

113TH CONGRESS  
1ST SESSION

# S. 1086

To reauthorize and improve the Child Care and Development Block Grant Act of 1990, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 3, 2013

Ms. MIKULSKI (for herself, Mr. BURR, Mr. HARKIN, and Mr. ALEXANDER) 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 reauthorize and improve the Child Care and Development Block Grant Act of 1990, and for other purposes.

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 “Child Care and Devel-  
5 opment Block Grant Act of 2013”.

6 **SEC. 2. SHORT TITLE AND PURPOSES.**

7 Section 658A of the Child Care and Development  
8 Block Grant Act of 1990 (42 U.S.C. 9801 note) is amend-  
9 ed to read as follows:

1 **“SEC. 658A. SHORT TITLE AND PURPOSES.**

2 “(a) SHORT TITLE.—This subchapter may be cited  
3 as the ‘Child Care and Development Block Grant Act of  
4 1990’.

5 “(b) PURPOSES.—The purposes of this subchapter  
6 are—

7 “(1) to allow each State maximum flexibility in  
8 developing child care programs and policies that best  
9 suit the needs of children and parents within that  
10 State;

11 “(2) to promote parental choice to empower  
12 working parents to make their own decisions regard-  
13 ing the child care that best suits their family’s  
14 needs;

15 “(3) to assist States in providing high-quality  
16 child care services to parents trying to achieve inde-  
17 pendence from public assistance;

18 “(4) to assist States in improving the overall  
19 quality of child care services and programs by imple-  
20 menting the health, safety, licensing, training, and  
21 oversight standards established in this subchapter  
22 and in State law (including regulations);

23 “(5) to improve school readiness by having chil-  
24 dren, families, and child care providers engage in ac-  
25 tivities, in child care settings, that are develop-  
26 mentally appropriate and age-appropriate for the

1 children and that promote children’s language and  
2 literacy and mathematics skills, social and emotional  
3 development, physical health and development, and  
4 approaches to learning;

5 “(6) to encourage States to provide consumer  
6 education information to help parents make in-  
7 formed choices about child care services and to pro-  
8 mote involvement by parents and family members in  
9 the education of their children in child care settings;

10 “(7) to increase the number and percentage of  
11 low-income children in high-quality child care set-  
12 tings; and

13 “(8) to improve the coordination and delivery of  
14 early childhood education and care (including child  
15 care).”.

16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 658B of the Child Care and Development  
18 Block Grant Act of 1990 (42 U.S.C. 9801) is amended  
19 by striking “subchapter” and all that follows, and insert-  
20 ing “subchapter, such sums as may be necessary for each  
21 of fiscal years 2014 through 2019.”.

22 **SEC. 4. LEAD AGENCY.**

23 Section 658D(a) of the Child Care and Development  
24 Block Grant Act of 1990 (42 U.S.C. 9858b(a)) is amend-  
25 ed—

1 (1) by striking “chief executive officer” and in-  
 2 serting “Governor”; and

3 (2) by striking “designate” and all that follows  
 4 and inserting “designate an agency (which may be  
 5 an appropriate collaborative agency), or establish a  
 6 joint interagency office, that complies with the re-  
 7 quirements of subsection (b) to serve as the lead  
 8 agency for the State under this subchapter.”.

9 **SEC. 5. APPLICATION AND PLAN.**

10 (a) PERIOD.—Section 658E(b) of the Child Care and  
 11 Development Block Grant Act of 1990 (42 U.S.C.  
 12 9858c(b)) is amended, by striking “2-year” and inserting  
 13 “3-year”.

14 (b) POLICIES AND PROCEDURES.—Section 658E(c)  
 15 of such Act (42 U.S.C. 9858c(c)) is amended—

16 (1) in paragraph (1), by inserting “or estab-  
 17 lished” after “designated”;

18 (2) in paragraph (2)—

19 (A) in subparagraph (B), by inserting a  
 20 comma after “care of such providers”;

21 (B) by striking subparagraphs (D) through  
 22 (H); and

23 (C) by adding at the end the following:

24 “(D) MONITORING AND INSPECTION RE-  
 25 PORTS.—The plan shall include a certification

1 that the State, not later than 1 year after the  
2 date of enactment of the Child Care and Devel-  
3 opment Block Grant Act of 2013, will make  
4 public by electronic means, in a consumer-  
5 friendly and easily accessible format, organized  
6 by provider, the results of monitoring and in-  
7 spection reports, including those due to major  
8 substantiated complaints about failure to com-  
9 ply with this subchapter and State child care  
10 policies, as well as the number of deaths, seri-  
11 ous injuries, and instances of substantiated  
12 child abuse that occurred in child care settings  
13 each year, for eligible child care providers with-  
14 in the State.

15 “(E) CONSUMER EDUCATION INFORMA-  
16 TION.—The plan shall include a certification  
17 that the State will collect and disseminate  
18 (which dissemination may be done, except as  
19 otherwise specified in this subparagraph,  
20 through resource and referral organizations and  
21 other means as determined by the State) to  
22 parents of eligible children and the general pub-  
23 lic—

1 “(i) information that will promote in-  
2 formed child care choices and that con-  
3 cerns—

4 “(I) the availability of child care  
5 services provided through programs  
6 authorized under this subchapter and,  
7 if feasible, other child care services  
8 provided in the State;

9 “(II) if available, information  
10 about the quality of providers, includ-  
11 ing information from a Quality Rating  
12 and Improvement System;

13 “(III) information, made avail-  
14 able through a State website, describ-  
15 ing the State process for licensing  
16 child care providers, the State proc-  
17 esses for conducting background  
18 checks, and monitoring and inspec-  
19 tions, of child care providers, and the  
20 offenses that prevent individuals and  
21 entities from serving as child care  
22 providers in the State;

23 “(IV) the availability of assist-  
24 ance to obtain child care services;

1           “(V) other programs for which  
2 families that receive child care serv-  
3 ices for which financial assistance is  
4 provided in accordance with this sub-  
5 chapter may be eligible, including the  
6 program of block grants to States for  
7 temporary assistance for needy fami-  
8 lies established under part A of title  
9 IV of the Social Security Act (42  
10 U.S.C. 601 et seq.), Head Start and  
11 Early Head Start programs carried  
12 out under the Head Start Act (42  
13 U.S.C. 9831 et seq.), the program  
14 carried out under the Low-Income  
15 Home Energy Assistance Act of 1981  
16 (42 U.S.C. 8621 et seq.), the supple-  
17 mental nutrition assistance program  
18 established under the Food and Nutri-  
19 tion Act of 2008 (7 U.S.C. 2011 et  
20 seq.), the special supplemental nutri-  
21 tion program for women, infants, and  
22 children established by section 17 of  
23 the Child Nutrition Act of 1966 (42  
24 U.S.C. 1786), the child and adult care  
25 food program established under sec-

1 tion 17 of the Richard B. Russell Na-  
2 tional School Lunch Act (42 U.S.C.  
3 1766), and the Medicaid and State  
4 children’s health insurance programs  
5 under titles XIX and XXI of the So-  
6 cial Security Act (42 U.S.C. 1396 et  
7 seq. and 1397aa et seq.);

8 “(VI) programs carried out  
9 under section 619 and part C of the  
10 Individuals with Disabilities Edu-  
11 cation Act (20 U.S.C. 1419 and 1431  
12 et seq.); and

13 “(VII) research and best prac-  
14 tices concerning children’s develop-  
15 ment, including language and cog-  
16 nitive development, development of  
17 early language and literacy and math-  
18 ematics skills, social and emotional  
19 development, meaningful parent and  
20 family engagement, and physical  
21 health and development;

22 “(ii) information on developmental  
23 screenings, including—

24 “(I) information on existing (as  
25 of the date of submission of the appli-



1 cation containing the plan) resources  
2 and services the State can deploy, in-  
3 cluding the coordinated use of the  
4 Early and Periodic Screening, Diag-  
5 nosis, and Treatment program under  
6 the Medicaid program carried out  
7 under title XIX of the Social Security  
8 Act (42 U.S.C. 1396 et seq.) and de-  
9 velopmental screening services avail-  
10 able under section 619 and part C of  
11 the Individuals with Disabilities Edu-  
12 cation Act (20 U.S.C. 1419, 1431 et  
13 seq.), in conducting developmental  
14 screenings and providing referrals to  
15 services, when appropriate, for chil-  
16 dren who receive assistance under this  
17 subchapter; and

18 “(II) a description of how a fam-  
19 ily or eligible child care provider may  
20 utilize the resources and services de-  
21 scribed in subelause (I) to obtain de-  
22 velopmental screenings for children  
23 who receive assistance under this sub-  
24 chapter who may be at risk for cog-

1           nitive or other developmental delays;

2           and

3           “(iii) information, for parents receiv-  
4           ing assistance under the program of block  
5           grants to States for temporary assistance  
6           for needy families under part A of title IV  
7           of the Social Security Act (42 U.S.C. 601  
8           et seq.), and low-income parents, about eli-  
9           gibility for assistance provided in accord-  
10          ance with this subchapter.

