

116TH CONGRESS
1ST SESSION

S. 1878

To establish universal child care and early learning programs.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2019

Ms. WARREN (for herself, Mr. BOOKER, Mr. MERKLEY, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish universal child care and early learning programs.

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 “Universal Child Care
5 and Early Learning Act”.

6 **TITLE I—CHILD CARE AND**
7 **EARLY LEARNING PROGRAMS**

8 **SEC. 101. STATEMENT OF PURPOSES.**

9 The purposes of this title are—

10 (1) to provide all young children with a fair and
11 full opportunity to reach their full potential, by es-

1 establishing and expanding programs, to create universal, comprehensive child care and early learning
2 programs that are available to all young children;

3
4 (2) to ensure that families can access affordable, high-quality child care and early learning programs regardless of circumstance;

5
6 (3) to promote the school readiness of all young
7 children by enhancing their cognitive, social, emotional,
8 and physical development—

9
10 (A) in a learning environment that supports
11 children's growth in language, literacy, mathematics, science, cognitive abilities, social
12 and emotional functioning, creative arts, physical
13 skills, and approaches to learning; and

14
15 (B) through the provision to children and
16 their families of health, educational, nutritional,
17 social, and other services that are determined,
18 based on family needs assessments, to be necessary;

19
20 (4) to recognize and build upon the experience
21 and success gained through the Head Start program,
22 the military child care program, and similar
23 efforts;

24
25 (5) to provide that decisions on the nature of such child care and early learning programs be made

1 at the community level with the full involvement of
2 parents, family members, and other individuals and
3 organizations in the community; and

4 (6) to establish the legislative framework for
5 child care and early learning services.

6 **SEC. 102. DEFINITIONS.**

7 For purposes of this title:

8 (1) CHILD CARE AND EARLY LEARNING PRO-
9 GRAM.—The term “child care and early learning
10 program” means any program that provides child
11 care and early learning services in child care and
12 early learning centers (including schools) or in fam-
13 ily child care homes.

14 (2) CHILD WITH A DISABILITY.—The term
15 “child with a disability” means—

16 (A) a child with a disability, as defined in
17 section 602(3) of the Individuals with Disabil-
18 ities Education Act (20 U.S.C. 1401(3)); and

19 (B) an infant or toddler with a disability,
20 as defined in section 632(5) of such Act (20
21 U.S.C. 1432(5)).

22 (3) COMMUNITY.—The term “community”
23 means a city, county, or multicity or multicounty
24 unit within a State, an Indian reservation (including
25 Indians in any nearby off-reservation area des-

1 ignated by an appropriate tribal government in con-
2 sultation with the Secretary), or a neighborhood or
3 other area (irrespective of boundaries or political
4 subdivisions) that provides a suitable organizational
5 base and possesses the commonality of interest need-
6 ed to operate a child care and early learning pro-
7 gram.

8 (4) COVERED CHILD.—The term “covered
9 child” means a child who—

10 (A) is—

11 (i) not younger than 6 weeks of age;
12 and

13 (ii) not yet required to attend school,
14 under the laws of compulsory school at-
15 tendance of the State in which the child re-
16 sides; and

17 (B) meets the requirements of regulations
18 issued under section 124.

19 (5) DUAL LANGUAGE LEARNER.—The term
20 “dual language learner” means a child who is ac-
21 quiring two or more languages at the same time, or
22 a child who is learning a second language while con-
23 tinuing to develop the child’s first language, includ-
24 ing a child who may also be identified by a State or
25 locality as “bilingual”, “an English language learn-

1 er”, “limited English proficient”, “an English learn-
2 er”, or a child who speaks a “language other than
3 English”.

4 (6) FAMILY LITERACY SERVICES.—The term
5 “family literacy services” means services that—

6 (A) are family literacy services, as defined
7 in section 637 of the Head Start Act (42
8 U.S.C. 9832); and

9 (B) meet the requirements of section 641A
10 of such Act (42 U.S.C. 9836a).

11 (7) FINANCIAL ASSISTANCE.—The term “finan-
12 cial assistance” includes assistance provided by
13 grant, agreement, or contract, for which payments
14 may be made in installments and in advance or by
15 way of reimbursement with necessary adjustments
16 on account of overpayments or underpayments.

17 (8) FULL-WORKING-DAY.—The term “full-work-
18 ing-day” means not less than 10 hours per day.
19 Nothing in this paragraph shall be construed to re-
20 quire an entity to provide services to a child who has
21 not reached the age of compulsory school attendance
22 for more than the number of hours per day per-
23 mitted by State law (including regulation) for the
24 provision of services to such a child.

1 (9) **HEALTH.**—The term “health”, when used
2 to refer to services or care provided to children en-
3 rolled in a child care and early learning program,
4 their parents, or their siblings, shall be interpreted
5 to refer to both physical and mental health.

6 (10) **HOMELESS CHILD.**—The term “homeless
7 child” means an individual described in section
8 725(2) of the McKinney-Vento Homeless Assistance
9 Act (42 U.S.C. 11434a(2)).

10 (11) **INDIAN.**—The term “Indian” means an in-
11 dividual who is—

12 (A) a member of an Indian tribe or band,
13 as membership is defined by the tribe or band,
14 including—

15 (i) any tribe or band terminated since
16 1940; and

17 (ii) any tribe or band recognized by
18 the State in which the tribe or band re-
19 sides;

20 (B) a descendant of an individual de-
21 scribed in subparagraph (A);

22 (C) considered by the Secretary of the In-
23 terior to be an Indian for any purpose;

24 (D) an Eskimo, Aleut, or other Alaska Na-
25 tive; or

(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect on October 19, 1994.

17 (15) LOCALITY.—The term “locality” means
18 any city, municipality, county, or other political sub-
19 division of a State having general governmental pow-
20 ers, or any combination of such political subdivi-
21 sions.

(16) LOW-INCOME.—The term “low-income”, used with respect to a child or other individual, means an individual in a family with a family in-

1 come that is not more than 200 percent of the pov-
2 erty line.

3 (17) MIGRANT OR SEASONAL CHILD CARE AND
4 EARLY LEARNING PROGRAM.—The term “migrant or
5 seasonal child care and early learning program”
6 means—

7 (A) with respect to services for migrant
8 farmworkers, a child care and early learning
9 program that serves families who are engaged
10 in agricultural labor and who have changed
11 their residence from one geographic location to
12 another in the preceding 2-year period; and

13 (B) with respect to services for seasonal
14 farmworkers, a child care and early learning
15 program that serves families who are engaged
16 primarily in seasonal agricultural labor and who
17 have not changed their residence to another ge-
18 ographic location in the preceding 2-year pe-
19 riod.

20 (18) MILITARY CHILD CARE PROGRAM.—The
21 term “military child care program” means the pro-
22 gram carried out under subchapter II of chapter 88
23 of title 10, United States Code.

24 (19) NATIVE HAWAIIAN.—The term “Native
25 Hawaiian” has the meaning given the term in sec-

1 tion 6207 of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 7517).

3 (20) POVERTY LINE.—The term “poverty line”
4 means the official poverty line (as defined by the Of-
5 fice of Management and Budget) based on the most
6 recent data available from the Bureau of the Cen-
7 sus—

8 (A) adjusted to reflect the percentage
9 change in the Consumer Price Index for All
10 Urban Consumers, issued by the Bureau of
11 Labor Statistics, during the annual or other in-
12 terval immediately preceding the date on which
13 such adjustment is made; and

14 (B) adjusted for family size.

15 (21) PROFESSIONAL DEVELOPMENT.—The
16 term “professional development” means the career-
17 pathway aligned mechanisms that contribute to en-
18 suring that a member of the early care and edu-
19 cation workforce, in any setting, has or is working
20 towards obtaining the degrees and other credentials
21 needed to demonstrate the necessary knowledge and
22 competencies for quality provision of child care and
23 early learning services.

24 (22) SCIENTIFICALLY VALID RESEARCH.—The
25 term “scientifically valid research” includes applied

1 research, basic research, and field-initiated research,
2 in which the rationale, design, and interpretation are
3 soundly developed in accordance with principles of
4 scientific research.

5 (23) SECRETARY.—The term “Secretary”
6 means the Secretary of Health and Human Services.

7 (24) STATE.—The term “State” means—

8 (A) a State, as defined in section 637 of
9 the Head Start Act; and

10 (B) the Republic of Palau—

11 (i) for each of fiscal years 2020
12 through 2024; and

13 (ii) (if legislation approving a new
14 agreement regarding United States assist-
15 ance for the Republic of Palau has not
16 been enacted by September 30, 2024), for
17 each subsequent fiscal year for which such
18 legislation has not been enacted.

19 (25) TRIBAL LAND.—The term “tribal land”
20 means a reservation, the land of an Indian tribe, or
21 land designated by Hawaii as under the control of
22 Native Hawaiians for purposes of this title.

23 (26) TRIBAL ORGANIZATION.—The term “tribal
24 organization” means—

23 (a) APPROPRIATIONS.—There are authorized to be
24 appropriated and there are appropriated to carry out this
25 title (other than the activities described in subsection (b)),

1 including meeting the entitlement requirements of section
2 111(b), such sums as may be necessary.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out activities under
5 sections 135, 136, 137, 138, 151, 152, and such adminis-
6 trative activities as the Secretary determines to be nec-
7 essary and appropriate to carry out this title,
8 \$500,000,000 for each of fiscal years 2020 through 2030.

9 **Subtitle A—Prime Sponsors and
10 Providers**

11 **SEC. 111. FINANCIAL ASSISTANCE FOR CHILD CARE AND
12 EARLY LEARNING PROGRAMS.**

13 (a) IN GENERAL.—The Secretary shall provide finan-
14 cial assistance for carrying out child care and early learn-
15 ing programs under this title to prime sponsors, to provide
16 family-centered services to children to promote their devel-
17 opment and learning, pursuant to plans and applications
18 approved in accordance with the provisions of this title.

19 (b) ENTITLEMENT.—Each covered child shall be enti-
20 tled to participate in a child care and early learning pro-
21 gram that meets the requirements of this title. The entitle-
22 ment shall not be a capped entitlement.

23 **SEC. 112. ALLOCATION OF FUNDS; PAYMENTS.**

24 (a) ALLOCATION TO ACTIVITIES.—The Secretary
25 shall allocate the amounts appropriated for carrying out

1 this title for any fiscal year after fiscal year 2019, in the
2 following manner:

3 (1) CHILD CARE AND EARLY LEARNING PRO-
4 GRAMS.—The amount made available under section
5 103(a) shall be used for the purpose of providing fi-
6 nancial assistance to carry out child care and early
7 learning programs under this title for covered chil-
8 dren, other than activities described in paragraph
9 (2).

10 (2) ADMINISTRATIVE AND ENHANCEMENT AC-
11 TIVITIES.—Of the amounts appropriated under sec-
12 tion 103(b)—

13 (A) such portion, but not less than 50 per-
14 cent, shall be used for the purpose of carrying
15 out activities under sections 135 and 136 and
16 such administrative activities as the Secretary
17 determines to be necessary and appropriate to
18 carry out this title;

19 (B) such portion, but not less than 20 per-
20 cent, shall be used for the purpose of carrying
21 out activities under section 151; and

22 (C) the remainder of such amounts shall
23 be used for the purpose of carrying out activi-
24 ties under sections 137, 138, and 152.

(3) FLEXIBILITY FOR EMERGENCY SUPPLEMENTAL FUNDING.—Notwithstanding paragraph (2), the Secretary may, after providing appropriate notice and written justification to Congress, redirect any amounts appropriated under section 103(b) as the Secretary determines to be necessary and appropriate to carry out section 151 for the purpose of carrying out activities under section 151.

9 (b) PUBLICATION.—As soon as practicable after
10 funds are appropriated under section 103(b) for any fiscal
11 year, the Secretary shall publish in the Federal Register
12 the amounts made available for that fiscal year to carry
13 out each of the activities described in subsection (a)(2).

14 (c) PAYMENTS.—

15 (1) IN GENERAL.—

1 cial assistance as may be necessary to carry out
2 this title. The Secretary may also withhold
3 funds otherwise payable under this title in order
4 to recover any amounts expended in the current
5 or immediately prior fiscal year in violation of
6 any provision of this title or any term or condition
7 of financial assistance under this title.

8 (2) FEDERAL SHARE.—

9 (A) IN GENERAL.—Except as provided in
10 subparagraphs (B) through (E) and section
11 151, the Federal share of the costs of providing
12 child care and early learning programs for cov-
13 ered children shall be not more than 80 per-
14 cent.

15 (B) LOW-INCOME CHILDREN.—The Fed-
16 eral share shall be 80 percent of the costs of
17 providing child care and early learning pro-
18 grams for low-income covered children.

19 (C) CHILDREN WHO ARE NOT LOW-IN-
20 COME.—The Federal share shall be 50 percent
21 of the costs of providing child care and early
22 learning programs for covered children who are
23 not low-income children.

