

112TH CONGRESS  
1ST SESSION

# S. 294

To enhance early care and education.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2011

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To enhance early care and education.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foundations for Suc-  
5 cess Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States ranks 17th in reading,  
9 31st in mathematics, 23rd in science, and 18th in  
10 overall secondary education out of 36 developed na-  
11 tions, according to the Organization for Economic  
12 Co-operation and Development (OECD).

1           (2) According to data compiled by the OECD,  
2           in 2008 the United States had a child poverty rate  
3           of 20.6 percent, which is the 4th highest child pov-  
4           erty rate of the 30 OECD countries that are ranked  
5           in this category.

6           (3) Research conducted by the UNICEF  
7           Innocenti Research Centre supports a direct link be-  
8           tween accessible, affordable child care and a de-  
9           crease in child poverty.

10          (4) According to the National Center for Chil-  
11          dren in Poverty—

12                 (A) at age 4, children who live below the  
13                 poverty line are 18 months below normal learn-  
14                 ing achievement for their age group, by age 10  
15                 that gap is still present, and for children living  
16                 in the poorest families, the gap is even larger;  
17                 and

18                 (B) by the time children from middle-in-  
19                 come families with well-educated parents are in  
20                 3rd grade, these children know about 12,000  
21                 words, while 3rd grade children from low-in-  
22                 come families, with undereducated parents who  
23                 don't talk to them as much, have vocabularies  
24                 of around 4,000 words,  $\frac{1}{3}$  as many words as  
25                 their middle-income peers.

1           (5) According to the National Association of  
2 Child Care Resource & Referral Agencies—

3           (A) since 2000, the cost of child care has  
4 increased twice as fast as the median income of  
5 families with children;

6           (B) in 40 States, the average annual cost  
7 for center-based care for an infant was higher  
8 than the cost of 1 year of tuition and related  
9 fees at a 4-year public institution of higher edu-  
10 cation; and

11           (C) the average annual cost of center-  
12 based care for a 4-year old is 40 percent of the  
13 income of a 2-parent family living at the pov-  
14 erty level (\$18,310), while the average cost for  
15 center-based care is almost 25 percent of in-  
16 come for families living at 200 percent of the  
17 poverty level (\$36,620).

18           (6) The Department of Health and Human  
19 Services estimates that only 17 percent of eligible  
20 children receive fee assistance for child care expenses  
21 through the Child Care and Development Block  
22 Grant Act of 1990 (42 U.S.C. 9858 et seq.).

23           (7) According to pre[k]now, a campaign of the  
24 Pew Center on the States,—

1 (A) only 13 States and the District of Co-  
2 lumbia require school districts to offer full-day  
3 kindergarten;

4 (B) only 3 States currently make pre-  
5 kindergarten available to all 4-year olds, and  
6 State-funded prekindergarten programs cur-  
7 rently serve 3.7 percent of 3-year olds; and

8 (C) Head Start programs serve less than  
9 half of the children who are eligible for early  
10 care and education under the Head Start pro-  
11 gram.

12 (8) According to RESULTS Educational Fund,  
13 Early Head Start serves less than 3 percent of chil-  
14 dren who are eligible for early care and education  
15 under the Early Head Start program.

16 (9) According to the National Association of  
17 Child Care Resource & Referral Agencies, each day,  
18 more than 11,000,000 children under the age of 5  
19 spend time outside the care of their parents in early  
20 learning settings that vary greatly in terms of qual-  
21 ity.

22 (10) The National Economic Development and  
23 Law Center reports that—

1 (A) child care breakdowns lead to employee  
2 absences that cost businesses in the United  
3 States \$3,000,000,000 annually;

4 (B) in the United States, 58 percent of  
5 women with children under the age of 6 partici-  
6 pate in the labor force;

7 (C) 29 percent of employed parents experi-  
8 enced some kind of child care breakdown in the  
9 past 3 months, and such child care breakdowns  
10 were associated with absenteeism, tardiness,  
11 and reduced concentration at work; and

12 (D) a 1996 General Accounting Office  
13 (GAO) report indicates that a lack of adequate  
14 child care affects the ability of clients of job  
15 training programs to complete job training suc-  
16 cessfully.

17 (11) A 2010 study conducted by the Education  
18 International ECE Task Force reports that—

19 (A) in 2006, the total Federal expenditure  
20 on child care for children ages 0 through 5 was  
21 \$20,400,000,000, which amounted to 0.2 per-  
22 cent of GDP;

23 (B) Federal funding is largely targeted at  
24 children with disabilities and children from low-  
25 income families;

1 (C) the Federal Government underwrites  
2 25 percent of the costs of child care, State and  
3 local government underwrites 15 percent of the  
4 costs of child care, and parents pay the remain-  
5 ing 60 percent of child care costs;

6 (D) on average, low-income families pay 18  
7 percent of their total family income for each  
8 child who is enrolled in child care; and

9 (E) although low-income families can ben-  
10 efit from free subsidies through the Child Care  
11 and Development Fund, many low-income fami-  
12 lies make use of informal, unregulated arrange-  
13 ments for child care.

14 (12) After adjusting for inflation, in recent  
15 years, State funding for early care and education  
16 programs has declined in 24 of the 38 States that  
17 have such programs.