11          “(F) COMPLIANCE WITH STATE LICENSING  
12          REQUIREMENTS.—

13                 “(i) IN GENERAL.—The plan shall in-  
14                 clude a certification that the State involved  
15                 has in effect licensing requirements appli-  
16                 cable to child care services provided within  
17                 the State, and provide a detailed descrip-  
18                 tion of such requirements and of how such  
19                 requirements are effectively enforced.

20                 “(ii) LICENSE EXEMPTION.—If the  
21                 State uses funding received under this sub-  
22                 chapter to support a child care provider  
23                 that is exempt from the corresponding li-  
24                 censing requirements described in clause

1 (i), the plan shall include a description  
2 stating—

3 “(I) how children receiving serv-  
4 ices from such a provider will receive  
5 services that are comparable in safety  
6 and quality to the services received by  
7 children served by licensed child care  
8 providers; and

9 “(II) why such licensing exemp-  
10 tion does not endanger the health,  
11 safety, or development of children who  
12 receive services from child care pro-  
13 viders who are exempt from such re-  
14 quirements.

15 “(G) TRAINING REQUIREMENTS.—

16 “(i) IN GENERAL.—The plan shall de-  
17 scribe the training requirements that are  
18 in effect within the State that are designed  
19 to enable child care providers to promote  
20 the social, emotional, physical, and cog-  
21 nitive development of children and that are  
22 applicable to child care providers that pro-  
23 vide services for which assistance is pro-  
24 vided in accordance with this subchapter in  
25 the State.

1           “(ii) REQUIREMENTS.—The plan shall  
2 provide an assurance that such training re-  
3 quirements—

4           “(I) provide a set of workforce  
5 and competency standards for child  
6 care providers that provide services  
7 described in clause (i);

8           “(II) are developed in consulta-  
9 tion with the State Advisory Council  
10 on Early Childhood Education and  
11 Care (designated or established pursu-  
12 ant to section 642B(b)(1)(A) of the  
13 Head Start Act (42 U.S.C.  
14 9837b(b)(1)(A)));

15           “(III) include an evidence-based  
16 training framework that is designed to  
17 promote children’s learning and devel-  
18 opment and school readiness and to  
19 improve child outcomes, including  
20 school readiness;

21           “(IV) incorporate knowledge and  
22 application of the State’s early learn-  
23 ing and developmental guidelines and,  
24 where applicable, the State’s child de-  
25 velopment and health standards; and

1           “(V) to the extent practicable,  
2           are appropriate for a population of  
3           children that includes—

4                   “(aa) different age groups  
5                   (such as infants, toddlers, and  
6                   preschoolers);

7                   “(bb) English learners; and

8                   “(cc) children with disabili-  
9                   ties.

10           “(iii) PROGRESSION OF PROFES-  
11           SIONAL DEVELOPMENT.—In developing the  
12           requirements, the State shall develop a  
13           statewide progression of professional devel-  
14           opment designed to improve the skills and  
15           knowledge of the workforce, which may in-  
16           clude the acquisition of course credit in  
17           postsecondary education or of a credential,  
18           aligned with the framework.

19           “(iv) ALIGNMENT.—The State shall  
20           engage the State Advisory Council on  
21           Early Childhood Education and Care, and  
22           may engage institutions of higher edu-  
23           cation (as defined in section 102 of the  
24           Higher Education Act of 1965 (20 U.S.C.  
25           1002)), and other training providers in

1 aligning training opportunities with the  
2 State’s training framework.

3 “(v) CREDENTIALS.—The Secretary  
4 shall not require an individual or entity  
5 that provides child care services for which  
6 assistance is provided in accordance with  
7 this subchapter to acquire a credential to  
8 provide such services. Nothing in this sec-  
9 tion shall be construed to prohibit a State  
10 from requiring a credential.

11 “(H) CHILD-TO-PROVIDER RATIO STAND-  
12 ARDS.—

13 “(i) STANDARDS.—The plan shall de-  
14 scribe child care standards, for child care  
15 for which assistance is made available in  
16 accordance with this subchapter, appro-  
17 priate to the type of child care setting in-  
18 volved, that address—

19 “(I) group size limits for specific  
20 age populations;

21 “(II) the appropriate ratio be-  
22 tween the number of children and the  
23 number of providers, in terms of the  
24 age of the children in child care, as  
25 determined by the State; and

1                   “(III) required qualifications for  
2                   such providers.

3                   “(ii) CONSTRUCTION.—The Secretary  
4                   may offer guidance to States on child-to-  
5                   provider ratios described in clause (i) ac-  
6                   cording to setting and age group but shall  
7                   not require that States maintain specific  
8                   child-to-provider ratios for providers who  
9                   receive assistance under this subchapter.

10                  “(I) HEALTH AND SAFETY REQUIRE-  
11                  MENTS.—The plan shall include a certification  
12                  that there are in effect within the State, under  
13                  State or local law, requirements designed to  
14                  protect the health and safety of children that  
15                  are applicable to child care providers that pro-  
16                  vide services for which assistance is made avail-  
17                  able in accordance with this subchapter. Such  
18                  requirements—

19                         “(i) shall relate to matters including  
20                         health and safety topics (including preven-  
21                         tion of shaken baby syndrome and abusive  
22                         head trauma) consisting of—

23                                 “(I) the prevention and control of  
24                                 infectious diseases (including immuni-  
25                                 zation) and the establishment of a

1 grace period that allows homeless chil-  
2 dren to receive services under this  
3 subchapter while their families are  
4 taking any necessary action to comply  
5 with immunization and other health  
6 and safety requirements;

7 “(II) handwashing and universal  
8 health precautions;

9 “(III) the administration of  
10 medication, consistent with standards  
11 for parental consent;

12 “(IV) the prevention of and re-  
13 sponse to emergencies due to food and  
14 other allergic reactions;

15 “(V) prevention of sudden infant  
16 death syndrome and use of safe sleep-  
17 ing practices;

18 “(VI) sanitary methods of food  
19 handling;

20 “(VII) building and physical  
21 premises safety;

22 “(VIII) emergency response plan-  
23 ning including disaster preparation;



1           “(IX) the handling and storage  
2 of hazardous materials and the appro-  
3 priate disposal of biocontaminants;

4           “(X) identification of and protec-  
5 tion from hazards that can cause bod-  
6 ily injury such as electrical hazards,  
7 bodies of water, and vehicular traffic;

8           “(XI) for providers that offer  
9 transportation, if applicable, appro-  
10 priate precautions in transporting  
11 children;

12           “(XII) first aid and cardiopulmo-  
13 nary resuscitation; and

14           “(XIII) minimum health and  
15 safety training, to be completed pre-  
16 service or during an orientation pe-  
17 riod, appropriate to the provider set-  
18 ting involved that addresses each of  
19 the requirements relating to matters  
20 described in subclauses (I) through  
21 (XII); and

22           “(ii) may include requirements relat-  
23 ing to nutrition and access to physical ac-  
24 tivity.

1           “(J) COMPLIANCE WITH STATE AND LOCAL  
2 HEALTH AND SAFETY REQUIREMENTS.—The  
3 plan shall include a certification that proce-  
4 dures are in effect to ensure that child care  
5 providers within the State, that provide services  
6 for which assistance is made available in ac-  
7 cordance with this subchapter, comply with all  
8 applicable State and local health and safety re-  
9 quirements as described in subparagraph (I).