24 (D) CHILDREN OF MIGRANT AND SEA-
25 SONAL FARMWORKERS.—The Secretary shall

1 pay for 100 percent of the costs of providing
2 child care and early learning programs for cov-
3 ered children of migrant and seasonal farm-
4 workers under this title.

5 (E) NATIVE AMERICAN CHILDREN.—The
6 Secretary shall pay each prime sponsor des-
7 ignated under section 113 for 100 percent of
8 the costs of providing child care and early
9 learning programs for covered children in In-
10 dian tribes and Native Hawaiian covered chil-
11 dren under this title.

12 (F) ADMINISTRATIVE AMOUNT.—When
13 making a payment described in paragraph (1)
14 to any prime sponsor for the Federal share of
15 the costs of providing a child care and early
16 learning program, the Secretary shall also make
17 a payment to the prime sponsor of not more
18 than 100 percent of the costs for staff and
19 other administrative expenses of the prime
20 sponsor, including such costs and expenses re-
21 lated to quality improvement (such as con-
22 ducting monitoring and training) and operating
23 the Child Care and Early Learning Council, but
24 not to exceed an amount which is reasonable

1 when compared with such costs and expenses
2 for other prime sponsors.

3 (3) RATE ANALYSIS.—

4 (A) PROCESS.—The Secretary shall, on the
5 basis of recommendations by an committee of
6 experts outside the Department of Health and
7 Human Services, establish and implement a
8 process for determining the costs described in
9 paragraph (1)(A) and ensuring that the re-
10 quirement of subparagraph (B) is met.

11 (B) SUFFICIENCY REQUIREMENT.—The
12 Secretary shall ensure that the Federal share
13 determined under paragraph (2) is sufficient to
14 ensure that a prime sponsor can meet all re-
15 quirements under this title, including the na-
16 tional program standards under section 121,
17 compensation provisions under section 136(b),
18 and provisions relating to comprehensive serv-
19 ices and access to services.

20 (4) NON-FEDERAL SHARE.—

21 (A) SOURCES.—The non-Federal share of
22 the costs described in paragraph (1) may be
23 provided through public or private funds (in-
24 cluding labor union or employer contributions)

1 and may be in cash or in kind, fairly evaluated,
2 including facilities, goods, or services.

3 (B) FEES FROM FAMILIES.—Fees collected
4 for services provided pursuant to section 114(j)
5 may be used toward the non-Federal share.
6 Such fees collected from a family may not ex-
7 ceed 7 percent of the family income, regardless
8 of the number of children served from that fam-
9 ily.

10 (C) EXCESS CONTRIBUTIONS.—If, with re-
11 spect to any fiscal year, a prime sponsor pro-
12 vides a non-Federal share, for any program
13 that exceeds its requirements for such a share,
14 such excess may be applied toward meeting the
15 requirements for such a share for the subse-
16 quent fiscal year under this title.

17 (d) MAINTENANCE OF EFFORT.—No State or locality
18 shall reduce its expenditures for child care and early learn-
19 ing programs (including home-based child care and early
20 learning programs) because of financial assistance pro-
21 vided under this title.

22 **SEC. 113. DESIGNATION OF PRIME SPONSORS.**

23 (a) AUTHORITY TO DESIGNATE.—

24 (1) QUALIFIED ENTITIES.—In accordance with
25 the provisions of this section, a State, locality, In-

1 dian tribe, tribal organization, or public or private
2 nonprofit agency or organization, meeting the re-
3 quirements of this title may be designated by the
4 Secretary as a prime sponsor for the purpose of en-
5 tering into arrangements to carry out child care and
6 early learning programs under this title.

7 (2) PRIME SPONSORSHIP PLANS.—An entity
8 may be designated by the Secretary as a prime spon-
9 sor for a period of fiscal years only pursuant to an
10 application in the form of a prime sponsorship plan
11 which was submitted by such entity and approved by
12 the Secretary in accordance with the provisions of
13 this title. At a minimum, the plan shall—

14 (A) describe the service area to be served
15 and how the program will be delivered;

16 (B) provide a comprehensive child care and
17 early learning plan, as described in section
18 114(b); and

19 (C) demonstrate that the entity has the
20 authority under its charter or applicable law to
21 receive and administer funds under this title,
22 funds and contributions from private or public
23 sources that may be used in support of a child
24 care and early learning program, and funds

1 under a Federal or State assistance program
2 that may be so used.

3 (3) APPROVAL.—No prime sponsorship plan, or
4 modification of the plan, submitted by an entity
5 under this section shall be approved by the Secretary
6 unless the Secretary determines, in accordance with
7 regulations which the Secretary shall prescribe,
8 that—

9 (A) the local educational agency for the
10 service area and other appropriate educational
11 and training agencies and institutions have had
12 an opportunity to submit comments to the enti-
13 ty and to the Secretary;

14 (B) appropriate officials from Indian tribes
15 or tribal organizations have had an opportunity
16 to submit comments to the entity and to the
17 Secretary; and

18 (C) the Governor of the State has had an
19 opportunity to submit comments to the entity
20 and to the Secretary.

21 (4) JOINT SUBMISSION.—In order to contribute
22 to the effective administration of this title, the Sec-
23 retary shall establish appropriate procedures to per-
24 mit an entity described in subsection (a)(1) and a
25 State to submit jointly a single comprehensive child

1 care and early learning plan for the service areas the
2 entity and State propose. If the Secretary approves
3 such a plan, the Secretary may designate the entity
4 as a prime sponsor, and the State as a prime spon-
5 sor, for the corresponding service areas.

6 (b) ADDITIONAL APPROVAL PROCEDURES.—

7 (1) LOCALITY OVER POPULATION THRESH-
8 OLD.—The Secretary shall approve a prime sponsor-
9 ship plan submitted by a locality if—

10 (A) the locality meets a population thresh-
11 old determined by the Secretary, except that
12 the Secretary may waive the population thresh-
13 old if it creates a barrier to providing child care
14 and early learning services in a service area of
15 a specified type, such as a rural region;

16 (B) the plan meets the requirements of
17 subsection (a) and includes adequate provisions
18 for carrying out child care and early learning
19 programs in the area of such locality; and

20 (C) the locality is a—

21 (i) city;

22 (ii) county; or

23 (iii) other unit of general local govern-
24 ment, including a local educational agency,
25 as defined in section 8101 of the Elemen-

(2) LOCALITIES WITH COMMON GEOGRAPHICAL AREA.—In the event that the area under the jurisdiction of a unit of general local government described in clause (i), (ii), (iii), or (iv) of paragraph (1)(C) includes any common geographical area with the geographical area covered by another such unit of general local government, the Secretary shall designate to serve such common area the unit of general local government that—

15 (B) has submitted a plan which meets the
16 requirements of subsection (a) and includes
17 adequate provisions for carrying out child care
18 and early learning programs in such area.

19 (3) LOCALITIES.—

1 ering the area of such locality, by a combination
2 of localities which are adjoining and possess a
3 sufficient commonality of interest.

4 (B) APPROVAL.—The Secretary shall ap-
5 prove a prime sponsorship plan submitted by
6 such a combination of localities, if the Secretary
7 determines that the plan so submitted meets
8 the requirements of subsection (a) and includes
9 adequate provisions for carrying out child care
10 and early learning programs in the area covered
11 by the combination of such localities.

12 (4) INDIAN TRIBES AND TRIBAL ORGANIZA-
13 TIONS.—The Secretary shall approve a prime spon-
14 sorship plan submitted by an Indian tribe or tribal
15 organization if the Secretary determines that the
16 plan so submitted meets the requirements of sub-
17 section (a) and includes adequate provisions for car-
18 rying out child care and early learning programs in
19 the area to be served.

20 (5) STATES.—The Secretary shall approve a
21 prime sponsorship plan submitted by a State if the
22 Secretary determines that the plan so submitted—

23 (A) meets the requirements of subsection
24 (a);

(B) includes adequate provisions for carrying out child care and early learning programs in the area to be served;

(C) contains a commitment to coordinating the State's early childhood programs to create a cohesive system, for children from birth to entry into kindergarten, for providing child care and early learning services;

(D) demonstrates that the State can deliver a child care and early learning program that ensures coverage of—

(i) the entire State; or

(ii) the portions of the State that are proposed to be covered by other entities submitting applications under subsection (a)(2); and

(E) demonstrates that the State can deliver such a program with sufficient local administration, governance and input.

(6) TWO PHASES OF APPLICATION REVIEW —

(A) IN GENERAL.—The Secretary shall establish two phases of review for applications in the form of prime sponsorship plans. Entities submitting such applications for the first phase

1 of review shall be given preference for designation
2 under subsection (a).

3 (B) FIRST PHASE.—States, Indian tribes,
4 tribal organizations, entities applying to carry
5 out migrant or seasonal child care and early
6 learning programs, and entities and States submit-
7 ting applications jointly may submit applica-
8 tions described in subparagraph (A) for the
9 first phase of application review.

10 (C) SECOND PHASE.—Localities, public or
11 private nonprofit agencies or organizations, and
12 entities described in subparagraph (B) may
13 submit applications described in subparagraph
14 (A) for the second phase of application review.

15 (c) DISAPPROVAL; WITHDRAWAL OF APPROVAL.—A
16 prime sponsorship plan submitted under this section may
17 be disapproved or a prior designation of a prime sponsor
18 may be withdrawn only if the Secretary, in accordance
19 with regulations which the Secretary shall prescribe, has
20 provided—

21 (1) written notice of intention to disapprove
22 such plan or withdraw such designation, including a
23 statement of the reasons;

7 (d) UNSERVED AREAS.—In the event that a prime
8 sponsorship plan has not been submitted or approved, if
9 a prime sponsor designation has been withdrawn, or if the
10 needs of seasonal and migrant farmworkers, minority
11 groups, or low-income individuals are not being met, for
12 a service area, the Secretary may enter into an agreement
13 with an organization, such as a national nonprofit organi-
14 zation, to serve as the prime sponsor for such an area.
15 The Secretary shall meet the requirements described in
16 subsection (g) before entering into the agreement.

17 (e) DESIGNATION RENEWAL —

18 (1) DESIGNATION RENEWAL.—A prime sponsor
19 shall obtain renewal of the designation of the prime
20 sponsor not more frequently than every 3 years and
21 not less frequently than every 5 years.

1 ering a high-quality and comprehensive child care
2 and early learning program that meets the health,
3 educational, nutritional, and social needs of the chil-
4 dren and families it serves, and meets program and
5 financial management requirements and standards
6 described in section 121(a), and governance and
7 legal requirements.

8 (f) PROHIBITION AGAINST ENTITIES OTHER THAN
9 INDIAN TRIBES OR TRIBAL ORGANIZATIONS RECEIVING
10 A GRANT FOR A CHILD CARE AND EARLY LEARNING PRO-
11 GRAM ON INDIAN LAND.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law, except as provided in paragraph
14 (2), under no condition may an entity other than an
15 Indian tribe or tribal organization receive a grant to
16 carry out a child care and early learning program on
17 tribal land.

18 (2) EXCEPTIONS.—

19 (A) NO INDIAN TRIBE OR TRIBAL ORGANI-
20 ZATION AVAILABLE.—In a service area in which
21 there is no Indian tribe or tribal organization
22 available for designation to carry out an child
23 care and early learning program on Indian
24 land, an entity that is not a tribal organization
25 may receive a grant to carry out an child care

1 and early learning program on Indian land, but
2 only until such time as an Indian tribe or tribal
3 organization in such service area becomes avail-
4 able and is designated pursuant to this section.

5 (B) JOINT PRIME SPONSORS.—For a serv-
6 ice area that consists of any non-reservation In-
7 dian land, if the Indian tribe or tribal organiza-
8 tion involved is not interested in serving or does
9 not have the capacity to serve the entire service
10 area, the Indian tribe or tribal organization
11 may work with another prime sponsor to jointly
12 serve as prime sponsors for the service area.

13 (g) FAMILY, CHILD CARE WORKER, AND COMMU-
14 NITY PARTICIPATION.—The Secretary shall—

15 (1) significantly involve parents, family mem-
16 bers, family child care home providers, child care
17 and early learning staff, labor unions, and commu-
18 nity residents in the service area for the program in-
19 volved, in the process for designation of prime spon-
20 sors; and

21 (2) ensure that the persons selected to be in-
22 volved in that process shall reflect the diversity of
23 the service area, with respect to income, culture,
24 race and ethnicity, language, and status as a mi-

1 grant or seasonal farmworker, Indian, or Native Ha-
2 waiian.