18 (13) The average annual cost per child of Head  
19 Start or similar programs is \$7,028, and the average  
20 cost of a high quality comprehensive, full-day, full-  
21 year, early child care and education program is  
22 \$13,009, while the average cost per year to house a  
23 prisoner is \$22,650.

24 (14) Based on the work of James J. Heckman,  
25 the Henry Schultz Distinguished Service Professor

1 of Economics at the University of Chicago and direc-  
2 tor of the Economics Research Center and the Cen-  
3 ter for Social Program Evaluation at the Harris  
4 School for Public Policy—

5 (A) investments in early care and edu-  
6 cation promote schooling, reduce crime, foster  
7 workforce productivity, promote health through  
8 several channels, and reduce teenage pregnancy;

9 (B) the rate of return for investing in early  
10 childhood programs is in the range of 6 to 10  
11 percent;

12 (C) districts can anticipate savings from  
13 decreased grade retention and special education  
14 placements, improved graduation rates, and  
15 greater success in institutions of higher edu-  
16 cation and adulthood;

17 (D) remedial programs cost more to  
18 produce the same level of skill attainment as  
19 early care and education programs;

20 (E) of those students retained at the same  
21 grade level more than once, 80 percent dropped  
22 out of school, and of those retained at the same  
23 grade level in both elementary and middle  
24 school, 94 percent dropped out of school;

1 (F) school dropouts are 8 times more likely  
2 to be incarcerated, 82 percent of incarcerated  
3 individuals are high school dropouts, and the  
4 United States has the highest prison population  
5 in the world (748 incarcerated individuals per  
6 100,000 people) (International Center for Pris-  
7 on Studies at King's College London);

8 (G) family environments of young children  
9 are major predictors of cognitive and  
10 socioemotional abilities, as well as a variety of  
11 outcomes, such as crime and health;

12 (H) family environments in the United  
13 States have deteriorated over the past 40 years;

14 (I) a greater proportion of children are  
15 being born into disadvantaged families, includ-  
16 ing minorities and immigrant groups; and

17 (J) disadvantaged families are least likely  
18 to have the economic and social resources to  
19 provide the early developmental experience that  
20 every child needs as a basic opportunity for fu-  
21 ture success in school, higher education, career,  
22 and life.

23 (15) It is the Government's moral, ethical, and  
24 fiscal responsibility to offer the option to parents of  
25 a high quality early care and education program for



1 their young children that promotes self-development,  
2 academic achievement, and active engagement in  
3 learning for all children.

4 (16) Providing children with universal access to  
5 early care and education programs shall—

6 (A) promote continuity of care;

7 (B) support whole-child development, par-  
8 ent employment, and economic development;

9 (C) strengthen program alignment and ac-  
10 countability; and

11 (D) improve coordination across all State  
12 and Federal services that provide for the cog-  
13 nitive, physical, social, and emotional needs of  
14 the child.

15 **SEC. 3. PURPOSE AND MODEL.**

16 (a) PURPOSE.—The purpose of this Act is to provide  
17 grants, on a competitive basis, to States to enable such  
18 States to establish a State Early Care and Education Sys-  
19 tem, which will provide all children in the State, ages 6  
20 weeks to kindergarten, with access to a full-time, high  
21 quality, developmentally appropriate, early care and edu-  
22 cation program in order to—

23 (1) support the needs of working families in the  
24 United States, and those families unable to afford  
25 access to high quality early care and education pro-

1 grams that provide comprehensive child and family-  
2 focused services designed to foster the cognitive,  
3 physical, social, and emotional needs of children; and

4 (2) ensure that all children are prepared to  
5 enter kindergarten ready to learn and reach their  
6 maximum potential.

7 (b) MODEL FOR NATIONAL IMPLEMENTATION.—

8 (1) IN GENERAL.—The 10 States that are  
9 awarded grants under section 4(a)(1) shall serve as  
10 a model for national implementation, demonstrating  
11 the development of successful, evidence-based, state-  
12 wide, universal access, Early Care and Education  
13 Systems.

14 (2) LONG TERM GOAL.—The long term goal is  
15 for every State to receive the information and fund-  
16 ing needed to redesign early care and education pro-  
17 grams serving children from birth through age 6  
18 into a comprehensive and viable statewide system  
19 that provides universal access to high quality early  
20 care and education programs.

21 **SEC. 4. GRANT PROGRAM.**

22 (a) PROGRAM AUTHORIZED.—

23 (1) PHASE 1.—The Secretary of Education, in  
24 coordination with the Assistant Secretary of the Ad-  
25 ministration for Children and Families of the De-

1 department of Health and Human Services, (referred  
2 to in this Act as the “Secretaries”) shall award a  
3 grant to 10 States, through a competitive grant  
4 process, to enable each State to establish and sup-  
5 port an Early Care and Education System, which  
6 shall—

7 (A) provide all State residents with the op-  
8 portunity to enroll children, ages 6 weeks to  
9 kindergarten, in an early care and education  
10 program on a full time basis;

11 (B) provide access to an early care and  
12 education program that gives each child an op-  
13 portunity to develop physical, social, and emo-  
14 tional skills; and

15 (C) improve school readiness by contrib-  
16 uting to the cognitive development, character  
17 skills, and physical development of each child.