10           “(K) ENFORCEMENT OF LICENSING AND  
11 OTHER REGULATORY REQUIREMENTS.—The  
12 plan shall include a certification that the State,  
13 not later than 2 years after the date of enact-  
14 ment of the Child Care and Development Block  
15 Grant Act of 2013, shall have in effect policies  
16 and practices, applicable to licensing for child  
17 care providers that provide services for which  
18 assistance is made available in accordance with  
19 this subchapter and the facilities of those pro-  
20 viders, that—

21           “(i) ensure that individuals who are  
22 hired as licensing inspectors in the State  
23 are qualified to inspect those child care  
24 providers and facilities and have received  
25 training in related health and safety re-

1 requirements, child development, child abuse  
2 prevention and detection, program man-  
3 agement, and relevant law enforcement;

4 “(ii) require licensing inspectors of  
5 those child care providers and facilities to  
6 perform inspections, with—

7 “(I) not less than 1 prelicensure  
8 health, safety, and fire inspection of  
9 each such child care provider and fa-  
10 cility in the State; and

11 “(II) not less than annually, a  
12 health, safety, and fire inspection  
13 (which shall be unannounced) of each  
14 such child care provider and facility in  
15 the State; and

16 “(iii) require the ratio of licensing in-  
17 spectors to such child care providers and  
18 facilities in the State to be maintained at  
19 a level sufficient to enable the State to  
20 conduct inspections of such child care pro-  
21 viders and facilities on a timely basis in ac-  
22 cordance with Federal and State law.

23 “(L) COMPLIANCE WITH CHILD ABUSE RE-  
24 PORTING REQUIREMENTS.—The plan shall in-  
25 clude a certification that child care providers

1 within the State will comply with the child  
2 abuse reporting requirements of section  
3 106(b)(2)(B)(i) of the Child Abuse Prevention  
4 and Treatment Act (42 U.S.C.  
5 5106a(b)(2)(B)(i)).

6 “(M) MEETING THE NEEDS OF CERTAIN  
7 POPULATIONS.—The plan shall describe how  
8 the State will develop and implement strategies  
9 (which may include the provision of compensa-  
10 tion at higher payment rates and bonuses to  
11 child care providers, the provision of direct con-  
12 tracts or grants to community-based organiza-  
13 tions, or other means determined by the State)  
14 to increase the supply and improve the quality  
15 of child care for—

16 “(i) children in underserved areas;

17 “(ii) infants and toddlers;

18 “(iii) children with disabilities, as de-  
19 fined in subparagraphs (A) and (D) of sec-  
20 tion 658P(3); and

21 “(iv) children who receive care during  
22 nontraditional hours.

23 “(N) PROTECTION FOR WORKING PAR-  
24 ENTS.—

1                   “(i) REDETERMINATION PROCESS.—  
2                   The plan shall describe the procedures and  
3                   policies that are in place to ensure that  
4                   working parents (especially parents in fam-  
5                   ilies receiving assistance under the pro-  
6                   gram of block grants to States for tem-  
7                   porary assistance for needy families under  
8                   part A of title IV of the Social Security  
9                   Act (42 U.S.C. 601 et seq.)) are not re-  
10                  quired to unduly disrupt their employment  
11                  in order to comply with the State’s require-  
12                  ments for redetermination of eligibility for  
13                  assistance provided in accordance with this  
14                  subchapter.

15                  “(ii) MINIMUM PERIOD.—  
16                  “(I) 12-MONTH PERIOD.—The  
17                  plan shall demonstrate that each child  
18                  who receives assistance under this  
19                  subchapter in the State will be consid-  
20                  ered to meet all eligibility require-  
21                  ments for such assistance (except for  
22                  a factor described in clause (iii), for a  
23                  State not covered by clause (iii)) and  
24                  will receive such assistance, for not  
25                  less than 12 months before the State

1                   redetermines the eligibility of the child  
2                   under this subchapter, regardless of a  
3                   change in the status of the child’s  
4                   parent as working or attending a job  
5                   training or educational program or a  
6                   change in family income for the  
7                   child’s family, if that family income  
8                   does not exceed 85 percent of the  
9                   State median income for a family of  
10                  the same size.

11                   “(II) FLUCTUATIONS IN EARN-  
12                  INGS.—The plan shall demonstrate  
13                  how the State’s processes for initial  
14                  determination and redetermination of  
15                  such eligibility take into account ir-  
16                  regular fluctuations in earnings.

17                   “(iii) PERIOD BEFORE TERMI-  
18                  NATION.—At the option of the State, the  
19                  plan shall demonstrate that the State will  
20                  not terminate assistance provided to carry  
21                  out this subchapter based on a factor con-  
22                  sisting of a parent’s loss of work or ces-  
23                  sation of attendance at a job training or  
24                  educational program for which the family  
25                  was receiving the assistance, without con-

1 continuing the assistance for a reasonable pe-  
2 riod of time, of not less than 3 months,  
3 after such loss or cessation in order for the  
4 parent to engage in a job search and re-  
5 sume work, or resume attendance at a job  
6 training or educational program, as soon  
7 as possible.

8 “(iv) GRADUATED PHASEOUT OF  
9 CARE.—The plan shall describe the policies  
10 and procedures that are in place to allow  
11 for provision of continued assistance to  
12 carry out this subchapter, for a period of  
13 not to exceed 12 months, for children of  
14 working parents who become ineligible for  
15 assistance to carry out this subchapter  
16 during the redetermination process due to  
17 a modest increase in the parents’ income,  
18 if the family income for the family involved  
19 does not exceed 85 percent of the State  
20 median income for a family of the same  
21 size.

22 “(O) COORDINATION WITH OTHER PRO-  
23 GRAMS.—

24 “(i) IN GENERAL.—The plan shall de-  
25 scribe how the State, in order to expand

1 accessibility and continuity of quality early  
2 childhood education and care, and assist  
3 children enrolled in part-day prekindergarten or part-day Head Start programs to  
4 receive full-day services, will coordinate the  
5 services supported to carry out this sub-  
6 chapter with—  
7

8 “(I) programs carried out under  
9 the Head Start Act (42 U.S.C. 9831  
10 et seq.), including the Early Head  
11 Start programs carried out under section  
12 645A of that Act (42 U.S.C.  
13 9840a);

14 “(II) programs carried out under  
15 part A of title I, and part B of title  
16 IV, of title I of the Elementary and  
17 Secondary Education Act of 1965 (20  
18 U.S.C. 6311 et seq., 7171 et seq.);

19 “(III) programs carried out  
20 under section 619 and part C of the  
21 Individuals with Disabilities Education  
22 Act (20 U.S.C. 1419, 1431 et  
23 seq.);

24 “(IV) the maternal, infant, and  
25 early childhood home visiting pro-



1           grams authorized under section 511  
2           of the Social Security Act (42 U.S.C.  
3           711), as added by section 2951 of the  
4           Patient Protection and Affordable  
5           Care Act;

6           “(V) State and locally funded  
7           early childhood education and care  
8           programs;

9           “(VI) programs serving homeless  
10          children and services of local edu-  
11          cational agency liaisons for homeless  
12          children and youths designated under  
13          subsection (g)(1)(J)(ii) of section 722  
14          of the McKinney-Vento Homeless As-  
15          sistance Act (42 U.S.C. 11432); and

16          “(VII) other Federal programs  
17          supporting early childhood education  
18          and care activities.

19          “(ii) RULE OF CONSTRUCTION.—  
20          Nothing in clause (i) shall be construed to  
21          affect the priority of children described in  
22          clause (i) to receive full-day prekinde-  
23          rgarten or Head Start program services.

24          “(P) PUBLIC-PRIVATE PARTNERSHIPS.—

25          The plan shall demonstrate how the State en-

1 courages partnerships among State agencies,  
2 other public agencies, and private entities to le-  
3 verage existing service delivery systems (as of  
4 the date of the submission of the application  
5 containing the plan) for early childhood edu-  
6 cation and care and to increase the supply and  
7 quality of child care services for children who  
8 are less than 13 years of age, such as by imple-  
9 menting voluntary shared services alliance mod-  
10 els to allow providers more time and resources  
11 to provide higher quality of care at lower cost  
12 by realizing small economies of scale.