3 **SEC. 114. POWERS AND FUNCTIONS OF PRIME SPONSORS.**

4 (a) AUTHORITY.—If an entity has been designated as
5 a prime sponsor under this title—

6 (1) the entity may receive and administer funds
7 under this title, funds and contributions from pri-
8 vate or local public sources that may be used in sup-
9 port of a child care and early learning program, and
10 funds under a Federal or State assistance program
11 related to the provision of child care and early learn-
12 ing services;

13 (2) the entity may transfer funds so received,
14 and delegate powers to other agencies, subject to the
15 powers of its governing board and its overall pro-
16 gram responsibilities;

17 (3) the entity's power to transfer funds and del-
18 egate powers shall include the power to make trans-
19 fers and delegations for services in all cases where
20 the transfers and delegations will contribute to effi-
21 ciency and effectiveness or otherwise further pro-
22 gram objectives; and

23 (4) the entity may set up a process to negotiate
24 wages, benefits, hours, and working conditions of

1 teachers and other staff in the corresponding child
2 care and early learning program.

3 (b) COMPREHENSIVE CHILD CARE AND EARLY
4 LEARNING PLANS.—

5 (1) IN GENERAL.—Financial assistance under
6 this title may be provided by the Secretary to an en-
7 tity that is a prime sponsor designated pursuant to
8 section 113 only pursuant to an application in the
9 form of a comprehensive child care and early learn-
10 ing plan which was submitted annually by such enti-
11 ty and approved by the Secretary in accordance with
12 the provisions of this title.

13 (2) CONTENTS.—Any such plan shall set forth
14 a comprehensive proposal, for providing child care
15 and early learning services in the service area,
16 which—

17 (A) assesses all child care and early learn-
18 ing needs and goals within the area and the ap-
19 plicant's proposal for addressing those needs;

20 (B) describes how the entity will provide
21 comprehensive health, mental health, education,
22 parental or family member involvement, nutri-
23 tional, social, and other services for the children
24 that need child care and early learning services,
25 including appropriate screening and referrals

1 for children with challenging behaviors and
2 other mental health needs;

3 (C) provides that services are full-working-
4 day and full calendar year long, and ensures
5 that the available hours of services are respon-
6 sive to the needs of families in the service area,
7 including, as appropriate, nonstandard hour
8 care;

9 (D) describes how the prime sponsor will
10 guarantee all children in the service area access
11 to the child care and early learning program
12 and use funds provided under section 112(a)(1)
13 for child care and early learning services;

14 (E) describes how the prime sponsor will
15 promote children's mental health, social and
16 emotional well-being, and overall health, by pro-
17 viding supports for positive learning environ-
18 ments for the children, including—

19 (i) strategies for supporting children
20 with challenging behaviors and other so-
21 cial, emotional, and mental health con-
22 cerns; and

23 (ii) teacher training and mental health
24 consultations;

(F) includes a policy on suspension and expulsion that—

(ii) prohibits expelling or unenrolling a child from the program because of the child's behavior; and

(iii) provides that, in the case of a child exhibiting persistent and serious challenging behaviors, the program provider will—

14 (I) explore all possible steps and
15 document all steps taken to address
16 such behaviors:

(II) make efforts to facilitate the child's safe participation in the program; and

1 child, work with the parents to di-
2 rectly facilitate the transition of the
3 child to a more appropriate place-
4 ment;

5 (G) provides that funds received under sec-
6 tion 112(a)(1) will be used for a child care and
7 early learning program for covered children;

8 (H) describes how, in the case of a prime
9 sponsor located within or adjacent to a metro-
10 politan area, the prime sponsor will coordinate
11 activities with other prime sponsors located
12 within such metropolitan area;

13 (I) provides that, to the extent feasible, the
14 child care and early learning program will in-
15 clude children from a range of socioeconomic
16 backgrounds, and that children will have access
17 to all child care and early learning service pro-
18 viders in the service area, with priority given to
19 the provider preferences stated by the parents
20 and family members of low-income children;

21 (J) ensures that, where socioeconomic di-
22 versity of children among providers in the serv-
23 ice area cannot be achieved, the share of pro-
24 gram costs not covered through the Federal
25 share or program fees does not fall on a single

1 provider or a subset of providers within the
2 service area;

3 (K) provides that services will be cul-
4 turally, linguistically, and developmentally ap-
5 propriate;

6 (L) provides that services will take into ac-
7 count the unique needs of communities, fami-
8 lies, and children in the service area, including
9 low-income children, children with incarcerated
10 parents, homeless children, and children who
11 are dual language learners;

12 (M) describes a system for offering child
13 care and early learning options, for facilitating
14 the selection of such an option, and for enroll-
15 ment of children, which may include estab-
16 lishing and operating a website for families;

17 (N) describes how the prime sponsor will
18 conduct outreach to all families in the service
19 area and referrals, using the appropriate me-
20 dium for families who speak a language other
21 than English;

22 (O) provides equitably for the child care
23 and early learning needs of all covered children
24 within the service area, and promotes equity
25 and addresses disparities in the provision of

1 services, including equity and disparities related
2 to income, culture, race and ethnicity, language,
3 or status as a child of a migrant or seasonal
4 farmworker, as a child belonging to an Indian
5 tribe, or as a Native Hawaiian child;

6 (P) provides, insofar as possible, for co-
7 ordination of the child care and early learning
8 program with other social programs;

9 (Q) provides for—

10 (i) direct participation of parents,
11 family members, and child care and early
12 learning program staff, including teachers
13 and paraprofessionals, in the conduct of
14 overall direction of, decisionmaking for,
15 and evaluation of the child care and early
16 learning program; and

17 (ii) sufficient support for the persons
18 described in clause (i) to participate in the
19 activities described in clause (i);

20 (R) provides to the extent feasible for the
21 employment as both professionals and para-
22 professionals of residents in the service area in
23 a way that takes into account the cultural, ra-
24 cial and ethnic, and linguistic diversity of the
25 families served;

(S) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

(T) provides that, insofar as possible, persons residing in the service area will receive jobs, including in-home and part-time jobs, and opportunities for training in programs under sections 135 and 136, with special consideration for career opportunities for low-income individuals;

(U) provides for the regular and frequent dissemination of information in the language of those to be served, to assure that parents, family members, and interested persons in the service area are fully informed of services available through the child care and early learning program, and of the activities of the prime sponsor's Child Care and Early Learning Council;

(V) provides for coordination with administrators of programs and services that are related to child care and early learning programs and services and that are not funded through this title, including programs conducted under the auspices of or with the support of business

1 or financial institutions or organizations, industry,
2 labor unions, employee or labor-management
3 organizations, or other community groups;

4 (W) as applicable, describes any arrangements
5 for the delegation, under the supervision
6 of the Child Care and Early Learning Council,
7 to public or private agencies or organizations,
8 of responsibilities for the delivery of child care
9 and early learning services for which financial
10 assistance is provided under this title or for
11 planning or evaluation services to be made
12 available with respect to a child care and early
13 learning program under this title;

14 (X) contains plans for regularly conducting
15 surveys and analyses of needs for the child care
16 and early learning program in the service area
17 and for submitting to the Secretary a comprehensive
18 annual report and evaluation in such form and containing such information as the
19 Secretary shall require by regulation;

21 (Y) provides that—

22 (i) services for children with disabilities
23 at the State, tribal, and local levels
24 will be available, in the child care and early

1 learning program approved under the plan;
2 and
3 (ii) formal linkages are in place be-
4 tween the program and providers of early
5 intervention services for infants and tod-
6 dlers with disabilities;

7 (Z) provides assurances satisfactory to the
8 Secretary that the non-Federal share require-
9 ments described in section 112(c) will be met;

10 (AA) provides for such fiscal control, fiscal
11 staffing, and funding accounting procedures as
12 the Secretary may prescribe to assure proper
13 disbursement of and accounting for Federal
14 funds paid to the prime sponsor;

15 (BB) provides that the child care and early
16 learning program, or services within the pro-
17 gram, under this title shall be provided only for
18 children whose parents or legal guardians have
19 requested the services;

20 (CC) sets forth satisfactory provisions for
21 establishing, consistent with subsection (d)(1),
22 and maintaining a Child Care and Early Learn-
23 ing Council which meets the requirements of
24 subsection (d);

1 (DD) provides verification that the sponsor
2 and its delegate providers—

3 (i) will recognize and bargain with
4 labor unions representing family child care
5 home providers, teachers and other staff of
6 child care and early learning programs in
7 order to meet the requirements set forth in
8 section 136 and for other purposes; and

9 (ii) will not assist in, promote, or
10 deter labor union organizing;

11 (EE) provides an annual technical assist-
12 ance and training plan;

13 (FF) provides for collection and reporting
14 of program performance data in both an aggre-
15 gate form and disaggregated by family income,
16 culture, race and ethnicity, and primary lan-
17 guage;

18 (GG) documents a written affirmation,
19 signed by the appropriate officials from Indian
20 tribes or tribal organizations approved by the
21 tribes or Native Hawaiian groups, which recog-
22 nizes that the prime sponsor has engaged in
23 timely and meaningful consultation with the ap-
24 propriate officials from Indian tribes or tribal
25 organizations if—

(ii) the prime sponsor is not an Indian tribe or tribal organization;

(HH) provides that services will be provided with a holistic and multi-generational approach that includes promoting the well-being of pregnant women and engaging expectant parents during prenatal and early months;

(JJ) describes how the sponsor will implement a process in which, through their labor unions, family child care home providers and child care and early learning center staff participate in a collective process to set wages, benefits, hours, and minimum standards for working conditions;

(KK) describes how the sponsor will ensure that family child care home providers, including teachers and other staff of family child care home providers, and teachers and other staff at a child care and early learning center (including employees of a delegate provider) are paid compensation that meets the requirements of section 136(b);

9 (LL) provides that the sponsor will provide
10 teachers and other staff with supports that are
11 high-quality, research-based, and rooted in
12 adult learning theory;

(MM) provides that the program will be accessible to, and that staff will receive training on working with, children with disabilities and parents with disabilities; and

17 (NN) meets any other requirements or
18 provides any information the Secretary requires
19 by regulation.

20 (c) USES.—The Secretary shall provide the financial
21 assistance to a prime sponsor, for the planning, conduct,
22 administration, and evaluation of a child care and early
23 learning program that delivers services in accordance with
24 the requirements of the comprehensive child care and early

1 learning plan specified under subsection (b), and for im-
2 plementing the following activities:

3 (1)(A) Provide for family member and commu-
4 nity involvement, including the involvement of par-
5 ents, family members, community residents, current
6 or future staff of a child care and early learning pro-
7 gram, and local businesses, in the design and imple-
8 mentation of the program.

9 (B) The prime sponsor shall—

10 (i) provide for the involvement in a manner
11 that recognizes parents as their children's pri-
12 mary teachers and nurturers; and

13 (ii) implement intentional strategies to en-
14 gage parents in their children's learning and de-
15 velopment and support parent-child relation-
16 ships.

17 (2) Provide for implementing additional activi-
18 ties, other than the activities described in paragraph
19 (1), that the Secretary determines to be appropriate
20 by regulation, which additional activities may in-
21 clude—

22 (A) activities to support family well-being
23 related to family safety, health, and economic
24 stability, including substance abuse counseling
25 (either directly or through referral to local enti-

1 ties), which may include providing information
2 on the effect of prenatal exposure to drugs and
3 alcohol; and

4 (B) other activities designed to facilitate a
5 partnership in the program with parents in sup-
6 porting the development and early learning of
7 their child, including providing—

8 (i) training in basic child care and
9 early learning (including cognitive, social,
10 and emotional development);

11 (ii) assistance in developing adult or
12 family literacy and communication skills;

13 (iii) opportunities to share experiences
14 with other parents (including parent-men-
15 tor relationships);

16 (iv) health services, including informa-
17 tion on maternal depression;

18 (v) regular in-home visitation; or

19 (vi) family literacy services.

20 (3) Provide, with respect to each participating
21 family, a family needs assessment that includes con-
22 sultation with the parents (including, in this para-
23 graph, foster parents, grandparents, and kinship
24 caregivers, where applicable) in the family's pre-
25 ferred language or through an interpreter, to the ex-

1 tent practicable, and ensure parents have the opportunity
2 to share personal information in an environment in which the parents feel safe.

4 (4) Provide to parents of dual language learners
5 outreach and information, in an understandable and
6 uniform format and, to the extent practicable, in a
7 language that the parents can understand.

8 (5) Promote the continued partnership in the
9 program of the parents (including, in this para-
10 graph, foster parents, grandparents, and kinship
11 caregivers, as appropriate) of children that partici-
12 pate in child care and early learning programs in the
13 education of their children upon transition of their
14 children to school, by working with the local edu-
15 cational agency—

16 (A) to implement strategies and activities,
17 including providing information and training to
18 the parents—

19 (i) to help parents advocate for and
20 promote successful transitions to kinder-
21 garten for their children, including helping
22 parents continue to be involved in the edu-
23 cation and development of their child, and
24 to help parents understand and prepare to

1 exercise their rights and responsibilities
2 concerning the education of their children;

3 (ii) in the case of parents with chil-
4 dren who receive services under section
5 619 or part C of the Individuals with Dis-
6 abilities Education Act (20 U.S.C. 1419,
7 1431 et seq.), to collaborate with the par-
8 ents, and the local agency responsible for
9 providing such services, to support the
10 children and parents in transitioning to a
11 new setting in elementary school; and

12 (iii) to prepare parents—

13 (I) to understand and work with
14 schools in order to communicate with
15 teachers and other school personnel;

16 (II) to continue to support their
17 children's learning, in an elementary
18 school setting; and

19 (III) to participate as appro-
20 priate in decisions relating to the edu-
21 cation of their children and advocate
22 for their children's needs; and

23 (B) to advocate for the local educational
24 agency to ensure that schools have a process in
25 place to take other actions, as appropriate and

1 feasible, to support the active involvement of
2 the parents with schools, school personnel, and
3 school-related organizations.