18 (2) PHASE 2.—

19 (A) IN GENERAL.—The Secretaries shall,  
20 beginning 3 years after the date of enactment  
21 of this Act, award grants to additional States  
22 through the same process, for the same pur-  
23 pose, and with the same specifications as the  
24 grants described in paragraph (1).

1           (B) GRANTS PER YEAR.—The Secretaries  
2           shall determine the number of States that will  
3           be eligible to receive a grant under this para-  
4           graph for each year, and the Secretaries shall  
5           continue to make grants available under this  
6           paragraph until each State has had an oppor-  
7           tunity to receive grant funding under this Act.

8           (b) DURATION.—A grant awarded under this Act  
9           shall be for a period of 10 years.

10 **SEC. 5. APPLICATIONS.**

11           (a) IN GENERAL.—To be eligible to receive a grant  
12           under this Act, a State shall submit an application to the  
13           Secretaries at such time, in such manner, and containing  
14           such information as the Secretaries may require.

15           (b) CONTENTS OF APPLICATION.—At a minimum,  
16           the application described in subsection (a) shall include  
17           the following:

18           (1) An assurance that the State has an active  
19           State Early Childhood Advisory Council, which  
20           shall—

21                   (A) serve as the designated entity in ac-  
22                   cordance with section 7(a); or

23                   (B) advise, and coordinate with, the des-  
24                   ignated entity described in section 7(a).

1           (2) A reflection of any active partnerships with,  
2           or resource commitments from, other agencies or en-  
3           tities that are necessary to deliver the programs and  
4           services outlined in the application.

5           (3) An assurance that the State has in law, or  
6           will have in law within 1 year of receiving notice of  
7           a grant award under this Act, a requirement that  
8           each school district in the State offer full-day and  
9           full-week kindergarten.

10          (4) Demonstration of a functioning P20 data  
11          system that will include data on children from birth  
12          through kindergarten, who are participating in the  
13          State Early Care and Education System, for the  
14          purpose of creating a longitudinal data system for  
15          individual participant tracking.

16          (5) An identification of the designated entity  
17          that shall be responsible for program development,  
18          implementation, and oversight.

19          (6) A list of annual program goals for each year  
20          of the 10-year grant period, and a timeline that il-  
21          lustrates the projected milestones each year for  
22          reaching such program goals, with an emphasis on  
23          the first 3 years.

1           (7) An assurance that the State will submit an-  
2           nual summary reports that shall include any changes  
3           to the timeline described in paragraph (6).

4           (8) A grant program budget that includes—

5                 (A) an annual budget for each year of the  
6                 grant program, which shall include a detailed  
7                 narrative of funding received from all sources,  
8                 including Federal, State, and local contribu-  
9                 tions, and an explanation of how this money  
10                will be leveraged within the grant program;

11               (B) by year 6, a consolidation of all fund-  
12               ing streams; and

13               (C) by year 8, a funding plan for program  
14               sustainability, specifically outlining how State  
15               and local contributions, as well as a determined  
16               amount of Federal funding, will be used to sus-  
17               tain the State Early Care and Education Sys-  
18               tem.

19           (9) Strategies for acquiring any additional data  
20           needed to develop an accurate budget, representative  
21           of total child participation in all early care and edu-  
22           cation programs provided by the State.

23           (10) An outreach plan for increasing awareness  
24           of, and enrollment in, the State Early Care and  
25           Education System.

1           (11) A transportation plan, including an assess-  
2           ment of existing transportation providers and projec-  
3           tions for additional transportation providers and ve-  
4           hicles that meet Federal and State safety standards  
5           for the transportation of infants and toddlers.

6           (12) Cost estimates for the improvement, re-  
7           pair, or expansion of program space and for the cre-  
8           ation of additional program space.

9           (13) Estimates of the start-up costs of devel-  
10          oping new early care and education programs that  
11          meet the needs of a population that has, for a vari-  
12          ety of documented reasons, no early care and edu-  
13          cation options in their community.

14          (14) A plan for the continuation of services for  
15          children transitioning from receiving services under  
16          Part C of the Individuals with Disabilities Education  
17          Act (20 U.S.C. 1431 et seq.) to receiving services  
18          under Part B of the Individuals with Disabilities  
19          Education Act (20 U.S.C. 1411 et seq.) such that  
20          there is no elimination of service, delay, or  
21          “dropped” services due to lack of funding or lack of  
22          capacity for service providers.

23          (15) State child care licensing standards that  
24          address, at a minimum,—

1 (A) specific staff to child ratios for each  
2 age group or level within the program;

3 (B) the prevention and control of infec-  
4 tious diseases;

5 (C) building and physical premises safety;  
6 and

7 (D) health and safety training for teaching  
8 staff as mandated by State child care licensing  
9 agencies.