13 “(Q) PRIORITY FOR LOW-INCOME POPU-  
14 LATIONS.—The plan shall describe the process  
15 the State proposes to use, with respect to in-  
16 vestments made to increase access to programs  
17 providing high-quality early childhood education  
18 and care, to give priority for those investments  
19 to children of families in areas that have signifi-  
20 cant concentrations of poverty and unemploy-  
21 ment and that do not have such programs.

22 “(R) CONSULTATION.—The plan shall in-  
23 clude a certification that the State has devel-  
24 oped the plan in consultation with the State  
25 Advisory Council on Early Childhood Education

1 and Care established pursuant to section  
2 642B(b)(1)(A) of the Head Start Act (42  
3 U.S.C. 9837b(b)(1)(A)).

4 “(S) PAYMENT PRACTICES.—The plan  
5 shall include a certification that the payment  
6 practices of child care providers in the State  
7 that serve children who receive assistance under  
8 this subchapter reflect generally accepted pay-  
9 ment practices of child care providers in the  
10 State that serve children who do not receive as-  
11 sistance under this subchapter, so as to provide  
12 stability of funding and encourage more child  
13 care providers to serve children who receive as-  
14 sistance under this subchapter.

15 “(T) EARLY LEARNING AND DEVELOP-  
16 MENTAL GUIDELINES.—

17 “(i) IN GENERAL.—The plan shall in-  
18 clude an assurance that the State will de-  
19 velop or implement early learning and de-  
20 velopmental guidelines that are appropriate  
21 for children from birth through entry into  
22 kindergarten, describing what such chil-  
23 dren should know and be able to do, and  
24 covering the essential domains of early  
25 childhood education and care and early

1 childhood development for use statewide by  
2 child care providers. Such child care pro-  
3 viders shall—

4 “(I) be licensed or regulated  
5 under State law; and

6 “(II) not be a relative of all chil-  
7 dren for whom the provider provides  
8 child care services.

9 “(ii) ALIGNMENT.—The guidelines  
10 shall be research-based, be developmentally  
11 appropriate, and be aligned with State  
12 standards for education in kindergarten  
13 through grade 3.

14 “(iii) PROHIBITION ON USE OF  
15 FUNDS.—The plan shall include an assur-  
16 ance that funds received by the State to  
17 carry out this subchapter will not be used  
18 to develop or implement an assessment for  
19 children that—

20 “(I) will be the sole basis for a  
21 child care provider being determined  
22 to be ineligible to participate in the  
23 program carried out under this sub-  
24 chapter;

1           “(II) will be used as the primary  
2 or sole basis to provide a reward or  
3 sanction for an individual provider; or

4           “(III) will be used as the primary  
5 or sole method for assessing program  
6 effectiveness.

7           “(iv) EXCEPTIONS.—Nothing in this  
8 subchapter shall preclude the State using a  
9 single assessment for children for—

10           “(I) improving instruction or a  
11 classroom environment;

12           “(II) targeting professional devel-  
13 opment to a provider;

14           “(III) determining the need for  
15 health, mental health, disability, de-  
16 velopmental delay, or family support  
17 services;

18           “(IV) obtaining information for  
19 the quality improvement process at  
20 the State level; or

21           “(V) conducting a program eval-  
22 uation for the purposes of providing  
23 program improvement and parent in-  
24 formation.

1           “(v) NO FEDERAL CONTROL.—Noth-  
2           ing in this section shall be construed to au-  
3           thorize an officer or employee of the Fed-  
4           eral Government to—

5                   “(I) mandate, direct, or control a  
6                   State’s early learning and develop-  
7                   mental guidelines, developed in ac-  
8                   cordance with this section;

9                   “(II) establish any criterion that  
10                  specifies, defines, or prescribes the  
11                  standards or measures that a State  
12                  uses to establish, implement, or im-  
13                  prove—

14                   “(aa) early learning and de-  
15                   velopmental guidelines, or early  
16                   learning standards, assessments,  
17                   or accountability systems; or

18                   “(bb) alignment of early  
19                   learning and developmental  
20                   guidelines with State standards  
21                   for education in kindergarten  
22                   through grade 3; or

23                   “(III) require a State to submit  
24                   such standards or measures for re-  
25                   view.”;

1 (3) in paragraph (3)—

2 (A) in subparagraph (A), by striking “as  
3 required under” and inserting “in accordance  
4 with”;

5 (B) in subparagraph (B)—

6 (i) by striking “The State” and in-  
7 serting the following:

8 “(i) IN GENERAL.—The State”;

9 (ii) by striking “and any other activity  
10 that the State deems appropriate to realize  
11 any of the goals specified in paragraphs  
12 (2) through (5) of section 658A(b)” and  
13 inserting “activities that improve access to  
14 child care services, including use of proce-  
15 dures to permit immediate enrollment  
16 (after the initial eligibility determination  
17 and after a child is determined to be eligi-  
18 ble) of homeless children while required  
19 documentation is obtained, training and  
20 technical assistance on identifying and  
21 serving homeless children and their fami-  
22 lies, and specific outreach to homeless fam-  
23 ilies, and any other activity that the State  
24 determines to be appropriate to meet the  
25 purposes of this subchapter (which may in-

1                   clude an activity described in clause (ii))”;

2                   and

3                   (iii) by adding at the end the fol-  
4                   lowing:

5                   “(ii) CHILD CARE RESOURCE AND RE-  
6                   FERRAL SYSTEM.—

7                   “(I) IN GENERAL.—A State may  
8                   use amounts described in clause (i) to  
9                   establish or support a system of local  
10                  or regional child care resource and re-  
11                  ferral organizations that is coordi-  
12                  nated, to the extent determined appro-  
13                  priate by the State, by a statewide  
14                  public or private nonprofit, commu-  
15                  nity-based or regionally based, lead  
16                  child care resource and referral orga-  
17                  nization.

18                  “(II) LOCAL OR REGIONAL ORGA-  
19                  NIZATIONS.—The local or regional  
20                  child care resource and referral orga-  
21                  nizations supported as described in  
22                  subclause (I) shall—

23                  “(aa) provide parents in the  
24                  State with consumer education  
25                  information referred to in para-



1 graph (2)(E) (except as otherwise  
2 provided in that paragraph), con-  
3 cerning the full range of child  
4 care options, analyzed by pro-  
5 vider, including child care pro-  
6 vided during nontraditional hours  
7 and through emergency child  
8 care centers, in their political  
9 subdivisions or regions;

10 “(bb) to the extent prac-  
11 ticable, work directly with fami-  
12 lies who receive assistance under  
13 this subchapter to offer the fami-  
14 lies support and assistance, using  
15 information described in item  
16 (aa), to make an informed deci-  
17 sion about which child care pro-  
18 viders they will use, in an effort  
19 to ensure that the families are  
20 enrolling their children in high-  
21 quality care;

22 “(cc) collect and analyze  
23 data on the coordination of serv-  
24 ices and supports, including serv-  
25 ices under section 619 and part

1 C of the Individuals with Disabil-  
2 ities Education Act (42 U.S.C.  
3 1419, 1431 et seq.), for children  
4 with disabilities (as defined in  
5 section 602 of such Act (20  
6 U.S.C. 1401));

7 “(dd) collect and analyze  
8 data on the supply of and de-  
9 mand for child care in political  
10 subdivisions or regions within the  
11 State and submit such data and  
12 analysis to the State;

13 “(ee) work to establish part-  
14 nerships with public agencies and  
15 private entities to increase the  
16 supply and quality of child care  
17 services in the State; and

18 “(ff) as appropriate, coordi-  
19 nate their activities with the ac-  
20 tivities of the State lead agency  
21 and local agencies that admin-  
22 ister funds made available in ac-  
23 cordance with this subchapter.”;

24 (C) in subparagraph (D)—

1 (i) by striking “1997 through 2012”  
2 and inserting “2014 through 2019”; and

3 (ii) by striking “paragraph (2)(H)”  
4 and inserting “paragraph (2)(M)”; and  
5 (D) by adding at the end the following:

6 “(E) DIRECT SERVICES.—From amounts  
7 provided to a State for a fiscal year to carry  
8 out this subchapter, the State shall—

9 “(i) reserve the minimum amount re-  
10 quired to be reserved under section 658G,  
11 and the funds for costs described in sub-  
12 paragraph (C); and

13 “(ii) from the remainder, use not less  
14 than 70 percent to fund direct services  
15 (provided by the State) in accordance with  
16 paragraph (2)(A).”;

17 (4) by striking paragraph (4) and inserting the  
18 following:

19 “(4) PAYMENT RATES.—

20 “(A) IN GENERAL.—The State plan shall  
21 certify that payment rates for the provision of  
22 child care services for which assistance is pro-  
23 vided in accordance with this subchapter are  
24 sufficient to ensure equal access for eligible  
25 children to child care services that are com-

1           parable to child care services in the State or  
2           substate area involved that are provided to chil-  
3           dren whose parents are not eligible to receive  
4           assistance under this subchapter or to receive  
5           child care assistance under any other Federal  
6           or State program and shall provide a summary  
7           of the facts relied on by the State to determine  
8           that such rates are sufficient to ensure such ac-  
9           cess.