4 (6) Establish effective procedures for timely re-
5 ferral of children with disabilities to the State or
6 local agency providing services under section 619 or
7 part C of the Individuals with Disabilities Education
8 Act (20 U.S.C. 1419, 1431 et seq.), and collabora-
9 tion with that agency.

10 (7) Establish effective procedures—

11 (A) for providing necessary early interven-
12 tion services and special education and related
13 services to children with developmental delays
14 and disabilities prior to an eligibility determina-
15 tion by the State or local agency responsible for
16 providing services under section 619 or part C
17 of such Act; and

18 (B) in the case of a child for whom an
19 evaluation determines that the child is not eligi-
20 ble for early intervention services or special
21 education and related services under the Indi-
22 viduals with Disabilities Education Act (20
23 U.S.C. 1400), but who has a documented sig-
24 nificant delay, for partnering with parents to
25 help the parents access services and supports to

1 help address the child's identified needs through
2 health insurance or other means.

3 (8) Ensure that each family with a covered
4 child who requests a placement receives one in the
5 service area and, in making the placement, recognize
6 and take into account the family's needs regarding
7 setting (such as a family child care home or center-
8 based setting), cultural and linguistic preferences,
9 operating schedule, and preferences on location.

10 (9) Provide both center-based and family child
11 care home options for child care and early learning
12 services to families.

13 (d) PROGRAM GOVERNANCE.—

14 (1) ADVISORY COUNCIL.—Upon receiving des-
15 ignation as a prime sponsor, the prime sponsor shall
16 establish a Child Care and Early Learning Advisory
17 Council (referred to in this section as a “Council”)
18 and maintain the Council to advise the prime spon-
19 sor and assist in the coordination of program serv-
20 ices and implementation.

21 (2) STATE COUNCIL.—In the event that the
22 prime sponsor is a State, the Council shall coordi-
23 nate activities with the State Advisory Council on
24 Early Childhood Education and Care designated or

1 established under section 642B(b) in the Head Start
2 Act (42 U.S.C. 9837b(b)).

3 (3) OVERALL COMPOSITION.—

4 (A) IN GENERAL.—The Secretary shall es-
5 tablish the composition requirements for the
6 Council ensuring that the Council has represen-
7 tation of—

- 8 (i) parents or family members of chil-
9 dren served by child care and early learn-
10 ing programs;
- 11 (ii) staff and providers of child care
12 and early learning programs, or their rep-
13 resentatives; and
- 14 (iii) other relevant stakeholders.

15 (B) REPRESENTATION.—Members of the
16 Council shall reflect the population served by
17 the prime sponsor, with respect to income, cul-
18 ture, race and ethnicity, language, and status
19 as a migrant or seasonal farmworker, Indian, or
20 Native Hawaiian.

21 (4) CHAIRPERSON.—Each Council shall select
22 its own chairperson, from among the members of the
23 Council.

24 (5) CONFLICT OF INTEREST.—

2 shall—

(ii) not receive compensation for serving on the Council or for providing services to the prime sponsor;

(iv) as a Council, operate as an entity independent of staff employed by the prime sponsor.

(6) RESPONSIBILITIES.—The Council shall provide regular advice and guidance to the prime sponsor on the basic goals, policies, actions, and procedures, at a basic level, for the prime sponsor relating to the child care and early learning program involved, including policies with respect to planning, general supervision and oversight, overall coordination, personnel, budgeting, funding, and monitoring and evaluation, of the programs.

15 (e) PROGRAM GOVERNANCE ADMINISTRATION.—

1 (3) TRAINING AND TECHNICAL ASSISTANCE.—

2 Appropriate training and technical assistance shall
3 be provided to the members of the Council to ensure
4 that the members understand the information the
5 members receive and can effectively oversee and par-
6 ticipate in the child care and early learning program
7 of the prime sponsor.

8 (f) COLLABORATION AND COORDINATION.—On re-
9 ceiving designation as a prime sponsor, the prime sponsor
10 shall ensure that the child care and early learning program
11 is implemented in a way that promotes collaboration and
12 coordination with public and private entities, to the max-
13 imum extent practicable, to improve the availability and
14 quality of services to children and families, including im-
15 plementing each of the following activities:

16 (1) Conduct outreach to schools in which chil-
17 dren participating in the child care and early learn-
18 ing program will enroll following the program, local
19 educational agencies, the local business community,
20 community-based organizations, faith-based organi-
21 zations, museums, health care providers, and librар-
22 ies to generate support and leverage the resources of
23 the entire local community in order to improve
24 school readiness.

1 (2) Coordinate activities and collaborate with
2 entities (including providers) carrying out programs
3 under the Child Care and Development Block Grant
4 Act of 1990 (42 U.S.C. 9858 et seq.), section 106
5 of the Child Abuse Prevention and Treatment Act
6 (42 U.S.C. 5106a), parts B and E of title IV of the
7 Social Security Act (42 U.S.C. 621 et seq., 670 et
8 seq.), subtitle B of title VII of the McKinney-Vento
9 Homeless Assistance Act (42 U.S.C. 11431 et seq.),
10 section 619 and part C of the Individuals with Dis-
11 abilities Education Act (20 U.S.C. 1419, 1431 et
12 seq.), or the Head Start Act (42 U.S.C. 9831 et
13 seq.), and other entities providing early childhood
14 education and development programs or services.

15 (3) Take steps to coordinate activities with the
16 local educational agency serving the service area in-
17 volved and with schools in which children partici-
18 pating in the child care and early learning program
19 will enroll following the program, including—

20 (A) collaborating on the shared use of
21 transportation and facilities, in appropriate
22 cases;

23 (B) collaborating to reduce the duplication
24 and enhance the efficiency of services while in-
25 creasing the program participation; and

(C) exchanging information on the provision of noneducational services.

3 (4) If there is a public preschool program in the
4 service area that is not a prime sponsor nor a partic-
5 ipant in the child care and early learning program,
6 enter into a memorandum of understanding with the
7 local entity responsible for managing the preschool
8 program, not later than 1 year after the date of en-
9 actment of this Act, that shall—

10 (A)(i) provide for a review of each of the
11 activities described in clause (ii); and

14 (I) educational activities, curricular
15 objectives, and instruction;

(III) selection priorities for eligible children to be served by the child care and early learning program or any of the preschool programs;

(IV) service areas:

1 (V) staff training, including opportu-
2 nities for joint staff training on topics such
3 as academic content standards, instruc-
4 tional methods, curricula, and social and
5 emotional development;

(VI) program technical assistance;

(VII) provision of additional services to meet the needs of parents or family members, as applicable;

(VIII) communications and outreach to parents and family members for smooth transitions to kindergarten as required in paragraphs (3) and (6) of section 122(a);

14 (IX) provision and use of facilities,
15 transportation, and other program ele-
16 ments; and

(C) be revised periodically and renewed bi-
ennially by the parties to such memorandum, in
alignment with the beginning of the school year.

The requirements of the preceding sentence shall not apply where the local entity responsible for managing the public preschool program is unable or unwilling to enter into such a memorandum, and the prime sponsor shall inform the Secretary and the State Director of Child Care and Early Learning Program Collaboration of such inability or unwillingness.

12 (g) STANDARDS, CURRICULA, AND ASSESSMENT.—

13 On receiving designation as a prime sponsor, the prime
14 sponsor shall ensure that the child care and early learning
15 program will—

20 (2) meet the national program standards set
21 forth in section 121(a);

1 (A) promotes young children's school read-
2 iness in the areas listed in section
3 121(a)(4)(A)(ii);

4 (B) is based on scientifically valid research
5 and has standardized training procedures and
6 curriculum materials to support implementa-
7 tion;

8 (C) is comprehensive and linked to an on-
9 going assessment and aligned with State early
10 learning standards, within the meaning of sec-
11 tion 637 of the Head Start Act (42 U.S.C.
12 9832), which is conducted not more than twice
13 a year, with developmental and learning goals
14 and measurable objectives; and

15 (D) is focused on improving the learning
16 environment, teaching practices, parent and
17 family member involvement, and child outcomes
18 across all areas of development;

19 (4) implement effective interventions and sup-
20 port services that help promote the school readiness
21 of children participating in the child care and early
22 learning program involved;

23 (5) use research-based assessment methods, in-
24 cluding such methods that provide proven results re-
25 gardless of culture, race or ethnicity, or language

1 spoken at home, in order to support the educational
2 instruction and school readiness of children in the
3 program;

4 (6) use research-based developmental screening
5 tools that have been demonstrated to be—

6 (A) standardized, reliable, valid, and accu-
7 rate for the child being assessed, to the max-
8 imum extent practicable; and

9 (B) age, developmentally, culturally, and
10 linguistically appropriate, for the child and, if
11 relevant, appropriate for children with disabil-
12 ties;

13 (7) adopt, in consultation with experts in child
14 care and early learning and with classroom teachers,
15 a non-punitive evaluation to assess classroom teach-
16 ers and to inform professional development plans, as
17 appropriate, that leads to improved teacher effective-
18 ness;

19 (8) establish goals and measurable objectives
20 for the provision of health, educational, nutritional,
21 social services, and other services provided under
22 this title and related to the program mission and to
23 promoting school readiness;

1 (9) develop procedures for identifying and pro-
2 moting the language knowledge and skills of dual
3 language learner children; and

4 (10) not use funds to develop or implement an
5 assessment for children that—

6 (A) will be used as the sole basis for a
7 child care and early learning provider being de-
8 termined to be ineligible to participate in the
9 program carried out under this title;

10 (B) will be used as the primary or sole
11 basis for providing a reward or sanction for an
12 individual provider;

13 (C) will be used as the primary or sole
14 basis for assessing program effectiveness; or

15 (D) will be used to deny children eligibility
16 to participate in the program carried out under
17 this title.

18 (h) EXCEPTIONS.—Nothing in this title shall pre-
19 clude a State from using a single assessment (as deter-
20 mined by the State) for children for—

21 (1) supporting learning or improving a class-
22 room environment;

23 (2) targeting professional development to a pro-
24 vider;

1 (3) determining the need for health, mental
2 health, disability, developmental delay, or family
3 support services;

4 (4) obtaining information for the quality im-
5 provement process at the State level; or

6 (5) conducting a program evaluation for the
7 purposes of improving the program and providing in-
8 formation to parents.

9 (i) FUNDED ENROLLMENT.—Each prime sponsor
10 shall enroll 100 percent of its funded enrollment, with on-
11 going outreach to the community and activities to identify
12 underserved populations.

13 (j) SLIDING FEE SCALE.—

14 (1) IN GENERAL.—With respect to child care
15 and early learning services provided through the pro-
16 gram, a prime sponsor—

17 (A) shall not charge a fee with respect to
18 any low-income child; and

19 (B) may charge a fee with respect to any
20 child who is not a low-income child, in accord-
21 ance with the sliding fee scale described in
22 paragraph (2) and subject to paragraph (3).

23 (2) SLIDING FEE SCALE.—A fee under this sub-
24 section shall be charged based on a sliding fee scale
25 as follows:

- 1 (A) With respect to a child who is in a
2 family with a family income that is more than
3 200 percent of the poverty line but not more
4 than 250 percent of the poverty line, the fee
5 under this subsection shall not exceed 1 percent
6 of the family income.
- 7 (B) With respect to a child who is in a
8 family with a family income that is more than
9 250 percent of the poverty line but not more
10 than 300 percent of the poverty line, the fee
11 under this subsection shall not exceed 2 percent
12 of the family income.
- 13 (C) With respect to a child who is in a
14 family with a family income that is more than
15 300 percent of the poverty line but not more
16 than 350 percent of the poverty line, the fee
17 under this subsection shall not exceed 3 percent
18 of the family income.
- 19 (D) With respect to a child who is in a
20 family with a family income that is more than
21 350 percent of the poverty line but not more
22 than 400 percent of the poverty line, the fee
23 under this subsection shall not exceed 4 percent
24 of the family income.

1 (E) With respect to a child who is in a
2 family with a family income that is more than
3 400 percent of the poverty line but not more
4 than 450 percent of the poverty line, the fee
5 under this subsection shall not exceed 5 percent
6 of the family income.