10 (16) For the purpose of estimating enrollment  
11 and conducting a needs assessment, information re-  
12 garding the following data:

13 (A) The number of children, by geographic  
14 location or district, age 6 weeks through 5  
15 years (including children who miss the cut-off  
16 date for public school enrollment in kinder-  
17 garten due to birth date) who are, as of the  
18 time of the application, participating in—

19 (i) early childhood development pro-  
20 grams through assistance provided under  
21 the Child Care and Development Block  
22 Grant Act of 1990 (42 U.S.C. 9858 et  
23 seq.);

24 (ii) early childhood development pro-  
25 grams through assistance provided under



1 the State temporary assistance for needy  
2 families program funded under part A of  
3 title IV of the Social Security Act (42  
4 U.S.C. 601 et seq.);

5 (iii) State-supported early childhood  
6 development programs;

7 (iv) Part C or Part B of the Individ-  
8 uals with Disabilities Education Act (20  
9 U.S.C. 1400 et seq.);

10 (v) early childhood development pro-  
11 grams that receive funding from title I of  
12 the Elementary and Secondary Education  
13 Act of 1965 (20 U.S.C. 6301 et seq.);

14 (vi) tribal early childhood development  
15 programs; and

16 (vii) early childhood development pro-  
17 grams located in public school facilities.

18 (B) The number of early care and edu-  
19 cation programs, and the number of children,  
20 disaggregated by age and geographic designa-  
21 tion or district, who are enrolled, at the time of  
22 the application, in—

23 (i) private school early childhood pro-  
24 grams;

1 (ii) nonprofit early childhood pro-  
2 grams;

3 (iii) for-profit early childhood pro-  
4 grams;

5 (iv) Head Start and Early Head Start  
6 programs; and

7 (v) unlicensed early care and edu-  
8 cation programs provided for children that  
9 are not related to the provider.

10 (C) A list of home visitation programs,  
11 such as the Maternal, Infant, and Early Child-  
12 hood Home Visiting Grant Program, includ-  
13 ing—

14 (i) the program goals of each such  
15 program; and

16 (ii) the number of families, and the  
17 number of children, disaggregated by age,  
18 who are, at the time of the application—

19 (I) participating in each home  
20 visitation program; and

21 (II) on the waiting list for each  
22 home visitation program.

23 (D) Staff educational credentials, as de-  
24 scribed in paragraphs (2) and (10) of section  
25 9(e).

1           (17) A transition plan to ensure that kinder-  
2           garten programs have access to the student records  
3           and assessments, from prior enrollment in the State  
4           Early Care and Education System, of incoming stu-  
5           dents.

6           (18) A description of parent outreach strategies  
7           that kindergarten programs use, at the time of the  
8           application, to encourage engagement of parents.

9           (19) A plan for a statewide entrance assess-  
10          ment of each child entering kindergarten, which  
11          shall be implemented no later than 1 year from the  
12          date of receiving notification of a grant awarded  
13          under this Act.

14          (20) A description of parent education pro-  
15          grams for parents of young children, existing at the  
16          time of the application, and information regarding  
17          the outcomes and success of such programs.

18          (21) A requirement that all licensed early care  
19          and education programs undergo annual inspections  
20          by an entity designated by the State to conduct such  
21          inspections.

22          (22) A description of a statewide Quality Rat-  
23          ing and Improvement System, as described in sec-  
24          tion 9.

1           (23) A financial statement that includes an as-  
2           sessment of resources existing at the time of the ap-  
3           plication, including Federal, State, local, and private  
4           funds that are spent on existing early care and edu-  
5           cation programs.

6           (24) A plan for leveraging Federal, State, and  
7           local tax revenue from child care, preschool, and  
8           health and nutrition programs, as well as private  
9           funds to carry out activities described in this Act.  
10          The plan shall include—

11                 (A) a method, during year 6 of the grant  
12                 period, for beginning to convert distinct Fed-  
13                 eral, State, and local funding streams for a  
14                 range of early child care and education pro-  
15                 grams into permanent funding streams for the  
16                 State Early Care and Education System prior  
17                 to the expiration of the grant;

18                 (B) a description of the amount that will  
19                 be generated through existing Federal, State,  
20                 and local funding; and

21                 (C) a description of additional Federal  
22                 funding that the State will need to ensure sus-  
23                 tainability of the Early Care and Education  
24                 System upon completion of the 10-year grant  
25                 period.

1           (25) If a State intends to use a sliding scale  
2 mechanism to raise additional revenue, as described  
3 in section 10(c), the State shall submit a detailed  
4 description of the sliding scale mechanism, includ-  
5 ing—

6                   (A) the estimated amount of revenue that  
7 the State expects to generate, or the percentage  
8 of costs of the Early Care and Education Sys-  
9 tem that the revenue will cover; and

10                   (B) the structure of the sliding scale, in-  
11 cluding—

12                           (i) whether the State will require a  
13 parent or legal guardian to contribute  
14 based on—

15                                   (I) a percentage of a parent or  
16 legal guardian's income;

17                                   (II) a different predetermined  
18 amount; or

19                                   (III) an alternative mechanism  
20 for calculation;

21                           (ii) if the sliding scale is structured as  
22 described in clause (i)(I), the percentage  
23 amounts;

24                           (iii) demonstrated accommodations for  
25 families earning below a set amount;

1 (iv) any cap on the amount of con-  
2 tribution; and

3 (v) any designated exemptions from  
4 contribution.