10           “(B) SURVEY.—The State plan shall—

11                   “(i) demonstrate that the State has,  
12                   after consulting with the State Advisory  
13                   Council on Early Childhood Education and  
14                   Care, local child care program administra-  
15                   tors, local child care resource and referral  
16                   agencies, and other appropriate entities,  
17                   developed and conducted (not earlier than  
18                   2 years before the date of the submission  
19                   of the application containing the State  
20                   plan) a statistically valid and reliable sur-  
21                   vey of the market rates for child care serv-  
22                   ices in the State (that reflects variations in  
23                   the cost of child care services by geo-  
24                   graphic area, type of provider, and age of  
25                   child);

1           “(ii) demonstrate that the State pre-  
2           pared a detailed report containing the re-  
3           sults of the State market rates survey con-  
4           ducted pursuant to clause (i), and made  
5           the results of the survey widely available  
6           (not later than 30 days after the comple-  
7           tion of such survey) through periodic  
8           means, including posting the results on the  
9           Internet;

10           “(iii) describe how the State will set  
11           payment rates for child care services, for  
12           which assistance is provided in accordance  
13           with this subchapter, in accordance with  
14           the results of the market rates survey con-  
15           ducted pursuant to clause (i) without, to  
16           the extent practicable, reducing the num-  
17           ber of families in the State receiving such  
18           assistance to carry out this subchapter, rel-  
19           ative to the number of such families on the  
20           date of enactment of the Child Care and  
21           Development Block Grant Act of 2013;  
22           and

23           “(iv) describe how the State will pro-  
24           vide for timely payment for child care serv-

1           ices provided in accordance with this sub-  
2           chapter.

3           “(C) CONSTRUCTION.—

4                 “(i) NO PRIVATE RIGHT OF ACTION.—  
5           Nothing in this paragraph shall be con-  
6           strued to create a private right of action.

7                 “(ii) NO PROHIBITION OF CERTAIN  
8           DIFFERENT RATES.—Nothing in this sub-  
9           chapter shall be construed to prevent a  
10          State from differentiating the payment  
11          rates described in subparagraph (B)(iii) on  
12          the basis of such factors as—

13                         “(I) geographic location of child  
14                         care providers (such as location in an  
15                         urban or rural area);

16                         “(II) the age or particular needs  
17                         of children (such as the needs of chil-  
18                         dren with disabilities and children  
19                         served by child protective services);

20                         “(III) whether the providers pro-  
21                         vide child care during weekend and  
22                         other nontraditional hours; or

23                         “(IV) the State’s determination  
24                         that such differentiated payment rates  
25                         are needed to enable a parent to

1 choose child care that is of high qual-  
 2 ity.”; and

3 (5) in paragraph (5), by inserting “that is not  
 4 a barrier to families receiving assistance under this  
 5 subchapter” after “cost sharing”.

6 (c) TECHNICAL AMENDMENT.—Section 658F(b)(2)  
 7 of the Child Care and Development Block Grant Act of  
 8 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking  
 9 “section 658E(c)(2)(F)” and inserting “section  
 10 658E(c)(2)(I)”.

11 **SEC. 6. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**  
 12 **CARE.**

13 Section 658G of the Child Care and Development  
 14 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended  
 15 to read as follows:

16 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**  
 17 **CHILD CARE.**

18 “(a) RESERVATION.—

19 “(1) RESERVATION FOR ACTIVITIES RELATING  
 20 TO THE QUALITY OF CHILD CARE SERVICES.—A  
 21 State that receives funds to carry out this sub-  
 22 chapter for a fiscal year shall reserve and use a por-  
 23 tion of such funds, in accordance with paragraph  
 24 (2), for activities provided directly, or through  
 25 grants or contracts with local child care resource

1 and referral organizations or other appropriate enti-  
 2 ties, that are designed to improve the quality of  
 3 child care services and increase parental options for,  
 4 and access to, high-quality child care, provided in ac-  
 5 cordance with this subchapter.

6 “(2) AMOUNT OF RESERVATIONS.—Such State  
 7 shall reserve and use for the activities described in  
 8 paragraph (1), not less than—

9 “(A) 6 percent of such funds in 2014;

10 “(B) 8 percent of such funds in 2016;

11 “(C) 10 percent of such funds in 2018 and  
 12 each succeeding year; and

13 “(D) 3 percent of such funds in 2014 and  
 14 each succeeding year to carry out the activities  
 15 described in paragraph (1), as such activities  
 16 relate to the quality of care for infants and tod-  
 17 dlers.

18 “(b) ACTIVITIES.—Funds reserved under subsection  
 19 (a) shall be used to carry out not less than 2 of the fol-  
 20 lowing activities:

21 “(1) Supporting the training, professional de-  
 22 velopment, and professional advancement of the  
 23 child care workforce through activities such as—

24 “(A) offering child care providers training  
 25 and professional development that is intentional



1 and sequential and leads to a higher level of  
2 skill or certification;

3 “(B) establishing or supporting programs  
4 designed to increase the retention and improve  
5 the competencies of child care providers, includ-  
6 ing wage incentive programs and initiatives that  
7 establish tiered payment rates for providers  
8 that meet or exceed child care services guide-  
9 lines, as defined by the State;

10 “(C) offering training, professional devel-  
11 opment, and educational opportunities for child  
12 care providers that relate to the use of develop-  
13 mentally appropriate and age-appropriate cur-  
14 ricula, and early childhood teaching strategies,  
15 that are scientifically based and aligned with  
16 the social, emotional, physical, and cognitive de-  
17 velopment of children, including offering spe-  
18 cialized training for child care providers who  
19 care for infants and toddlers, children who are  
20 English learners, and children with disabilities  
21 (as defined in section 602 of the Individuals  
22 with Disabilities Education Act (20 U.S.C.  
23 1401));

24 “(D) providing training in early mathe-  
25 matics and early language and literacy develop-

1           ment and effective instructional practices to  
2           support mathematics and language and literacy  
3           development in young children;

4           “(E) incorporating effective use of data to  
5           guide instruction and program improvement;

6           “(F) including effective behavior manage-  
7           ment strategies, including positive behavioral  
8           interventions and supports, that promote posi-  
9           tive social and emotional development and re-  
10          duce challenge behaviors;

11          “(G) at the option of the State, incor-  
12          porating feedback from experts at the State’s  
13          institutions of higher education, as defined in  
14          section 102 of the Higher Education Act of  
15          1965 (20 U.S.C. 1002), and other early learn-  
16          ing and development experts and early child-  
17          hood experts;

18          “(H) providing training corresponding to  
19          the nutritional and physical activity needs of  
20          children to promote healthy development; and

21          “(I) providing training or professional de-  
22          velopment for child care providers to serve and  
23          support children with disabilities.

1           “(2) Supporting the use of the early learning  
2 and developmental guidelines described in section  
3 658E by—

4           “(A) developing and implementing such  
5 early learning and developmental guidelines for  
6 early language and literacy skills and activities  
7 and pre-numeracy and mathematics skills and  
8 activities, for child care programs in the State,  
9 that are aligned with State standards for edu-  
10 cation in kindergarten through grade 12 edu-  
11 cation or the State’s general goals for school  
12 readiness; and

13           “(B) providing technical assistance to en-  
14 hance early learning for preschool and school-  
15 aged children in order to promote language and  
16 literacy skills, foster school readiness, and sup-  
17 port later school success.