7 (F) With respect to a child who is in a
8 family with a family income that is more than
9 450 percent of the poverty line but not more
10 than 500 percent of the poverty line, the fee
11 under this subsection shall not exceed 6 percent
12 of the family income.

13 (G) With respect to a child who is in a
14 family with a family income that is more than
15 500 percent of the poverty line, the fee under
16 this subsection shall not exceed 7 percent of the
17 family income.

18 (3) FEE PERCENTAGE APPLICABLE REGARD-
19 LESS OF NUMBER OF CHILDREN SERVED.—The total
20 fee for a family that is subject to the fee under this
21 subsection and has more than 1 child served through
22 the program—

23 (A) may increase as the family enters the
24 second or a further child in the program; but

(B) may not be greater than the fee allowed under paragraph (2).

3 (k) PARENT BOARDS.—The prime sponsor shall re-
4 quire the establishment, at each child care and early learn-
5 ing center, of a board of parents, to be composed of par-
6 ents and family members of children attending the center.

7 The board shall meet periodically with staff of the center
8 for the purpose of discussing problems and concerns.

(l) RULES OF CONSTRUCTION.—Nothing in this title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to staff of child care and early learning programs or delegate providers, or employees of public schools, or local educational agencies, under Federal, State, tribal, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such staff or employees, and the corresponding program, provider, school, or agency.

20 SEC. 115. DELEGATE PROVIDERS.

21 (a) IN GENERAL.—A prime sponsor may use finan-
22 cial assistance made available under section 112(a)(1) to
23 enter into an agreement with a delegate provider to carry
24 out services as part of the child care and early learning
25 program.

1 (b) APPLICATION.—To be able to receive financial as-
2 sistance under subsection (a) for a fiscal year as a delegate
3 provider to carry out services as part of the child care and
4 early learning program, a public or private agency or orga-
5 nization shall submit a delegate provider application to a
6 prime sponsor, at such time and in such manner as the
7 prime sponsor may require, that provides—

8 (1) that the delegate provider applicant is an
9 entity that is a locality, local educational agency,
10 faith-based organization, public or private nonprofit
11 or for-profit agency or organization, family child
12 care network or association, employer or business or-
13 ganization, labor union, employee or labor-manage-
14 ment organization, home-based child care provider,
15 or public or private educational agency or institu-
16 tion; and

17 (2) that the entity will provide for such fiscal
18 control and fund accounting procedures as the Sec-
19 retary shall prescribe to assure proper disbursement
20 of and accounting for Federal funds.

21 (c) APPROVAL.—A delegate provider application may
22 be approved by a prime sponsor upon its determination
23 that such application meets the requirements of this sec-
24 tion and that the services to be provided will otherwise
25 further the objectives and satisfy the appropriate provi-

1 sions of the prime sponsor's child care and early learning
2 plan as approved pursuant to section 114. On approval
3 of the application, the entity shall be considered to be a
4 delegate provider, for purposes of this title.

5 (d) FAMILY AND COMMUNITY INVOLVEMENT.—
6 Prime sponsors shall involve parents, family members, and
7 community members in the selection process of delegate
8 providers.

9 Subtitle B—Standards

10 SEC. 121. NATIONAL PROGRAM STANDARDS, MONITORING
11 OF CHILD CARE AND EARLY LEARNING PRO-
12 GRAMS.

13 (a) STANDARDS FOR CHILD CARE AND EARLY
14 LEARNING SERVICES.—

15 (1) ISSUANCE.—

16 (A) NATIONAL PROGRAM STANDARDS.—

17 Within 18 months after the date of enactment
18 of this Act, the Secretary shall, after consulta-
19 tion with other Federal agencies, and on the
20 basis of the recommendations of the Committee
21 established pursuant to paragraph (3), issue a
22 common set of national program standards
23 which shall be applicable to all prime sponsors,
24 with respect to their child care and early learn-
25 ing programs providing child care and early

1 learning services with financial assistance under
2 this title, to be known as the “Federal Stan-
3 dards for Child Care and Early Learning Serv-
4 ices”.

5 (B) BASELINE FOR KNOWLEDGE, SKILLS,
6 AND COMPETENCIES.—The standards shall es-
7 tablish a baseline threshold for knowledge,
8 skills, and competencies for child care and early
9 learning teachers and staff that—

10 (i) shall be aligned with compensation
11 levels;

12 (ii) shall be phased in; and

13 (iii) shall be determined by the Sec-
14 retary to be in alignment with the knowl-
15 edge, skills, and competency expectations
16 of the child care and early learning, or
17 early childhood education, profession.

18 (2) COMPREHENSIVENESS.—As appropriate
19 and practicable, the Secretary shall make efforts to
20 ensure that the Federal Standards for Child Care
21 and Early Learning Services are as comprehensive
22 as the Head Start program performance standards
23 in section 641A(a) of the Head Start Act (42 U.S.C.
24 9836a(a)), and the performance standards for pro-

1 viders and programs issued under the military child
2 care program.

3 (3) SPECIAL COMMITTEE.—

4 (A) APPOINTMENT.—The Secretary shall,
5 within 60 days after the date of enactment of
6 this Act, appoint a Special Committee on Fed-
7 eral Standards for Child Care and Early Learn-
8 ing Services.

9 (B) COMPOSITION.—The Committee shall
10 include—

11 (i) parents or legal guardians of chil-
12 dren participating in child care and early
13 learning programs;

14 (ii) representatives of prime sponsors
15 carrying out child care and early learning
16 programs;

17 (iii) representatives of staff of child
18 care and early learning programs, includ-
19 ing teachers;

20 (iv) representatives of tribes and trib-
21 al organizations carrying out child care
22 and early learning programs on Indian
23 land;

24 (v) representatives of family child care
25 home providers, staff and employers for

1 center-based child care and early learning
2 programs, and family child care home pro-
3 viders in child care and early learning pro-
4 grams; and

5 (vi) specialists covering the areas of
6 child care and early learning quality, work-
7 force preparation, working conditions, and
8 wages, and early childhood development.

9 (C) DIVERSITY.—The Secretary shall en-
10 sure that the membership of the Committee is
11 diverse with regard to culture, race and eth-
12 nicity, and language.

13 (D) DUTIES.—Such Committee shall rec-
14 ommend Federal Standards for Child Care and
15 Early Learning Services and modifications of
16 such standards as provided in paragraph (1).

17 (4) CONTENT OF STANDARDS.—The standards
18 shall include—

19 (A) performance standards with respect to
20 services required to be provided, including
21 health, nutritional, and social services, and
22 other services, including parental and family
23 member involvement services and transition ac-
24 tivities described in section 122;

(B) scientifically based and developmentally appropriate early development and learning performance standards related to school readiness to ensure that the children participating in the child care and early learning program, at a minimum, develop and demonstrate—

(i) language knowledge and skills, including oral language and listening comprehension;

(ii) literacy knowledge and skills, including phonological awareness, print awareness and skills, and alphabetic knowledge;

(iii) mathematics knowledge and skills;

(iv) science knowledge and skills;

(v) cognitive abilities that support academic achievement and child care and early learning;

(vi) approaches to learning related to child care and early learning;

(vii) social and emotional development sufficient to be a foundation for early

1 learning, school success, and social prob-
2 lem-solving;
3 (viii) creative arts expression;
4 (ix) physical development; and
5 (x) in the case of dual language learn-
6 er children, progress toward language
7 knowledge and development, including
8 progress made through the use of cul-
9 turally and linguistically appropriate in-
10 structional services;

11 (C) administrative and financial manage-
12 ment standards;

13 (D) standards relating to the condition and
14 location of facilities (including indoor air qual-
15 ity assessment standards, where appropriate)
16 for such prime sponsors, including regulations
17 that require that the facilities used for child
18 care and early learning programs for regularly
19 scheduled center-based and combination pro-
20 gram option classroom activities—

21 (i) shall meet or exceed State and
22 local requirements concerning licensing for
23 such facilities; and

24 (ii) shall be accessible by State and
25 local authorities for purposes of monitoring

1 and ensuring compliance, unless State or
2 local laws prohibit such access;

3 (E) standards related to the work environ-
4 ment, including standards for the health and
5 safety, and well-being, of teachers and other
6 staff in the child care and early learning pro-
7 grams; and

8 (F) such other standards as the Secretary
9 finds to be appropriate.

10 (5) CONSIDERATIONS REGARDING STAND-
11 ARDS.—In developing standards required under
12 paragraph (1), the Secretary shall—

13 (A) consult with experts in the fields of
14 child care and early learning, early childhood
15 education, child health care, family services (in-
16 cluding linguistically and culturally appropriate
17 services to dual language learner children and
18 their families), administration, and financial
19 management, and with persons with experience
20 in the operation of child care and early learning
21 programs;

22 (B) take into consideration—

23 (i) past experience with use of the
24 standards in effect under the Head Start
25 Act (42 U.S.C. 9831 et seq.) on the date

of enactment of the Improving Head Start for School Readiness Act of 2007;

(ii) developments concerning research-based practices with respect to early childhood education and development, children with disabilities, homeless children, children in foster care, and family services, best practices with respect to program administration and financial management;

(iii) appropriateness of standards for prime sponsors with respect to their programs, recognizing differences in types of settings (including center-based and home-based settings), geography of the service area, and the culture, language, and age distribution of the children served;

(iv) projected needs of expanding child care and early learning programs;

(v) guidelines and standards that promote child health and physical development, including participation in outdoor activity that supports children's motor development and overall health and nutrition;

(vi) changes in the characteristics of the population of children who are access-

7 (vii) mechanisms to ensure that chil-
8 dren participating in child care and early
9 learning programs make a successful tran-
10 sition to the schools that the children will
11 be attending;

12 (viii) the need for prime sponsors to
13 maintain regular communications with par-
14 ents and family members, including con-
15 ducting periodic meetings to discuss the
16 progress of individual children in child care
17 and early learning programs;

18 (ix) the unique challenges faced by in-
19 dividual programs, including those pro-
20 grams that are seasonal or short-term and
21 those programs that serve rural popu-
22 lations;

23 (x) the degree to which standards are
24 streamlined and minimize administrative

1 burdens on child care and early learning
2 program providers;

3 (xi) the depth of demonstrated skills,
4 experiences, and linguistic, cultural, and
5 racial and ethnic, diversity of providers for
6 child care and early learning programs;
7 and

8 (xii) the input of parents and family
9 members;

10 (C)(i) review and revise as necessary the
11 standards in effect under this subsection; and

12 (ii) ensure that any such revisions in the
13 standards will not result in the elimination of or
14 any reduction in quality, scope, or types of
15 health, educational, nutritional, social, or other
16 services, including parental and family member
17 involvement services, required to be provided
18 under such standards as in effect on the date
19 of enactment of this Act; and

20 (D) consult with appropriate officials from
21 Indian tribes and tribal organizations, experts
22 in Indian or Native Hawaiian early childhood
23 education and development, linguists, and asso-
24 ciations related to child care and early learning
25 programs providing services for children belong-

1 ing to Indian tribes or Native Hawaiian chil-
2 dren, on the review and promulgation of stand-
3 ards under paragraph (1) (including standards
4 for Indian or Native Hawaiian, as the case may
5 be, language acquisition and school readiness).

6 (6) ADEQUATE TIME TO MEET STANDARDS.—
7 The Secretary shall establish an effective date for
8 the standards that allows adequate time for prime
9 sponsors to meet the standards after they have been
10 issued.

11 (b) UNIFORM CODE FOR FACILITIES.—

12 (1) ESTABLISHMENT OF SPECIAL COM-
13 MITTEE.—The Secretary shall, within 60 days after
14 the date of enactment of this Act, appoint a special
15 committee to develop and recommend a uniform
16 code for facilities, to be used as described in para-
17 graph (4). The standards in the code shall deal prin-
18 cipally with those aspects of facilities that are essen-
19 tial to the health, safety, and physical comfort of the
20 children involved and the aspects of facilities that
21 are related to the Federal Standards for Child Care
22 and Early Learning Services under subsection
23 (a)(1). In recommending the provisions of the code,
24 the Secretary shall take into consideration the dif-

1 ferences between child care centers and family child
2 care homes.

3 (2) COMPOSITION OF COMMITTEE.—The special
4 committee appointed under this subsection shall in-
5 clude parents or family members of children partici-
6 pating in child care and early learning programs and
7 representatives of State and local facility licensing
8 agencies, of public health officials, of fire prevention
9 officials, of the construction industry and labor
10 unions, of prime sponsors, of center-based providers
11 and family child care home providers, and of na-
12 tional agencies or organizations interested in the de-
13 velopment of children. Not less than one-half of the
14 membership of the committee shall consist of par-
15 ents or family members of children participating in
16 child care and early learning programs conducted
17 under this title.

18 (3) PROPOSED CODE.—Within 1 year after its
19 appointment, the special committee—

20 (A) shall develop standards for a proposed
21 uniform code for facilities in which child care
22 and early learning services are provided; and

23 (B) shall hold public hearings on the pro-
24 posed code prior to submitting its final rec-
25 ommendation to the Secretary for approval.