5 (26) Statewide Early Learning Standards for  
6 children ages 6 weeks to kindergarten that are  
7 aligned with Head Start and Early Head Start child  
8 outcome standards in all developmental domains, in-  
9 cluding learning standards related to—

- 10 (A) literacy;  
11 (B) language;  
12 (C) problem solving;  
13 (D) social development;  
14 (E) emotional development; and  
15 (F) physical development.

16 (c) INCORPORATION OF DATA AND RECOMMENDA-  
17 TIONS.—Each application submitted under this section  
18 shall incorporate data and recommendations provided  
19 by—

- 20 (1) the National Center on Child Care Subsidy  
21 and Administration and Accountability;  
22 (2) the National Center on Child Care Quality  
23 Improvement Systems;

1           (3) the National Center on Child Care Profes-  
2           sional Development System and Workforce Initia-  
3           tives;

4           (4) National Health and Safety Performance  
5           Standards, Guidelines for Early Care and Education  
6           Programs;

7           (5) Preventing Childhood Obesity in Early Care  
8           and Education Programs;

9           (6) Caring for Our Children Standards;

10          (7) the Quality Rating and Improvement Sys-  
11          tem Resource Guide and Cost Estimate Model; and

12          (8) the Early Childhood Professional Develop-  
13          ment Systems Toolkit.

14 **SEC. 6. AWARDING OF GRANTS.**

15          In awarding grants under this Act, the Secretaries  
16          shall select States that represent a geographic sampling,  
17          and shall include a balance of States with rural and urban  
18          populations.

19 **SEC. 7. AUTHORIZED ACTIVITIES.**

20          (a) DESIGNATED ENTITY.—A State that receives a  
21          grant under this Act shall designate an entity to be re-  
22          sponsible for controlling and directing the development,  
23          funding, implementation, and monitoring of the State  
24          Early Care and Education System. Designated entities  
25          may include the following:

1           (1) The State Department of Education.

2           (2) An established State Department of Early  
3 Childhood Education.

4           (3) The State Department of Health or the  
5 State Department of Human Services.

6           (4) An active State Early Childhood Advisory  
7 Council.

8           (b) USE OF FUNDS.—A State that receives a grant  
9 under this Act shall use the grant funds to pay the costs  
10 for the start-up and implementation of a State Early Care  
11 and Education System, with an emphasis on supporting  
12 participating programs in increasing their ratings accord-  
13 ing to the statewide Quality Rating and Improvement Sys-  
14 tem, as described in section 9, such that the continuous  
15 improvement of program quality occurs. A State that re-  
16 ceives a grant under this Act may use grant funds for  
17 the following activities:

18           (1) To pay facility expenses, including building,  
19 leasing, or renting space, or remodeling facilities to  
20 accommodate infants, toddlers, and other preschool  
21 age children. Such facilities may be in public  
22 schools, charter schools, or State or federally funded  
23 program spaces.

24           (2) To pay administrative expenses, including  
25 administrator and teaching staff salaries.



1           (3) To develop and implement Statewide Early  
2 Learning Standards, as described in section  
3 5(b)(26), for the early care and education of chil-  
4 dren ages 6 weeks through kindergarten.

5           (4) To develop, implement, and assess cur-  
6 riculum.

7           (5) To provide equipment and materials that  
8 promote the cognitive, physical, social, and emotional  
9 development of children.

10          (6) For professional development, including the  
11 provision of scholarship and grant opportunities to  
12 assist early care and education teaching staff to  
13 meet qualification standards established by the  
14 State.

15          (7) To coordinate with local health care pro-  
16 viders for the provision of comprehensive services,  
17 including health, nutrition, diagnostic screenings,  
18 and counseling.

19          (8) To support infrastructure for longitudinal  
20 data collection and analysis.

21 **SEC. 8. EARLY CARE AND EDUCATION PROGRAMS.**

22          (a) PARENTAL CHOICE OF EARLY CARE AND EDU-  
23 CATION PROGRAMS.—

24           (1) IN GENERAL.—Parents may enroll children  
25 in an early care and education program that oper-

1 ates as part of the State Early Care and Education  
2 System established under section 4(a), or in an inde-  
3 pendent early care and education program that oper-  
4 ates outside the scope of the State Early Care and  
5 Education System established under section 4(a).

6 (2) TUITION PAYMENTS.—Parents shall be re-  
7 sponsible for paying any tuition for enrollment in an  
8 independent early care and education program that  
9 operates outside the scope of the State Early Care  
10 and Education System established under section  
11 4(a).

12 (3) MINIMUM HOURS.—A State that receives a  
13 grant under this Act must set minimum hours,  
14 which may depend upon the age of a child, that a  
15 child who is enrolled in an early care and education  
16 program operating under the State Early Care and  
17 Education System will be required to participate in  
18 such program.

19 (b) PARTICIPATION OF EARLY CARE AND EDU-  
20 CATION PROGRAMS IN THE STATE EARLY CARE AND  
21 EDUCATION SYSTEM.—

22 (1) OPTION TO PARTICIPATE.—Each early care  
23 and education program, which meets the require-  
24 ments described in paragraph (2), in a State that re-

1 ceives a grant under this Act, may choose to operate  
2 under the State Early Care and Education System.