18           “(3) Developing and implementing a tiered  
19 quality rating system for child care providers, which  
20 shall—

21           “(A) support and assess the quality of  
22 child care providers in the State;

23           “(B) build on licensing standards and  
24 other State regulatory standards for such pro-  
25 viders;

1           “(C) be designed to improve the quality of  
2 different types of child care providers;

3           “(D) describe the quality of early learning  
4 facilities;

5           “(E) build the capacity of State early  
6 learning programs and communities to promote  
7 parents’ and families’ understanding of the  
8 State’s early learning system and the ratings of  
9 the programs in which the child is enrolled; and

10          “(F) provide, to the maximum extent prac-  
11 ticable, financial incentives and other supports  
12 designed to achieve and sustain higher levels of  
13 quality.

14          “(4) Improving the supply and quality of child  
15 care programs and services for infants and toddlers  
16 through activities which may include—

17           “(A) establishing or expanding neighbor-  
18 hood-based high-quality comprehensive family  
19 and child development centers, which may serve  
20 as resources to child care providers in order to  
21 improve the quality of early childhood education  
22 and care and early childhood development serv-  
23 ices provided to infants and toddlers from low-  
24 income families and to help eligible child care  
25 providers improve their capacity to offer high-

1 quality care to infants and toddlers from low-  
2 income families;

3 “(B) establishing or expanding the oper-  
4 ation of community or neighborhood-based fam-  
5 ily child care networks;

6 “(C) supporting statewide networks of in-  
7 fant and toddler child care specialists, including  
8 specialists who have knowledge regarding infant  
9 and toddler development and curriculum and  
10 program implementation for children with dis-  
11 abilities, which may include specialists who pro-  
12 vide such services through part C of the Indi-  
13 viduals with Disabilities Education Act (20  
14 U.S.C. 1431 et seq.);

15 “(D) carrying out initiatives to improve  
16 the quality of the infant and toddler child care  
17 workforce, such as providing relevant training,  
18 professional development, or mentoring oppor-  
19 tunities and linking such opportunities to career  
20 pathways, developing career pathways for such  
21 providers, and improving the State credential-  
22 ing of eligible providers caring for infants and  
23 toddlers; and

24 “(E) if applicable, developing infant and  
25 toddler components within the State’s quality

1 rating system described in paragraph (3) for  
2 child care providers for infants and toddlers, or  
3 the development of infant and toddler compo-  
4 nents in a State’s child care licensing regula-  
5 tions or early childhood guidelines;

6 “(F) improving the ability of parents to ac-  
7 cess information about high-quality infant and  
8 toddler care; and

9 “(G) carrying out other activities deter-  
10 mined by the State to improve the quality of in-  
11 fant and toddler care provided in the State, and  
12 for which there is evidence that the activities  
13 will lead to improved infant and toddler safety,  
14 infant and toddler development, or infant and  
15 toddler well-being.

16 “(5) Promoting broad child care provider par-  
17 ticipation in the quality rating system described in  
18 paragraph (3).

19 “(6) Establishing or expanding a statewide sys-  
20 tem of child care resource and referral services.

21 “(7) Facilitating compliance with State require-  
22 ments for inspection, monitoring, training, and  
23 health and safety, and with State licensing stand-  
24 ards.

1           “(8) Evaluating and assessing the quality and  
2 effectiveness of child care programs and services of-  
3 fered in the State, including evaluating how such  
4 programs and services may improve the overall  
5 school readiness of young children.

6           “(9) Supporting child care providers in the pur-  
7 suit of accreditation by an established national ac-  
8 crediting body with demonstrated, valid and reliable  
9 program standards of high quality.

10           “(10) Supporting State or local efforts to de-  
11 velop or adopt high-quality program standards relat-  
12 ing to health, mental health, nutrition, physical ac-  
13 tivity, and physical development and providing re-  
14 sources to enable eligible child care providers to  
15 meet, exceed, or sustain success in meeting or ex-  
16 ceeding such standards.

17           “(11) Carrying out other activities determined  
18 by the State to improve the quality of child care  
19 services provided in the State, and for which meas-  
20 urement of outcomes relating to improved provider  
21 preparedness, child safety, child well-being, or school  
22 readiness is possible.

23           “(c) CERTIFICATION.—Beginning with fiscal year  
24 2014, at the beginning of each fiscal year, the State shall  
25 annually submit to the Secretary a certification containing

1 an assurance that the State was in compliance with sub-  
2 section (a) during the preceding fiscal year and describes  
3 how the State used funds received under this subchapter  
4 to comply with subsection (a) during that preceding fiscal  
5 year.

6 “(d) REPORTING REQUIREMENTS.—Each State re-  
7 ceiving funds under this subchapter shall prepare and sub-  
8 mit an annual report to the Secretary, which shall include  
9 information about—

10 “(1) the amount of funds that are reserved  
11 under subsection (a);

12 “(2) the activities carried out under this sec-  
13 tion; and

14 “(3) the measures that the State will use to  
15 evaluate the State’s progress in improving the qual-  
16 ity of child care programs and services in the State.

17 “(e) TECHNICAL ASSISTANCE.—The Secretary shall  
18 offer technical assistance, in accordance with section  
19 658I(a)(3), which may include technical assistance  
20 through the use of grants or cooperative agreements, to  
21 States for the activities described in subsection (b).

22 “(f) CONSTRUCTION.—Nothing in this section shall  
23 be construed as providing the Secretary the authority to  
24 regulate, monitor, or dictate State child care quality activi-  
25 ties or progress in implementing those activities.”.



1 **SEC. 7. CRIMINAL BACKGROUND CHECKS.**

2 The Child Care and Development Block Grant Act  
3 of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting  
4 after section 658G the following:

5 **“SEC. 658H. CRIMINAL BACKGROUND CHECKS.**

6 “(a) IN GENERAL.—A State that receives funds to  
7 carry out this subchapter shall have in effect—

8 “(1) requirements, policies, and procedures to  
9 require and conduct criminal background checks for  
10 child care staff members (including prospective child  
11 care staff members) of child care providers described  
12 in subsection (c)(1); and

13 “(2) licensing, regulation, and registration re-  
14 quirements, as applicable, that prohibit the employ-  
15 ment of child care staff members as described in  
16 subsection (c).

17 “(b) REQUIREMENTS.—A criminal background check  
18 for a child care staff member under subsection (a) shall  
19 include—

20 “(1) a search of each State criminal and sex of-  
21 fender registry or repository in the State where the  
22 child care staff member resides and each State  
23 where such staff member resided during the pre-  
24 ceding 10 years;

25 “(2) a search of State-based child abuse and  
26 neglect registries and databases in the State where

1 the child care staff member resides and each State  
2 where such staff member previously resided during  
3 the preceding 10 years;

4 “(3) a search of the National Crime Informa-  
5 tion Center;

6 “(4) a Federal Bureau of Investigation finger-  
7 print check using the Integrated Automated Finger-  
8 print Identification System; and

9 “(5) a search of the National Sex Offender  
10 Registry established under the Adam Walsh Child  
11 Protection and Safety Act of 2006 (42 U.S.C.  
12 16901 et seq.).

13 “(c) PROHIBITIONS.—

14 “(1) CHILD CARE STAFF MEMBERS.—A child  
15 care staff member shall be ineligible for employment  
16 by a child care provider that is licensed, regulated,  
17 or registered by the State or for which assistance is  
18 provided in accordance with this subchapter, if such  
19 individual—

20 “(A) refuses to consent to the criminal  
21 background check described in subsection (b);

22 “(B) knowingly makes a materially false  
23 statement in connection with such criminal  
24 background check;

1           “(C) is registered, or is required to be reg-  
2 istered, on a State sex offender registry or the  
3 National Sex Offender Registry established  
4 under the Adam Walsh Child Protection and  
5 Safety Act of 2006 (42 U.S.C. 16901 et seq.);  
6 or

7           “(D) has been convicted of a felony con-  
8 sisting of—

9                   “(i) murder, as described in section  
10 1111 of title 18, United States Code;

11                   “(ii) child abuse or neglect;

12                   “(iii) a crime against children, includ-  
13 ing child pornography;

14                   “(iv) spousal abuse;

15                   “(v) a crime involving rape or sexual  
16 assault;

17                   “(vi) kidnapping;

18                   “(vii) arson;

19                   “(viii) physical assault or battery; or

20                   “(ix) subject to subsection (e)(4), a  
21 drug-related offense committed during the  
22 preceding 5 years.

