quarter percent (1.25%) of the funds subject to a pen-

alty for each reporting period in which ACF makes a final determination that the State agency's data file does not comply with the outcome universe standard defined in section 1356.85(b)(2) of this part.

(iii) One half of one percent (0.5%) of the funds subject to a penalty for each reporting period in which ACF makes a final determination that the State agency's data file does not comply with the participation rate for youth in foster care standard defined in section 1356.85(b)(3)(i) of this part.

(iv) One half of one percent (0.5%) of the funds subject to a penalty for each reporting period in which ACF makes a final determination that the State agency's data file does not comply with the participation rate for discharged youth standard defined in section 1356.85(b)(3)(ii) of this part.

(c) *Calculation of the penalty amount.* ACF will add together any assessed penalty amounts described in paragraphs (b)(1) or (b)(2) of this section to determine the total calculated penalty result. If the total calculated penalty result is less than one percent of the funds subject to a penalty, the State agency will be penalized in the amount of one percent.

(d) *Notification of penalty amount.* ACF will advise the State agency in writing of a final determination of non-compliance and the amount of the total calculated penalty as determined in paragraph (c) of this section.

(e) *Interest.* The State agency will be liable for interest on the amount of funds penalized by the Department, in accordance with the provisions of 45 CFR 30.18.

(f) *Appeals.* The State agency may appeal, pursuant to 45 CFR part 16, ACF's final determination to the HHS Departmental Appeals Board.

[73 FR 10365, Feb. 26, 2008, as amended at 77 FR 952, Jan. 6, 2012]

APPENDIX A TO PART 1356—NYTD DATA ELEMENTS

Element No.	Element name	Responses options	Applicable population
1	State	2 digit FIPS code.	
2	Report date	CYYMM. CC = century year (i.e., 20).	

Element No.	Element name	Responses options	Applicable population
3	Record number	YY = decade year (00–99). MM = month (01–12). Encrypted, unique person identification number.	All youth in served, baseline and follow-up populations.
4	Date of birth	CCYYMMDD. CC = century year (i.e., 20). YY = decade year (00–99). MM = month (01–12). DD = day (01–31).	
5	Sex	Male. Female.	
6	Race—American Indian or Alaska Native.	Yes	
7	Race—Asian	No. Yes. No.	
8	Race—Black or African American	Yes. No.	
9	Race—Native Hawaiian or Other Pacific Islander.	Yes.	
10	Race—White	No. Yes. No.	
11	Race—Unknown	Yes. No.	
12	Race—Declined	Yes. No.	
13	Hispanic or Latino Ethnicity	Yes. No. Unknown. Declined.	
14	Foster care status—services	Yes	Served population only.
15	Local agency	No. FIPS code(s). Centralized unit.	
16	Federally-recognized tribe	Yes. No.	
17	Adjudicated delinquent	Yes. No.	
18	Education level	Less than 6th grade	Served population only.
		6th grade.	
		7th grade.	
		8th grade.	
		9th grade.	
		10th grade.	
		11th grade.	
		12th grade.	
		Postsecondary education or training.	
		College, at least one semester.	
19	Special education	Yes. No.	
20	Independent living needs assessment.	Yes.	
21	Academic support	No. Yes. No.	
22	Post-secondary educational support.	Yes.	
23	Career preparation	No. Yes. No.	
24	Employment programs or vocational training.	Yes.	
25	Budget and financial management	No. Yes. No.	
26	Housing education and home management training.	Yes.	
27	Health education and risk prevention.	No. Yes.	
28	Family Support/Healthy Marriage Education.	No. Yes.	

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Element No.	Element name	Responses options	Applicable population
29	Mentoring	No. Yes.	Baseline and follow-up populations (with the exception of the response option "not in sample" which is applicable to 19-year olds in the follow-up only).
30	Supervised independent living	No. Yes. No.	
31	Room and board financial assistance.	Yes.	
32	Education financial assistance	No. Yes.	
33	Other financial assistance	No. Yes.	
34	Outcomes reporting status	No. Youth Participated	
		Youth Declined.	
		Parent Declined.	
		Youth Incapacitated.	
		Incarcerated.	
		Runaway/Missing.	Baseline and follow-up populations.
		Unable to locate/invite.	
		Death.	
		Not in sample.	
35	Date of outcome data collection ...	CCYYMMDD	
		CC = century year (i.e., 20). YY = decade year (00–99). MM = month (01–12). DD = day (01–31).	
36	Foster care status-outcomes	Yes.	
		No.	
37	Current full-time employment	Yes.	
		No.	
38	Current part-time employment	Declined.	Follow-up population not in foster care.
		Yes.	
		No.	
39	Employment-related skills	Declined.	
		Yes.	
		No.	
40	Social Security	Declined.	
		Yes.	
		No.	
41	Educational aid	Declined.	Baseline and follow-up population.
		Yes.	
		No.	
42	Public financial assistance	Declined.	
		Yes	
		No.	
		Not applicable.	
43	Public food assistance	Declined.	
		Yes.	
		No.	
44	Public housing assistance	Not applicable.	Baseline and follow-up population.
		Declined.	
		Yes.	
		No.	
45	Other financial support	Not applicable.	
		Declined.	
		Yes	
		No.	
46	Highest educational certification received.	Declined.	
		High school diploma/GED.	
		Vocational certificate.	Baseline and follow-up population.
		Vocational license.	
		Associate's degree.	
		Bachelor's degree.	
		Higher degree.	
		None of the above.	
		Declined.	
47	Current enrollment and attendance.	Yes.	
		No.	
48	Connection to adult	Declined.	Baseline and follow-up population.
		Yes.	

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Element No.	Element name	Responses options	Applicable population
49	Homelessness	No. Declined. Yes.	Baseline and follow-up population.
50	Substance abuse referral	No. Declined. Yes.	
51	Incarceration	No. Declined. Yes.	
52	Children	No. Declined. Yes.	
53	Marriage at child's birth	No. Not applicable. Declined.	
54	Medicaid	Yes. No. Don't know. Declined.	
55	Other health insurance	Yes	
56	Health insurance type—medical ...	No. Don't know. Declined. Yes.	
57	Health insurance type—mental health.	No. Don't know. Not Applicable. Declined. Yes.	
58	Health insurance type—prescription drugs.	No. Don't know. Not applicable. Declined. Yes. No. Don't know. Not applicable. Declined.	

[77 FR 952, Jan. 6, 2012]

APPENDIX B TO PART 1356—NYTD YOUTH OUTCOME SURVEY

Topic/element No.	Question to youth and response options	Definition
INFORMATION TO COLLECT FROM ALL YOUTH SURVEYED FOR OUTCOMES, WHETHER IN FOSTER CARE OR NOT		
Current full-time employment (37).	Currently are you employed full-time? _ Yes _ No _ Declined	"Full-time" means working at least 35 hours per week at one or multiple jobs.
Current part-time employment (38).	Currently are you employed part-time? _ Yes _ No _ Declined	"Part-time" means working at least 1–34 hours per week at one or multiple jobs.
Employment-related skills (39)	In the past year, did you complete an apprenticeship, internship, or other on-the-job training, either paid or unpaid? _ Yes _ No _ Declined	This means apprenticeships, internships, or other on-the-job trainings, either paid or unpaid, that helped the youth acquire employment-related skills (which can include specific trade skills such as carpentry or auto mechanics, or office skills such as word processing or use of office equipment).