3 (2) REQUIREMENTS FOR PARTICIPATION.—In  
4 order to operate under the State Early Care and  
5 Education System, an early care and education pro-  
6 gram shall—

7 (A) meet the State criteria for a good risk  
8 program; and

9 (B) have a record of continuous operation  
10 for not less than 5 years.

11 (c) INDEPENDENT EARLY CARE AND EDUCATION  
12 PROGRAMS.—Each State that receives a grant under this  
13 Act shall require each independent child care and edu-  
14 cation provider of an independent early care and education  
15 program that operates outside the scope of the State Early  
16 Care and Education System established under section 4(a)  
17 to meet the same State child care licensing standards, as  
18 described in section (5)(b)(15), as programs funded under  
19 the grant in order to receive State accreditation and to  
20 ensure consistency in program quality. The State shall  
21 designate an entity which shall be responsible for pro-  
22 viding accreditation to independent early care and edu-  
23 cation programs.

24 (d) EARLY CARE AND EDUCATION PROGRAMS OPER-  
25 ATING UNDER THE STATE EARLY CARE AND EDUCATION

1 SYSTEM.—Each early care and education program, which  
2 provides child care and education as part of the State  
3 Early Care and Education System established under sec-  
4 tion 4(a), shall—

5 (1) be aligned with the statewide Early Learn-  
6 ing Standards described in section (5)(b)(26);

7 (2) incorporate evidence-based teaching and  
8 learning practices that—

9 (A) emphasize integrated learning struc-  
10 tures;

11 (B) create positive school climates led by  
12 effective teaching staff; and

13 (C) establish high expectations and individ-  
14 ualized achievement opportunities for each  
15 child;

16 (3) provide required services for children with  
17 disabilities;

18 (4) provide English language instruction for  
19 English language learners;

20 (5) provide, or operate in partnership with com-  
21 munity-based health organizations for the purpose of  
22 making a referral for—

23 (A) annual vision screenings;

24 (B) annual dental screenings;

25 (C) annual hearing screenings;

- 1 (D) other health care screenings;
- 2 (E) immunizations, as needed;
- 3 (F) mental health services, as needed; and
- 4 (G) ongoing promotion of proper nutrition;
- 5 and
- 6 (6) provide, or partner with community-based
- 7 organizations to provide, family support services, in-
- 8 cluding—
- 9 (A) access to parenting classes;
- 10 (B) access to classes in child development;
- 11 (C) educational classes, such as GED at-
- 12 tainment, and vocational training programs;
- 13 (D) job placement programs;
- 14 (E) alcohol and substance abuse treatment
- 15 programs; and
- 16 (F) programs to help improve literacy and
- 17 English language competence.

18 **SEC. 9. STATEWIDE QUALITY RATING AND IMPROVEMENT**

19 **SYSTEM.**

- 20 (a) IN GENERAL.—Each designated entity shall de-
- 21 velop a Quality Rating and Improvement System for early
- 22 care and education programs for children ages 6 weeks
- 23 through kindergarten.
- 24 (b) RATING.—

1           (1) IN GENERAL.—As part of the statewide  
2           Quality Rating and Improvement System, each State  
3           that receives a grant under this Act shall designate  
4           an entity to assign a rating to each early care and  
5           education program in such State, including such  
6           programs that are part of the State Early Care and  
7           Education System and such programs that operate  
8           independently.

9           (2) BASIS OF RATING.—The rating described in  
10          paragraph (1) shall be based on an assessment of  
11          each early care and education program in such  
12          State, and such assessment shall incorporate the ap-  
13          plicable components and standards of the Quality  
14          Rating and Improvement System described in sub-  
15          section (c).

16          (c) COMPONENTS OF THE QUALITY RATING AND IM-  
17          PROVEMENT SYSTEM.—The statewide Quality Rating and  
18          Improvement System developed under subsection (a) shall  
19          include—

20                 (1) standards regarding the granting and re-  
21                 newal of licenses for the operation of early care and  
22                 education programs;

23                 (2) standards regarding the educational quali-  
24                 fications for teaching staff and program administra-  
25                 tors of early care and education programs;

1           (3) ongoing professional development require-  
2           ments for teaching staff and administrators;

3           (4) standards to determine the relevancy of cur-  
4           riculum selected by each early care and education  
5           program to the established Statewide Early Learn-  
6           ing Standards described in section (5)(b)(26);

7           (5) classroom environmental checklists, which  
8           shall be used to determine the quality of the learning  
9           environment of each early care and education pro-  
10          gram;

11          (6) a goal of national accreditation for pro-  
12          grams, in order to reach the highest rating, in ac-  
13          cordance with subsection (b);

14          (7) parent communication strategies, including  
15          parent outreach efforts for enrollment purposes;

16          (8) ongoing assessments of individual children,  
17          to be used in setting instructional goals specific to  
18          each child and monitoring the progress of each child  
19          in order to raise the quality of early care and edu-  
20          cation programs in the State;

21          (9) partnerships with community colleges, insti-  
22          tutions of higher education, or other entities ap-  
23          proved by the State, that result in the provision of—