23           “(2) CHILD CARE PROVIDERS.—A child care  
24 provider described in paragraph (1) shall be ineli-  
25 gible for assistance provided in accordance with this

1 subchapter if the provider employs a staff member  
2 who is ineligible for employment under paragraph  
3 (1).

4 “(d) SUBMISSION OF REQUESTS FOR BACKGROUND  
5 CHECKS.—

6 “(1) IN GENERAL.—A child care provider cov-  
7 ered by subsection (c) shall submit a request, to the  
8 appropriate State agency designated by a State, for  
9 a criminal background check described in subsection  
10 (b), for each child care staff member (including pro-  
11 spective child care staff members) of the provider.

12 “(2) STAFF MEMBERS.—Subject to paragraph  
13 (4), in the case of an individual who became a child  
14 care staff member before the date of enactment of  
15 the Child Care and Development Block Grant Act of  
16 2013, the provider shall submit such a request—

17 “(A) prior to the last day described in sub-  
18 section (i)(1); and

19 “(B) not less often than once during each  
20 5-year period following the first submission date  
21 under this paragraph for that staff member.

22 “(3) PROSPECTIVE STAFF MEMBERS.—Subject  
23 to paragraph (4), in the case of an individual who  
24 is a prospective child care staff member on or after

1 that date of enactment, the provider shall submit  
2 such a request—

3 “(A) prior to the date the individual be-  
4 comes a child care staff member of the pro-  
5 vider; and

6 “(B) not less often than once during each  
7 5-year period following the first submission date  
8 under this paragraph for that staff member.

9 “(4) BACKGROUND CHECK FOR ANOTHER  
10 CHILD CARE PROVIDER.—A child care provider shall  
11 not be required to submit a request under paragraph  
12 (2) or (3) for a child care staff member if—

13 “(A) the staff member received a back-  
14 ground check described in subsection (b)—

15 “(i) within 5 years before the latest  
16 date on which such a submission may be  
17 made; and

18 “(ii) while employed by or seeking em-  
19 ployment by another child care provider  
20 within the State; and

21 “(B) the State provides to the provider a  
22 qualifying background check result, consistent  
23 with this subchapter, for the child care staff  
24 member, who may have become separated from  
25 employment from a child care provider within

1           the State for a period of not more than 180  
2           consecutive days.

3           “(e) BACKGROUND CHECK RESULTS AND AP-  
4 PEALS.—

5           “(1) BACKGROUND CHECK RESULTS.—The  
6           State shall carry out the request of a child care pro-  
7           vider for a criminal background check as expedi-  
8           tiously as possible and shall provide the results of  
9           the criminal background check to such provider and  
10          to the current or prospective staff member.

11          “(2) PRIVACY.—

12                 “(A) IN GENERAL.—The State shall pro-  
13                 vide the results of the criminal background  
14                 check to the provider in a statement that indi-  
15                 cates whether a child care staff member (in-  
16                 cluding a prospective child care staff member)  
17                 is eligible or ineligible for employment described  
18                 in subsection (c), without revealing any dis-  
19                 qualifying crime or other related information  
20                 regarding the individual.

21                 “(B) INELIGIBLE STAFF MEMBER.—If the  
22                 child care staff member is ineligible for such  
23                 employment due to the background check, the  
24                 State will, when providing the results of the  
25                 background check, include information related

1 to each disqualifying crime, in a report to the  
2 staff member or prospective staff member.

3 “(C) PUBLIC RELEASE OF RESULTS.—No  
4 State shall publicly release or share the results  
5 of individual background checks, however such  
6 results of background checks may be included  
7 in the development or dissemination of local or  
8 statewide data related to background checks, if  
9 such results are not individually identifiable.

10 “(3) APPEALS.—

11 “(A) IN GENERAL.—The State shall pro-  
12 vide for a process by which a child care staff  
13 member (including a prospective child care staff  
14 member) may appeal the results of a criminal  
15 background check conducted under this section  
16 to challenge the accuracy or completeness of the  
17 information contained in such member’s crimi-  
18 nal background report.

19 “(B) APPEALS PROCESS.—The State shall  
20 ensure that—

21 “(i) the appeals process is completed  
22 in a timely manner for each child care  
23 staff member;

1           “(ii) each child care staff member  
2           shall be given notice of the opportunity to  
3           appeal; and

4           “(iii) a child care staff member will  
5           receive instructions about how to complete  
6           the appeals process if the child care staff  
7           member wishes to challenge the accuracy  
8           or completeness of the information in his  
9           or her criminal background report.

10           “(4) REVIEW.—The State may allow for a re-  
11           view process through which the State may determine  
12           that a child care staff member (including a prospec-  
13           tive child care staff member) disqualified for a crime  
14           specified in subsection (c)(1)(D)(ix) is eligible for  
15           employment described in subsection (c)(1), notwith-  
16           standing subsection (c). The review process shall be  
17           consistent with title VII of the Civil Rights Act of  
18           1964 (42 U.S.C. 2000e et seq.).

19           “(5) NO PRIVATE RIGHT OF ACTION.—Nothing  
20           in this section shall be construed to create a private  
21           right of action if the provider is in compliance with  
22           State regulations and requirements.

23           “(f) FEES FOR BACKGROUND CHECKS.—Fees that a  
24           State may charge for the costs of processing applications  
25           and administering a criminal background check as re-



1 quired by this section shall not exceed the actual costs to  
2 the State for the processing and administration.

3 “(g) CONSTRUCTION.—

4 “(1) DISQUALIFICATION FOR OTHER CRIMES.—

5 Nothing in this section shall be construed to prevent  
6 a State from disqualifying individuals as child care  
7 staff members based on their conviction for crimes  
8 not specifically listed in this section that bear upon  
9 the fitness of an individual to provide care for and  
10 have responsibility for the safety and well-being of  
11 children.

12 “(2) RIGHTS AND REMEDIES.—Nothing in this  
13 section shall be construed to alter or otherwise affect  
14 the rights and remedies provided for child care staff  
15 members residing in a State that disqualifies individ-  
16 uals as child care staff members for crimes not spe-  
17 cifically provided for under this subchapter.

18 “(h) DEFINITIONS.—In this section—

19 “(1) the term ‘child care provider’ means a cen-  
20 ter-based child care provider, a family child care  
21 provider, or another provider of child care services  
22 for compensation and on a regular basis that—

23 “(A) is not an individual who is related to  
24 all children for whom child care services are  
25 provided; and

1           “(B) is licensed, regulated, or registered  
2           under State law or receives assistance provided  
3           in accordance with this subchapter; and

4           “(2) the term ‘child care staff member’ means  
5           an individual (other than an individual who is re-  
6           lated to all children for whom child care services are  
7           provided)—

8           “(A) who is employed by a child care pro-  
9           vider for compensation;

10           “(B) whose activities involve the care or  
11           supervision of children for a child care provider  
12           or unsupervised access to children who are  
13           cared for or supervised by a child care provider;  
14           or

15           “(C) who is a family child care provider.

16           “(i) EFFECTIVE DATE.—

17           “(1) IN GENERAL.—A State that receives funds  
18           under this subchapter shall meet the requirements of  
19           this section for the provision of criminal background  
20           checks for child care staff members described in sub-  
21           section (d)(1) not later than the last day of the sec-  
22           ond full fiscal year after the date of enactment of  
23           the Child Care and Development Block Grant Act of  
24           1990.

1           “(2) EXTENSION.—The Secretary may grant a  
2           State an extension of time, of not more than 1 fiscal  
3           year, to meet the requirements of this section if the  
4           State demonstrates a good faith effort to comply  
5           with the requirements of this section.

6           “(3) PENALTY FOR NONCOMPLIANCE.—Except  
7           as provided in paragraphs (1) and (2), for any fiscal  
8           year that a State fails to comply substantially with  
9           the requirements of this section, the Secretary shall  
10          withhold 5 percent of the funds that would otherwise  
11          be allocated to that State in accordance with this  
12          subchapter for the following fiscal year.”.