1 (4) PROMULGATION.—After considering the
2 recommendations submitted by the special com-
3 mittee in accordance with paragraph (3), the Sec-
4 retary shall promulgate standards for a uniform
5 code described in paragraph (3)(A), which shall be
6 applicable to all facilities receiving Federal financial
7 assistance under this title. If the Secretary dis-
8 approves the committee's recommendations, the Sec-
9 retary shall state the reasons for the disapproval.
10 The Secretary shall also distribute such standards
11 and urge their adoption by States and local govern-
12 ments for facilities in which child care and early
13 learning services are provided. The Secretary may
14 from time to time modify the uniform code for facili-
15 ties in accordance with procedures set forth in this
16 subsection.

17 (5) ADEQUATE TIME TO MEET FACILITIES
18 CODE.—The Secretary shall establish an effective
19 date for the code that allows adequate time for
20 prime sponsors to meet the code after it has been
21 promulgated.

22 (6) STATE CODE FOR FACILITIES.—Paragraphs
23 (1) through (5) shall not apply in a State for which
24 the Secretary, after consultation with the special
25 committee referred to in paragraph (2), makes a de-

1 termination that the State's uniform code for facilities
2 or a similar facilities code or set of standards
3 that applies to centers and family child care homes
4 that participate in a child care and early learning
5 program under this title, is sufficient to meet the
6 health, safety, and physical comfort goals of this
7 subsection.

8 (c) MEASURES.—

9 (1) IN GENERAL.—The Secretary, in consulta-
10 tion with representatives of child care and early
11 learning programs, Indian tribes and tribal organiza-
12 tions, parents and family members of children in
13 such programs, and teachers and other staff in such
14 programs, and with experts in the fields of early
15 childhood education and development, family serv-
16 ices, and program management, shall use the study
17 on Developmental Outcomes and Assessments for
18 Young Children by the National Academy of
19 Sciences, consistent with section 649(j) of the Head
20 Start Act (42 U.S.C. 9844(j)), and other relevant
21 research to establish, inform, revise, and provide
22 guidance to prime sponsors for utilizing, scientif-
23 ically based measures that support, as appropriate—

24 (A) classroom instructional practices and,
25 for infants and toddlers, responsive caregiving

1 practices that support early learning and devel-
2 opment;

3 (B) identification of children with special
4 needs;

5 (C) program evaluation; and

6 (D) administrative and financial manage-
7 ment practices.

8 (2) CHARACTERISTICS OF MEASURES.—The
9 measures under this subsection shall—

10 (A) be developmentally, linguistically, and
11 culturally appropriate for the population served;

12 (B) be reviewed periodically, based on ad-
13 vances in the science of early childhood develop-
14 ment;

15 (C) be consistent with relevant, nationally
16 recognized professional and technical standards
17 related to the assessment of young children;

18 (D) be valid and reliable in the language in
19 which the measures are administered;

20 (E) be administered by staff with appro-
21 priate training for such administration;

22 (F) provide for appropriate accommoda-
23 tions for children with disabilities and dual lan-
24 guage learner children;

1 (G) be high-quality research-based measures
2 that have been demonstrated to assist with
3 the purposes for which the measures were de-
4 vised; and

5 (H) be adaptable, as appropriate, for use
6 in the self-assessment of prime sponsors, in-
7 cluding in the evaluation of administrative and
8 financial management practices.

9 (3) USE OF MEASURES; LIMITATIONS ON
10 USE.—

11 (A) USE.—The measures shall be de-
12 signed, as appropriate, for the purpose of—

13 (i) helping to develop the skills,
14 knowledge, abilities, and development de-
15 scribed in subsection (a)(4)(A)(ii) of chil-
16 dren participating in child care and early
17 learning programs, with an emphasis on
18 measuring skills that scientifically valid re-
19 search has demonstrated are related to
20 children's school readiness and later suc-
21 cess in school;

22 (ii) improving classroom practices, in-
23 cluding reviewing children's strengths and
24 weaknesses and individualizing instruction
25 to better meet the needs of the children in-

volved and, for infants and toddlers, ensuring the opportunity for one-on-one interaction that facilitates early learning and development;

7 (iv) improving overall program performance
8 in order to help prime sponsors
9 identify problem areas that may require
10 additional training and technical assistance
11 resources.

(iv) will be used to deny children eligibility to participate in the program carried out under this title.

(i) supporting learning or improving a classroom environment;

10 (ii) targeting professional development
11 to a provider;

(iii) determining the need for health, mental health, disability, developmental delay, or family support services;

15 (iv) obtaining information for the
16 quality improvement process at the State
17 level; or

18 (v) conducting a program evaluation
19 for the purposes of improving the program
20 and providing information to parents.

21 (4) CONFIDENTIALITY.—

1 title by the Secretary and any prime sponsors.
2 Such regulations shall provide the policies, pro-
3 tections, and rights equivalent to those provided
4 to a parent, student, and educational agency or
5 institution, as the case may be, under section
6 444 of the General Education Provisions Act
7 (20 U.S.C. 1232g).

8 (B) RULE OF CONSTRUCTION ON NATION-
9 WIDE DATABASE.—Nothing in this subsection
10 shall be construed to authorize the development
11 of a nationwide database of personally identifi-
12 able data, information, or records on children
13 resulting from the use of measures under this
14 subsection.

15 (5) SPECIAL RULE.—

16 (A) PROHIBITION.—The use of assessment
17 items and data on any assessment authorized
18 under this title by any agent of the Federal
19 Government is prohibited for the purposes of—

20 (i) ranking, comparing, or otherwise
21 evaluating individual children for purposes
22 other than research, training, or technical
23 assistance; and
24 (ii) providing rewards or sanctions for
25 individual children or teachers.

7 (d) MONITORING OF LOCAL PRIME SPONSORS AND
8 CHILD CARE AND EARLY LEARNING PROGRAMS.—The
9 Secretary, in consultation with representatives of child
10 care and early learning programs, Indian tribes and tribal
11 organizations, parents and family members of children in
12 such programs, teachers and other staff in such programs,
13 and with experts in the fields of early childhood education
14 and development, family services, and program manage-
15 ment, shall establish and implement monitoring proce-
16 dures for prime sponsors and their child care and early
17 learning programs (which may be based on the Head Start
18 program monitoring procedures described in section
19 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)), and
20 the monitoring procedures being implemented for the mili-
21 tary child care program)—

22 (1) to determine whether prime sponsors meet
23 standards described in subsection (a)(1) established
24 under this title with respect to program, administra-

1 tive, financial management, and other requirements;
2 and

3 (2) in order to help the prime sponsors identify
4 areas for improvement and areas of strength as part
5 of their ongoing self-assessment process.

6 (e) CORRECTIVE ACTION FOR PRIME SPONSORS.—

7 (1) DETERMINATION.—If the Secretary deter-
8 mines, on the basis of a review pursuant to sub-
9 section (d), that a prime sponsor designated pursu-
10 ant to this title fails to meet the standards described
11 in subsection (a)(1), the Secretary shall—

12 (A) inform the prime sponsor of the defi-
13 ciencies that shall be corrected and identify the
14 assistance to be provided consistent with para-
15 graph (3);

16 (B) with respect to each identified defi-
17 ciency, require the prime sponsor—

18 (i) to correct the deficiency imme-
19 diately, if the Secretary finds that the defi-
20 ciency threatens the health or safety of
21 staff or program participants or poses a
22 threat to the integrity of Federal funds;

23 (ii) to correct the deficiency not later
24 than 90 days after the identification of the
25 deficiency if the Secretary finds, in the dis-

1 cretion of the Secretary, that such a 90-
2 day period is reasonable, in light of the na-
3 ture and magnitude of the deficiency; or

4 (iii) in the discretion of the Secretary
5 (taking into consideration the seriousness
6 of the deficiency and the time reasonably
7 required to correct the deficiency), to com-
8 ply with the requirements of paragraph (2)
9 concerning a quality improvement plan;
10 and

11 (C) initiate proceedings to terminate the
12 designation of the prime sponsor unless the
13 prime sponsor corrects the deficiency.

14 (2) QUALITY IMPROVEMENT PLAN.—

15 (A) PRIME SPONSOR AND PROGRAM RE-
16 SPONSIBILITIES.—To retain a designation as a
17 prime sponsor under this title, a prime sponsor
18 that is the subject of a determination described
19 in paragraph (1) (excluding a prime sponsor re-
20 quired to correct a deficiency immediately or
21 during a 90-day period under clause (i) or (ii)
22 of paragraph (1)(B)) shall—

23 (i) develop in a timely manner, a qual-
24 ity improvement plan that shall be subject

1 to the approval of the Secretary, and that
2 shall specify—

1 (3) TRAINING AND TECHNICAL ASSISTANCE.—

2 The Secretary shall provide training and technical
3 assistance to the prime sponsor with respect to the
4 development or implementation of such quality im-
5 provement plans to the extent the Secretary finds
6 such provision to be feasible and appropriate given
7 available funding and other statutory responsibil-
8 ties.

9 (f) SUMMARIES OF MONITORING OUTCOMES.—

10 (1) IN GENERAL.—Not later than 120 days
11 after the end of each fiscal year, the Secretary shall
12 publish a summary report on the findings of reviews
13 conducted under subsection (d) and on the outcomes
14 of quality improvement plans implemented under
15 subsection (e), during such fiscal year.

16 (2) REPORT AVAILABILITY.—Such report shall
17 be made widely available to—

18 (A) parents and family members with chil-
19 dren receiving assistance under this title—

20 (i) in an understandable and uniform
21 format; and

22 (ii) to the extent practicable, in a lan-
23 guage that the parents and family mem-
24 bers understand;

25 (B) the public through means such as—

(i) distribution through public agencies; and

5 (C) Indian tribes and tribal organizations.

(3) REPORT INFORMATION.—Such report shall contain detailed data—

(A) on compliance with specific standards
and measures; and

(B) sufficient to allow prime sponsors to use such data to improve the quality of their programs.

13 (g) SELF-ASSESSMENT.—

1 ongoing monitoring of its child care and early learn-
2 ing program, to ensure that the operations of the
3 program work toward meeting program goals and
4 objectives and implementing and complying with
5 standards described in subsection (a)(1).

6 (h) ACCREDITATION.—The Secretary shall require
7 that each child care and early learning center meet, not
8 later than 6 years after receiving financial assistance
9 under this title, standards of operation necessary for ac-
10 creditation by an appropriate national early childhood pro-
11 grams accreditation body that was in existence on the date
12 of enactment of this Act.

13 SEC. 122. PRIME SPONSOR ALIGNMENT WITH K-12 EDU-
14 CATION.

15 (a) IN GENERAL.—Each prime sponsor shall take
16 steps to coordinate with the local educational agency serv-
17 ing the service area and with schools in which children
18 participating in a child care and early learning program
19 will enroll following such program to promote continuity
20 of services and effective transitions, including—

- 1 (2) establishing ongoing channels of communication between child care and early learning program staff and their counterparts in the schools (including teachers, social workers, local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and health staff) to facilitate coordination of programs;
- 2 (3) establishing ongoing communications between the prime sponsor and local educational agency for developing continuity of developmentally appropriate curricular objectives and for shared expectations for children's learning and development as the children transition to school;
- 3 (4) organizing and participating in joint training, including transition-related training for school staff and child care and early learning program staff;
- 4 (5) establishing comprehensive transition policies and procedures that support children transitioning to school, including by engaging the local educational agency in the establishment of such policies;
- 5 (6) conducting outreach to parents and elementary school (such as kindergarten) teachers to dis-

1 cuss the educational, developmental, and other needs
2 of individual children;

3 (7) helping parents of dual language learner
4 children understand—

5 (A) the instructional and other services
6 provided by the school in which such child will
7 enroll after participation in the child care and
8 early learning program; and

9 (B) as appropriate, the information pro-
10 vided to parents of dual language learners
11 under section 1112(e)(3) of the Elementary and
12 Secondary Education Act of the 1965 (20
13 U.S.C. 6312(e)(3));

14 (8) developing and implementing a family out-
15 reach and support program, in cooperation with en-
16 tities carrying out parent and family engagement ef-
17 forts under title I of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 6301 et seq.),
19 and family outreach and support efforts under sub-
20 title B of title VII of the McKinney-Vento Homeless
21 Assistance Act (42 U.S.C. 11431 et seq.), taking
22 into consideration the language needs of parents of
23 dual language learner children;

24 (9) assisting families, administrators, and
25 teachers in enhancing educational and developmental

1 continuity and continuity of parental involvement in
2 activities between child care and early learning serv-
3 ices and elementary school classes;

4 (10) linking the services provided in such child
5 care and early learning program with educational
6 services, including services relating to language, lit-
7 eracy, and numeracy, provided by such local edu-
8 cational agency;

9 (11) helping parents (including in this para-
10 graph grandparents and kinship caregivers, as ap-
11 propriate) to understand the importance of parental
12 involvement in a child's academic success while
13 teaching the parents strategies for maintaining pa-
14 rental involvement as their child moves from a child
15 care and early learning program to elementary
16 school;

17 (12) helping parents understand the instruc-
18 tional and other services provided by the school in
19 which their child will enroll after participation in the
20 child care and early learning program; and

21 (13) developing and implementing a system to
22 increase child care and early learning program par-
23 ticipation of underserved populations of eligible chil-
24 dren.