1 (A) on-going, relevant, research-based pro-  
2 fessional development for teaching staff in a va-  
3 riety of early care and education settings;

4 (B) infant and toddler specialists to ad-  
5 dress the unique challenges of providing group  
6 care for infants and toddlers;

7 (C) specialists who work with children with  
8 special needs, that will—

9 (i) support each early care and edu-  
10 cation program in providing high quality,  
11 appropriate services for children that need  
12 adaptive services and educational support;  
13 and

14 (ii) provide information to the parents  
15 of such children;

16 (D) mental health professionals who spe-  
17 cialize in working with young children, who will  
18 support teaching staff in early care and edu-  
19 cation settings in providing services to children  
20 with mental health needs and their families;  
21 and

22 (E) innovative use of technology to deliver  
23 professional development in early care and edu-  
24 cation program rooms to support teaching staff  
25 in real time; and



1           (10) the development and implementation of a  
2           career plan for early care and education teaching  
3           staff that will ensure—

4                   (A) support to assist each early care and  
5                   education non-lead teacher in receiving—

6                           (i) a Child Development Associate cre-  
7                           dential; or

8                           (ii) an Associate in the Arts Degree in  
9                           Child Development, or Child Development  
10                          Technology, or an equivalent degree; and

11                   (B) support to assist each lead teacher in  
12                   receiving a bachelor's degree in child develop-  
13                   ment, early childhood education, early childhood  
14                   special education, or an equivalent degree in the  
15                   field;

16                   (C) within 4 years of the start of each  
17                   early care and education program that operates  
18                   within the State Early Care and Education Sys-  
19                   tem, each lead teacher in such program will  
20                   have, at a minimum, a Child Development As-  
21                   sociate credential;

22                   (D) within 4 years of implementation of  
23                   the first early care and education program that  
24                   operates within the State Early Care and Edu-  
25                   cation System, a minimum of 50 percent of

1 non-lead teachers, across all programs within  
2 the State Early Care and Education System  
3 will have an Associate Degree in Early Child-  
4 hood Education, or a related field;

5 (E) within 8 years of implementation of  
6 the first early care and education program that  
7 operates within the State Early Care and Edu-  
8 cation System, 100 percent of lead teachers,  
9 and 50 percent of program directors, across all  
10 programs within the State Early Care and Edu-  
11 cation System, will have a bachelor's degree in  
12 child development, early childhood education, or  
13 a related field determined by the designated en-  
14 tity; and

15 (F) within 8 years of implementation of  
16 the first early care and education program that  
17 operates within the State Early Care and Edu-  
18 cation System, at least 75 percent of non-lead  
19 teachers working with children, across all pro-  
20 grams within the State Early Care and Edu-  
21 cation System, will have, at a minimum, a Child  
22 Development Associate credential.

23 **SEC. 10. FUNDING.**

24 (a) SUPPLEMENT NOT SUPPLANT.—Each designated  
25 entity shall provide an assurance that grant funding pro-

1 vided under this Act will be used to supplement, and not  
2 supplant, Federal, State, and local funds otherwise avail-  
3 able to support early learning programs and services.

4 (b) CONSOLIDATION OF FUNDING STREAMS.—Each  
5 State receiving a grant under this Act shall leverage exist-  
6 ing Federal, State, and local funds, used for early care  
7 and education programs, and shall consolidate such funds  
8 into 1 general funding stream for the State Early Care  
9 and Education System prior to the end of the 10-year  
10 grant period.

11 (c) SLIDING SCALE.—Each State receiving a grant  
12 under this Act may adopt a sliding scale mechanism,  
13 which may allow for a specified amount of family contribu-  
14 tion (which must be based on family income, wealth, or  
15 some combination of family income and wealth) to support  
16 funding and sustainability of the State Early Care and  
17 Education System.

18 (d) SUSTAINABILITY.—Grant funding provided under  
19 this Act shall provide for implementation and initial sus-  
20 tainability support over the 10-year grant period. Each  
21 State that receives a grant under this Act shall dem-  
22 onstrate future sustainability of the Early Care and Edu-  
23 cation System before the final year of the initial 10-year  
24 grant period. After 10 years, if the State Early Care and  
25 Education System has a record of demonstrated success,

1 the Secretaries shall continue to support the program with  
2 funds appropriated under this Act, without fiscal year lim-  
3 itations. The amount of such funding shall be determined  
4 1 year prior to the expiration of the 10-year grant period  
5 and shall be determined based on factors established by  
6 the Secretaries.

7 (e) MODEL.—Each State receiving a grant under this  
8 Act shall appropriately manage, and make publicly avail-  
9 able, data related to the State Early Care and Education  
10 System in order to serve as a model for—

11 (1) implementing a State Early Care and Edu-  
12 cation System; and

13 (2) effectively and efficiently leveraging the use  
14 of resources.

15 **SEC. 11. EVALUATION AND REPORTING.**

16 (a) EVALUATION OF THE STATE EARLY CARE AND  
17 EDUCATION SYSTEM.—

18 (1) IN GENERAL.—Each designated entity shall  
19 design and implement a method for evaluating the  
20 State Early Care and Education System.