13 **SEC. 8. REPORTS AND INFORMATION.**

14          (a) ADMINISTRATION.—Section 658I(a)(2) of the  
15          Child Care and Development Block Grant Act of 1990 (42  
16          U.S.C. 9858g(a)(2)) is amended by inserting a comma  
17          after “publish”.

18          (b) REPORTS.—Section 658K(a) of such Act (42  
19          U.S.C. 9858i(a)) is amended—

20                  (1) in paragraph (1)(B)—

21                          (A) in clause (ix), by striking “and” at the  
22                          end;

23                          (B) in clause (x), by striking the period  
24                          and inserting “; and”; and

1 (C) by inserting after clause (x), the fol-  
2 lowing:

3 “(xi) whether the children receiving  
4 assistance under this subchapter are home-  
5 less children;” and

6 (2) in paragraph (2)—

7 (A) in the matter preceding subparagraph  
8 (A), by striking “1997” and inserting “2014”;  
9 and

10 (B) in subparagraph (A), by striking “sec-  
11 tion 658P(5)” and inserting “section 658P(6)”.

12 (c) REPORT BY SECRETARY.—Section 658L of such  
13 Act (42 U.S.C. 9858j) is amended—

14 (1) by striking the section heading and insert-  
15 ing the following:

16 **“SEC. 658L. REPORTS, HOTLINE, AND WEB SITE.”;**

17 (2) by striking “Not later” and inserting the  
18 following:

19 “(a) REPORT BY SECRETARY.—Not later”;

20 (3) by striking “1998” and inserting “2015”;  
21 and

22 (4) by striking “to the Committee” and all that  
23 follows through “of the Senate” and inserting “to  
24 the Committee on Education and the Workforce of  
25 the House of Representatives and the Committee on

1 Health, Education, Labor, and Pensions of the Sen-  
2 ate”; and

3 (5) by adding at the end the following:

4 “(b) NATIONAL TOLL-FREE HOTLINE AND WEB  
5 SITE.—

6 “(1) IN GENERAL.—The Secretary shall operate  
7 a national toll-free hotline and Web site, to—

8 “(A) develop and disseminate publicly  
9 available child care consumer education infor-  
10 mation for parents and help parents access  
11 safe, affordable, and quality child care in their  
12 community; and

13 “(B) to allow persons to report (anony-  
14 mously if desired) suspected child abuse or ne-  
15 glect, or violations of health and safety require-  
16 ments, by an eligible child care provider that re-  
17 ceives assistance under this subchapter.

18 “(2) REQUIREMENTS.—The Secretary shall en-  
19 sure that the hotline and Web site meet the fol-  
20 lowing requirements:

21 “(A) REFERRAL TO LOCAL CHILD CARE  
22 PROVIDERS.—The Web site shall be hosted by  
23 ‘childcare.gov’. The Web site shall enable a  
24 child care consumer to enter a zip code and ob-  
25 tain a referral to local child care providers de-

1           scribed in subparagraph (B) within a specified  
2           search radius.

3           “(B) INFORMATION.—The Web site shall  
4           provide to consumers, directly or through link-  
5           ages to State databases, at a minimum—

6                   “(i) a localized list of all State li-  
7                   censed child care providers;

8                   “(ii) any provider-specific information  
9                   from a Quality Rating and Improvement  
10                  System or information about other quality  
11                  indicators, to the extent the information is  
12                  publicly available and to the extent prac-  
13                  ticable;

14                  “(iii) any other provider-specific infor-  
15                  mation about compliance with licensing,  
16                  and health and safety, requirements to the  
17                  extent the information is publicly available  
18                  and to the extent practicable;

19                  “(iv) referrals to local resource and  
20                  referral organizations from which con-  
21                  sumers can find more information about  
22                  child care providers, and a recommenda-  
23                  tion that consumers consult with the orga-  
24                  nizations when selecting a child care pro-  
25                  vider; and

1                   “(v) State information about child  
2                   care subsidy programs and other financial  
3                   supports available to families.

4                   “(C) NATIONWIDE CAPACITY.—The Web  
5                   site and hotline shall have the capacity to help  
6                   families in every State and community in the  
7                   Nation.

8                   “(D) INFORMATION AT ALL HOURS.—The  
9                   Web site shall provide, to parents and families,  
10                  access to information about child care 24 hours  
11                  a day.

12                  “(E) SERVICES IN DIFFERENT LAN-  
13                  GUAGES.—The Web site and hotline shall en-  
14                  sure the widest possible access to services for  
15                  families who speak languages other than  
16                  English.

17                  “(F) HIGH-QUALITY CONSUMER EDU-  
18                  CATION AND REFERRAL.—The Web site and  
19                  hotline shall ensure that families have access to  
20                  child care consumer education and referral serv-  
21                  ices that are consistent and of high quality.

22                  “(3) PROHIBITION.—Nothing in this subsection  
23                  shall be construed to allow the Secretary to compel  
24                  States to provide additional data and information  
25                  that is currently (as of the date of enactment of the

1 Child Care and Development Block Grant Act of  
2 2013) not publicly available, or is not required by  
3 this subchapter.”.

4 **SEC. 9. TOLL-FREE HOTLINE AND WEB SITE.**

5 Section 658O(a) of the Child Care and Development  
6 Block Grant Act of 1990 (42 U.S.C. 9858m(a)) is amend-  
7 ed by adding at the end the following:

8 “(3) NATIONAL TOLL-FREE HOTLINE AND WEB  
9 SITE.—The Secretary shall reserve not less than  
10 \$1,000,000 of the amount appropriated under this  
11 subchapter for each fiscal year for the operation of  
12 a national toll-free hotline and Web site, under sec-  
13 tion 658L(b).”.

14 **SEC. 10. DEFINITIONS.**

15 Section 658P of the Child Care and Development  
16 Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

17 (1) by striking paragraph (4) and inserting the  
18 following:

19 “(3) CHILD WITH A DISABILITY.—The term  
20 ‘child with a disability’ means—

21 “(A) a child with a disability, as defined in  
22 section 602 of the Individuals with Disabilities  
23 Education Act (20 U.S.C. 1401);

24 “(B) a child who is eligible for early inter-  
25 vention services under part C of the Individuals



1 with Disabilities Education Act (20 U.S.C.  
2 1431 et seq.);

3 “(C) a child who is less than 13 years of  
4 age and who is eligible for services under sec-  
5 tion 504 of the Rehabilitation Act of 1973 (29  
6 U.S.C. 794); and

7 “(D) a child with a disability, as defined  
8 by the State involved.

9 “(4) ELIGIBLE CHILD.—The term ‘eligible  
10 child’ means an individual—

11 “(A) who is less than 13 years of age;

12 “(B) whose family income does not exceed  
13 85 percent of the State median income for a  
14 family of the same size; and

15 “(C) who—

16 “(i) resides with a parent or parents  
17 who are working or attending a job train-  
18 ing or educational program; or

19 “(ii) is receiving, or needs to receive,  
20 protective services and resides with a par-  
21 ent or parents not described in clause (i).”;

22 (2) by redesignating paragraphs (5) through  
23 (9) as paragraphs (6) through (10), respectively;

24 (3) by inserting before paragraph (6), as redес-  
25 igned by paragraph (2), the following:

1           “(5) ENGLISH LEARNER.—The term ‘English  
2 learner’ means an individual who is limited English  
3 proficient, as defined in section 9101 of the Elemen-  
4 tary and Secondary Education Act of 1965 (20  
5 U.S.C. 7801) or section 637 of the Head Start Act  
6 (42 U.S.C. 9832).”;

7           (4) in paragraph (6)(A), as redesignated by  
8 paragraph (2)—

9           (A) in clause (i), by striking “section  
10 658E(c)(2)(E)” and inserting “section  
11 658E(c)(2)(F)”; and

12           (B) in clause (ii), by striking “section  
13 658E(c)(2)(F)” and inserting “section  
14 658E(c)(2)(I)”; and

15           (5) in paragraph (9), as redesignated by para-  
16 graph (2), by striking “designated” and all that fol-  
17 lows and inserting “designated or established under  
18 section 658D(a).”; and

19           (6) in paragraph (10), as redesignated by para-  
20 graph (2), by inserting “, foster parent,” after  
21 “guardian”.

○