1 (b) DISSEMINATION AND TECHNICAL ASSISTANCE.—

2 The Secretary shall—

3 (1) disseminate to prime sponsors information
4 on effective policies and activities relating to the
5 transition of children from child care and early
6 learning programs to public schools; and

7 (2) provide technical assistance to such prime
8 sponsors to promote and assist such prime sponsors
9 to adopt and implement such effective policies and
10 activities.

11 **SEC. 123. ADEQUATE NUTRITION SERVICES.**

12 In accordance with the purposes of this title, the Sec-
13 retary shall establish procedures to assure that adequate
14 nutrition services will be provided in child care and early
15 learning programs under this title. In assuring the provi-
16 sion of those services, the Secretary may enter into an ar-
17 rangement with the Secretary of Agriculture to make use
18 of the summer food service program and the child and
19 adult care food program carried out under sections 13 and
20 17 of the Richard B. Russell National School Lunch Act
21 (42 U.S.C. 1761, 1766) and relevant programs under the
22 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), to
23 the fullest extent appropriate and consistent with the pro-
24 visions of such Acts.

1 **SEC. 124. PARTICIPATION IN CHILD CARE AND EARLY
2 LEARNING PROGRAMS.**

3 (a) IN GENERAL.—The Secretary shall by regulation
4 prescribe eligibility for the participation of persons in child
5 care and early learning programs assisted under this title.

6 (b) ELIGIBLE AGES.—Such regulation shall provide
7 that all children who are not younger than the age of 6
8 weeks and are younger than the age of compulsory school
9 attendance shall be eligible regardless of family income,
10 disability status, citizenship status, employment of a fam-
11 ily member, or circumstance.

12 (c) PRIME SPONSOR ELIGIBILITY DETERMINATION
13 RESPONSIBILITIES.—A prime sponsor shall—

14 (1) determine eligibility under this title based
15 on standards prescribed by the Secretary under sub-
16 section (a);

17 (2) not establish more stringent or exclusive re-
18 quirements for eligibility under this title than the
19 eligibility standards prescribed by the Secretary; and

20 (3) serve all families that request child care and
21 early learning services through the prime sponsor's
22 program.

23 **Subtitle C—Administration**

24 **SEC. 131. THE OFFICE OF CHILD CARE.**

25 (a) PRINCIPAL AGENCY.—The Office of Child Care
26 of the Department of Health and Human Services shall

1 be the principal agency of the Department for the admin-
2 istration of this title and for the coordination of child care
3 and early learning programs and other activities relating
4 to child care and early learning.

5 (b) COORDINATION OF CHILD CARE PROGRAMS.—

6 (1) IN GENERAL.—

7 (A) DEPARTMENT OF HEALTH AND
8 HUMAN SERVICES.—The Secretary shall take all
9 necessary action to coordinate child care and
10 early learning programs under the Secretary's
11 jurisdiction, including with the Office of Head
12 Start.

13 (B) DEPARTMENT OF EDUCATION.—The
14 Secretary shall take all necessary action to co-
15 ordinate such programs with the Department of
16 Education.

17 (2) REGULATIONS.—The Secretary shall pro-
18 mulgate regulations to assure that entities that are
19 funded by the Department of Health and Human
20 Services to carry out activities relating to child care
21 and early learning will coordinate the activities with
22 the programs carried out under this title.

23 (3) TECHNICAL ASSISTANCE.—The Secretary
24 shall ensure that joint technical assistance efforts

1 will result in the development of coordinated ef-
2 forts—

3 (A) between the offices within the Depart-
4 ment of Health and Human Services; and

5 (B) between the Department of Health and
6 Human Services and other Federal agencies, in-
7 cluding the Department of Education, that
8 carry out those activities.

9 (c) PROCEDURES, POLICIES, REGULATIONS.—The
10 Secretary may establish such procedures, policies, and reg-
11 ulations as may be necessary to carry out this title.

12 **SEC. 132. ADMINISTRATIVE REQUIREMENTS AND STAND-
13 ARDS.**

14 (a) REQUIREMENTS AND STANDARDS.—

15 (1) IN GENERAL.—The Secretary shall establish
16 administrative requirements and standards con-
17 sistent with the requirements and standards de-
18 scribed in subsections (a) through (f), and (h), of
19 section 644 of the Head Start Act (42 U.S.C. 9839).
20 The established requirements and standards shall
21 apply to the child care and early learning programs
22 carried out under this title, and the prime sponsors
23 carrying out such programs, as the case may be.

24 (2) ADJUSTMENTS.—The Secretary may make
25 such adjustments to the requirements, standards,

1 qualifications, development activities, and limitations
2 specified in paragraph (1) and sections 133(a), 134,
3 136(a), 139, and 141, as may be necessary to ensure
4 effective administration of this title.

5 (3) ADMINISTRATIVE CONTROLS.—The Sec-
6 retary shall prescribe regulations to assure that pro-
7 grams under this title have adequate internal admin-
8 istrative controls, accounting requirements, per-
9 sonnel standards, evaluation procedures, and other
10 policies as may be necessary to promote the effective
11 use of funds.

12 (b) FACILITIES.—

13 (1) OWNED OR LEASED BY FEDERAL AGEN-
14 CIES.—The Secretary, after consultation with other
15 appropriate officials of the Federal Government,
16 shall within 16 months after the date of enactment
17 of this Act prepare and submit to Congress a report
18 that—

19 (A) describes the extent to which facilities
20 owned or leased by Federal agencies (including
21 departments) could be made available to prime
22 sponsors, through appropriate arrangements,
23 for use as facilities for child care and early
24 learning programs under this title during times
25 and periods when the owned or leased facilities

1 are not utilized fully for their usual purposes;

2 and

3 (B) the Secretary's recommendations (in-
4 cluding recommendations for changes through
5 legislation) or proposed actions for such use.

6 (2) OWNED OR LEASED IN SERVICE AREA.—

7 The Secretary shall require, as a condition for the
8 receipt of financial assistance under this title, that
9 any prime sponsor under this title agree to conduct
10 a review and prepare and submit to the Secretary a
11 report that—

12 (A) describes the extent to which facilities
13 owned or leased by such prime sponsor, or by
14 other organizations in the service area, could be
15 made available, through appropriate arrange-
16 ments, for use as facilities for child care and
17 early learning programs under this title during
18 times and periods when the owned or leased fa-
19 cilities are not utilized fully for their usual pur-
20 poses; and

21 (B) the prime sponsor's proposed actions
22 for such use.

23 (c) CAPITAL EXPENDITURES.—

24 (1) CONSTRUCTION.—Upon a determination by
25 the Secretary that suitable facilities (including public

1 school facilities) are not otherwise available to prime
2 sponsors to carry out child care and early learning
3 programs, that the lack of suitable facilities will in-
4 hibit the operation of such programs, and that con-
5 struction of such facilities is more cost effective than
6 purchase of available facilities or renovation, the
7 Secretary, in the discretion of the Secretary, may
8 authorize the use of financial assistance under this
9 title to make payments for capital expenditures re-
10 lated to construction of facilities that will be used to
11 carry out such programs. The Secretary shall estab-
12 lish uniform procedures for prime sponsors to re-
13 quest approval for such payments, and shall pro-
14 mote, to the extent practicable, the collocation of
15 child care and early learning programs with other
16 programs serving children and families.

17 (2) CONSTRUCTION, RENOVATION, VEHICLE
18 PURCHASE.—Such payments may be used for capital
19 expenditures (including paying the cost of amor-
20 tizing the principal, and paying interest on, loans)
21 such as expenditures for—

22 (A) construction of facilities that are not
23 in existence on the date of the determination, if
24 such construction is more cost effective than
25 purchase or renovation;

(3) WAGES FOR CONSTRUCTION OR RENOVATION.—All laborers and mechanics employed by contractors or subcontractors in the construction or renovation of facilities to be used to carry out child care and early learning programs under this title shall be paid wages that are not less than the wages prevailing on similar construction or renovation in the service area, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

20 SEC. 133. APPEALS, NOTICE, AND HEARING.

21 (a) PROCEDURES.—The Secretary shall establish ap-
22 peals, notice, hearing, and other procedures consistent (ex-
23 cept as otherwise provided in this section) with the proce-
24 dures described in section 646 of the Head Start Act (42
25 U.S.C. 9841). The established procedures shall apply to

1 the child care and early learning programs carried out
2 under this title, and the prime sponsors carrying out such
3 programs, as the case may be.

4 (b) WITHHOLDING OF FUNDS.—

5 (1) IN GENERAL.—The Secretary shall take the
6 action described in paragraph (2) whenever the Sec-
7 retary, after reasonable notice and opportunity for a
8 hearing for any prime sponsor (including a delegate
9 provider), finds—

10 (A) that the prime sponsor has failed to
11 comply substantially with any requirement set
12 forth in the plan of the prime sponsor approved
13 under section 113 or 114;

14 (B) that the delegate provider has failed to
15 comply substantially with any requirement set
16 forth in the application of the provider ap-
17 proved pursuant to section 115(c); or

18 (C) that in the operation of any program
19 (or services) carried out by any such prime
20 sponsor (or delegate provider) under this title
21 the prime sponsor (or delegate provider) has
22 failed to comply substantially with any applica-
23 ble provision of this title, including a regulation
24 promulgated under this title.

(2) ACTION.—On making a finding under paragraph (1), the Secretary shall notify the prime sponsor or delegate provider involved of the findings and that no further payments may be made to such prime sponsor or delegate provider under this title (or in the Secretary's discretion that any such prime sponsor shall not make further payments under this title to specified delegate providers affected by the failure) until the Secretary is satisfied that there is no longer any such failure to comply, or the non-compliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any program or service assisted under this title which is being carried out pursuant to the corresponding plan or application referred to in paragraph (1) and which is not involved in the non-compliance.

18 SEC. 134. RECORDS AND AUDITS.

19 The Secretary shall establish record and audit re-
20 quirements consistent with the requirements described in
21 section 647 of the Head Start Act (42 U.S.C. 9842). The
22 established requirements shall apply to the child care and
23 early learning programs carried out under this title, and
24 the prime sponsors carrying out such programs, as the
25 case may be.

1 **SEC. 135. TECHNICAL ASSISTANCE AND TRAINING.**

2 (a) PRESERVICE AND INSERVICE TRAINING.—The
3 Secretary is authorized to make payments to provide fi-
4 nancial assistance to enable individuals employed or pre-
5 paring for employment in child care and early learning
6 programs assisted under this title, including volunteers,
7 to participate in programs of preservice or inservice train-
8 ing for professional or nonprofessional personnel, to be
9 conducted by any prime sponsor carrying out a child care
10 and early learning program, or any institution of higher
11 education, including a community college, or by any com-
12 bination of those prime sponsors or institutions. The fi-
13 nancial assistance shall include scholarships and funding
14 for books, transportation, and other comprehensive needs.

15 (b) PRIME SPONSOR TECHNICAL ASSISTANCE AND
16 PLANNING.—The Secretary is authorized to, directly or
17 through grant or contract, make technical assistance avail-
18 able to entities who are eligible and seek to become prime
19 sponsors, and to prime sponsors, to assist the entities and
20 prime sponsors in planning, developing, and carrying out
21 child care and early learning programs.

22 (c) PRIME SPONSOR FINANCIAL ASSISTANCE.—

23 (1) IN GENERAL.—Prime sponsors shall carry
24 out training and quality improvement activities, in-
25 cluding—

1 (A) activities that support child care and
2 early learning programs (including providers) in
3 meeting national program standards; and

4 (B) supporting staff in meeting qualifica-
5 tions described in section 136, including pro-
6 viding paid release time to staff, to engage in
7 activities that enable the staff to meet the
8 qualifications.

9 (2) FINANCIAL ASSISTANCE.—The Secretary is
10 authorized to make financial assistance available to
11 prime sponsors to carry out such training and qual-
12 ity improvement activities.

13 (d) STAFF TRAINING.—The Secretary shall prescribe
14 regulations implementing a training program for staff of
15 child care and early learning programs assisted under this
16 title, based on the training program of the military child
17 care program. Satisfactory completion of the training pro-
18 gram shall be a condition of employment of any person
19 as a member of the staff of such a child care and early
20 learning program. The training program established under
21 this subsection shall cover, at a minimum, training in each
22 of the following:

23 (1) Early childhood development.

24 (2) Activities and disciplinary techniques appro-
25 priate for children of different ages.

(3) Child abuse prevention and detection.

(4) Cardiopulmonary resuscitation and other emergency medical procedures.