21 (2) COMPONENTS OF EVALUATION.—The pro-  
22 gram evaluation required under subsection (a) shall  
23 include a variety of assessment tools designed to  
24 measure, in quantitative and qualitative terms,

1 progress in reaching the outcomes and goals estab-  
2 lished by the designated entity, including—

3 (A) improvements in outcomes for children  
4 that are consistent with the Statewide Early  
5 Learning Standards described in section  
6 5(b)(26);

7 (B) improvements in teaching staff quali-  
8 fications and knowledge;

9 (C) improvements in compensation for  
10 teaching staff;

11 (D) improvements in the number of chil-  
12 dren served, including increases in the number  
13 of children served, disaggregated by—

14 (i) age (with a special emphasis on in-  
15 fants and toddlers);

16 (ii) family income;

17 (iii) English language learners; and

18 (iv) disabilities or other special needs;

19 (E) increase in the number of programs  
20 meeting the standards of the Quality Rating  
21 and Improvement System described in section  
22 9;

23 (F) cost-benefit data, including expendi-  
24 tures and cost-saving benefits, as demonstrated  
25 by such information as—

1 (i) reduction in grade retention, spe-  
2 cial education referrals, supplemental edu-  
3 cational services, incidences of school sus-  
4 pension or expulsion, and middle school  
5 and high school dropout rates; and

6 (ii) increases in attendance, retention  
7 of teaching staff, enrollment in institutions  
8 of higher education, and student academic  
9 performance;

10 (G) increase in the number of children  
11 identified with a potential developmental delay  
12 prior to school entry that received follow-up  
13 services within 3 months of identification;

14 (H) increase in the number of infant and  
15 toddler specialists providing training and on-site  
16 mentoring to teaching staff;

17 (I) increase in the number of mental  
18 health specialists providing training and ongo-  
19 ing mentoring to teaching staff, administration,  
20 and parents of young children;

21 (J) increase in the number of health spe-  
22 cialists or nutritionists providing training and  
23 ongoing mentoring to teaching staff; and

24 (K) measurable changes in staffing pat-  
25 terns among early care and education programs

1           that indicate age appropriate staff to child ra-  
2           tios, established by the State, in all age levels.

3           (b) REPORTING REQUIREMENTS.—

4           (1) REPORTS TO THE SECRETARIES.—Each  
5           State that is awarded a grant under this Act shall  
6           prepare and submit an annual report to the Secre-  
7           taries, which shall include the information described  
8           in subsection (a).

9           (2) REPORTS TO CONGRESS.—Beginning in the  
10          8th year of program implementation, the Secretaries  
11          shall prepare and submit a biannual report to Con-  
12          gress, which shall include a cost-benefit analysis of  
13          the grant program and evidence of effective prac-  
14          tices.

15          (c) PUBLICLY AVAILABLE DATA.—The data from the  
16          evaluation required under subsection (a) shall be made  
17          publicly available for the purpose of informing other  
18          States about the most efficient and effective means for  
19          providing statewide universal access to high quality early  
20          care and education to children ages 6 weeks to kinder-  
21          garten.

22          (d) DEPARTMENT OF EDUCATION AND DEPARTMENT  
23          OF HEALTH AND HUMAN SERVICES MEASUREMENTS.—  
24          Each State that is awarded a grant under this Act shall

1 agree to participate in any assessments that the Secre-  
2 taries may administer to grant recipients.

3 (e) CENTER FOR EVALUATION SUPPORT, ANALYSIS,  
4 AND REPORTING.—The Secretaries shall develop and im-  
5 plement a Center for Evaluation Support, Analysis, and  
6 Reporting for the purpose of storing and reporting data  
7 on effective and efficient early care and education pro-  
8 grams.

9 **SEC. 12. DEFINITIONS.**

10 In this Act:

11 (1) FULL TIME.—The term “full time”—

12 (A) means, at a minimum, 8 hours per day  
13 of early care and education programs, with ar-  
14 rangements for additional care before and after  
15 the established hours;

16 (B) means, at a minimum, 5 days per  
17 week of early care and education programs; and

18 (C) includes year round provision of early  
19 care and education programs, specifically,  
20 throughout the summer regardless of whether  
21 State elementary schools are providing such  
22 programs, and such summer hours shall be con-  
23 sistent with regular early care and education  
24 program hours.



1           (2) GOOD RISK PROGRAM.—The term “good  
2 risk program” means an early care and education  
3 program that has demonstrated sustainability and  
4 continuity.

5           (3) LEAD TEACHER.—The term “lead teacher”  
6 means the program room educator who is primarily  
7 responsible for designing and instructing participant  
8 learning activities and assessments and ensuring  
9 they are aligned to performance measures and  
10 standards.

11          (4) NON-LEAD TEACHER.—The term “non-lead  
12 teacher” means staff responsible for supporting the  
13 lead teacher, such as paraprofessionals and teaching  
14 aides.

15          (5) TEACHING STAFF.—The term “teaching  
16 staff” means lead teachers and non-lead teachers.

17 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

18       There is authorized to be appropriated to carry out  
19 this Act such sums as may be necessary beginning for fis-  
20 cal year 2012.

○