4 (e) WORKFORCE DEVELOPMENT AND DIVERSITY.—

11 (2) GRANTS TO INSTITUTIONS OF HIGHER EDU-
12 CATION.—

(B) USE OF FUNDS.—An institution that receives such a grant may—

25 (i) use the grant funds—

(I) to improve the child care and early learning workforce;

(III) to recruit and train professionals from diverse backgrounds to become teachers in child care and early learning programs;

(IV) to promote access and affordability through direct student support, grants, scholarships, and other forms of student financial aid to students pursuing early childhood coursework and degrees in order to reduce or eliminate the need for such students to take out loans for the related costs of attendance;

(V) to create seamless, articulated, teacher preparation pathways; and

(VI) to develop institutional policies that award credit for students'

1 previous postsecondary early childhood coursework and degrees as well
2 as for demonstrated competency
3 through—
4
5 (aa) prior work experience;
6 and
7 (bb) apprenticeships that
8 lead to credentials, or associate
9 or baccalaureate degrees; and
10 (ii) make a portion of the grant funds
11 available for students training to become
12 staff of child care and early learning pro-
13 grams, to cover the corresponding tuition
14 and other costs of attendance.

15 **SEC. 136. STAFF QUALIFICATIONS AND DEVELOPMENT.**

16 (a) **QUALIFICATION AND DEVELOPMENT.—**
17 (1) **IN GENERAL.**—The Secretary, after con-
18 sultation with other Federal agencies and on the
19 basis of the recommendations of the Committee es-
20 tablished pursuant to section 121(a)(3), shall estab-
21 lish staff qualification and development requirements
22 based on such requirements described in section
23 648A of the Head Start Act (42 U.S.C. 9843a),
24 based on such requirements being implemented by
25 the military child care program (including certifi-

1 cation of family child care home providers), and in-
2 cluding a requirement to satisfactorily complete
3 training under section 135(d). The established re-
4 quirements shall include the requirements described
5 in subsection (b) (relating to compensation). The es-
6 tablished requirements shall apply to the child care
7 and early learning programs carried out under this
8 title, and the prime sponsors carrying out such pro-
9 grams, as the case may be.

10 (2) OBJECTIVES.—The established require-
11 ments shall be designed to—

12 (A)(i) lead to high-quality child care and
13 early learning service delivery, including the use
14 of targeted strategies and resources provided by
15 prime sponsors to ensure the diverse, incumbent
16 child care and early learning workforce retains
17 access to employment in such programs; and

18 (ii) take into account workforce recruit-
19 ment challenges and the need for a diverse
20 workforce;

21 (B) create a pathway for members of the
22 child care and early learning service workforce
23 to build on their credentials; and

24 (C) provide enough time (which shall be
25 not less than 6 years after the date of that es-

1 tablishment) for staff to meet any educational
2 requirements in the established requirements.

3 (b) PAY.—

4 (1) COMPETITIVE RATES OF COMPENSATION.—
5 For the purpose of providing child care and early
6 learning programs with a qualified and stable work-
7 force, each prime sponsor shall ensure that employ-
8 ees (including employees of a delegate provider) at
9 a child care and early learning center and family
10 child care home providers, including teachers and
11 other staff of family child care home providers, shall
12 be paid under a pay scale that provides for rates of
13 compensation that—

14 (A)(i) except as provided in clause (ii), are
15 comparable with the rates of compensation paid
16 to employees of the corresponding local edu-
17 cational agency with similar training, seniority,
18 and experience; or

19 (ii) for a position not typically found at the
20 corresponding local educational agency, are the
21 rates specified in the pay scale for the military
22 child care program; and

23 (B) are not less than a living wage, as de-
24 termined by the Secretary.

1 (2) PERIODIC REVIEWS.—In recommending and
2 establishing requirements under subsection (a) and
3 this subsection, the Committee established pursuant
4 to section 121(a)(3) and the Secretary, respectively,
5 shall periodically conduct reviews of the rates of
6 compensation for employers, teachers, and staff de-
7 scribed in paragraph (1). The Committee and Sec-
82 retary shall determine whether the rates are increas-
9 ing at a pace that is not less than the rate of the
10 Consumer Price Index for All Urban Consumers,
11 and shall adjust the rates to ensure such an in-
12 crease.

13 (3) LIMITATION.—Notwithstanding any other
14 provision of law, no Federal funds may be used to
15 pay any part of the compensation of an employee,
16 teacher, or staff member described in paragraph (1)
17 to carry out a child care and early learning program,
18 if such compensation, including non-Federal funds,
19 exceeds a rate equal to the rate payable for level II
20 of the Executive Schedule under section 5313 of title
21 5, United States Code.

22 (4) COMPENSATION.—In this subsection, the
23 term “compensation”—

24 (A) includes salary, bonuses, periodic pay-
25 ments, severance pay, the value of any vacation

1 time, the value of a compensatory or paid leave
2 benefit, and the fair market value of any em-
3 ployee perquisite or benefit; and

4 (B) includes any prime sponsor expendi-
5 ture for a health, medical, life insurance, dis-
6 ability, retirement, or any other employee wel-
7 fare or pension benefit.

8 (c) CURRICULUM SUPPORT.—

9 (1) IN GENERAL.—Prime sponsors shall estab-
10 lish and implement a plan to ensure all teachers in
11 a child care and early learning program, including
12 family child care home providers, have curriculum
13 support.

14 (2) CURRICULUM SUPPORT.—That curriculum
15 support—

16 (A) may include the use of curriculum spe-
17 cialists, as in the military child care program;
18 and

19 (B) shall include—

20 (i) special teaching activities at loca-
21 tions that are easily accessible by the
22 teachers;

23 (ii) daily oversight and instruction of
24 employees providing child care and early
25 learning services;

(iii) daily assistance in the preparation of lesson plans, provided through individual specialists or resources for staff that allow teachers to engage in professional responsibilities such as daily lesson planning;

(iv) assistance with child abuse prevention and detection;

(v) assistance with activities to promote children's cognitive development, behavior management, and mental health; and

(vi) assistance with improving the delivery of instruction and with measuring and tracking children's outcomes.

15 SEC. 137. RESEARCH, DEMONSTRATIONS, AND EVALUA-

16 TION.

17 (a) GENERAL OBJECTIVES.—The Secretary shall
18 carry out a continuing program of research, demonstra-
19 tion, and evaluation activities, in order to—

20 (1) focus national research efforts to attain a
21 fuller understanding of the processes of child devel-
22 opment and early learning outcomes and the effects
23 of programs on those processes and outcomes;

(2) foster continuous improvement in the quality of the child care and early learning programs

1 carried out under this title and in their effectiveness
2 in enabling participating children and their families
3 to succeed in school and otherwise;

4 (3) ensure that the results of research and re-
5 lated development efforts are reflected in the con-
6 duct of programs affecting children through the im-
7 provement and expansion of child care and early
8 learning programs; and

9 (4) develop, test, and disseminate information
10 on new ideas for addressing the needs of low-income
11 and underserved children (including children with
12 disabilities, homeless children, children who have
13 been abused or neglected, and children in foster
14 care) and their families and communities, and fur-
15 thering in other ways the purposes of this title.

16 (b) SPECIFIC OBJECTIVES.—The research, dem-
17 onstration, and evaluation activities under this title shall
18 include components designed to—

19 (1) permit ongoing assessment of the quality
20 and effectiveness of the child care and early learning
21 programs under this title;

22 (2) contribute to developing knowledge con-
23 cerning factors associated with the quality and effec-
24 tiveness of child care and early learning programs

1 and in identifying ways in which services provided
2 under this title may be improved;

3 (3) assist in developing knowledge concerning
4 the factors that promote or inhibit healthy develop-
5 ment and effective functioning of children and their
6 families, including physical, mental, vision, and oral
7 health, both during and following participation in a
8 child care and early learning program;

9 (4) permit comparisons of children and families
10 participating in child care and early learning pro-
11 grams—

12 (A) with children and families receiving
13 other child care, or early childhood education
14 and development, services or programs; and

15 (B) with other appropriate control groups;

16 (5) contribute to understanding the characteris-
17 tics and needs of population groups eligible for serv-
18 ices provided under this title and the impact of such
19 services on the individuals served and the service
20 areas in which such services are provided;

21 (6) provide for disseminating and promoting the
22 use of the findings from such research, demonstra-
23 tion, and evaluation activities;

1 (7) promote exploration of areas in which
2 knowledge is insufficient, and that will otherwise
3 contribute to fulfilling the purposes of this title;

4 (8)(A) contribute to understanding the impact
5 of child care and early learning services delivered in
6 classrooms that include both children with disabil-
7 ities and children who are not children with disabil-
8 ities, on both types of children; and

9 (B) disseminate promising practices for increas-
10 ing the availability and quality of child care and
11 early learning services that are so delivered and
12 classrooms described in subparagraph (A);

13 (9) contribute to understanding the impact of
14 different child care and early learning models, in-
15 cluding those with varying teacher compensation,
16 preparation, and workplace supports, in addressing
17 educational disparities and inequalities, including
18 disparities and inequalities based on income, and
19 disparities and inequalities based on culture, and
20 race and ethnicity;

21 (10) contribute to the understanding of pro-
22 viding effective child care and early learning pro-
23 grams to dual language learner children, children
24 with disabilities, culturally diverse families, racially
25 and ethnically diverse families, children belonging to

1 an Indian tribe, Native Hawaiian children, and chil-
2 dren of migrant and seasonal farmworkers, and to
3 service areas with many low-income children; and

4 (11) carry out—

5 (A) research to determine the nature of
6 child development processes and the impact of
7 various influences upon those processes, includ-
8 ing workplace conditions and supports, to de-
9 velop techniques to measure and evaluate child
10 development, to develop standards to evaluate
11 professional and paraprofessional child develop-
12 ment personnel, and to determine how child
13 care and early learning and related programs
14 conducted in either family child care homes or
15 centers affect child development processes;

16 (B) research to test alternative methods of
17 providing child development and related serv-
18 ices, and to develop and test innovative ap-
19 proaches to achieve maximum development of
20 children;

21 (C) evaluation of findings from research
22 conducted under this paragraph and the devel-
23 opment of and effective application of those
24 findings;

1 (D) dissemination and application of re-
2 sults from research and related development ef-
3 forts and demonstration projects to child care
4 and early learning programs, related programs,
5 and early childhood education;

6 (E) production of informational systems
7 and other resources necessary to support the
8 activities authorized under this paragraph; and

9 (F) integration of national child develop-
10 ment research efforts under this title into a fo-
11 cused national research program, including the
12 coordination of research and development con-
13 ducted by entities under this section with re-
14 search and development conducted by other
15 agencies, organizations, and individuals.

16 (c) CONDUCT OF RESEARCH, DEMONSTRATION, AND
17 EVALUATION ACTIVITIES.—The Secretary, in order to
18 conduct research, demonstration, and evaluation activities
19 under this section—

20 (1) may carry out such activities directly, or
21 through grants to, or contracts or cooperative agree-
22 ments with, public or private entities;

23 (2) shall, to the extent appropriate, undertake
24 such activities in collaboration with Federal agencies
25 (other than the Department of Health and Human

1 Services), and with non-Federal agencies, Indian
2 tribes, and tribal organizations, conducting similar
3 activities;

4 (3) shall ensure that evaluation of such activi-
5 ties in a specific program is conducted by persons
6 not directly involved in the operation of such pro-
7 gram;

8 (4) may require prime sponsors to provide for
9 independent evaluations;

10 (5) may approve, in appropriate cases, commu-
11 nity-based cooperative research and evaluation ef-
12 forts to enable prime sponsors to collaborate with
13 qualified researchers not directly involved in pro-
14 gram administration or operation of a program
15 funded under this title; and

16 (6) may collaborate with organizations with ex-
17 pertise in inclusive educational strategies for pre-
18 schoolers who are children with disabilities.

19 (d) COORDINATION OF RESEARCH.—

20 (1) TRANSFERS.—Funds available to any Fed-
21 eral agency (including a department) for the pur-
22 poses stated in subsection (a) or the activities stated
23 in subsection (b) shall be available for transfer, with
24 the approval of the head of the agency involved, in
25 whole or in part, to the Secretary for such use as

1 is consistent with the purposes for which such funds
2 were appropriated, and the funds so transferred
3 shall be expendable by the Secretary for the pur-
4 poses for which the transfer was made.

5 (2) COORDINATION.—In carrying out activities
6 under this section, the Secretary shall—

7 (A) coordinate, through the Office of Child
8 Care and Early Learning, established under
9 section 131, all child development research,
10 training, and related development efforts con-
11 ducted by the Department of Health and
12 Human Services and, to the extent feasible, by
13 other agencies, organizations, and individuals;

14 (B) consult with—

15 (i) individuals from relevant academic
16 disciplines;

17 (ii) individuals who are involved in the
18 operation of child care and early learning
19 programs and individuals who are involved
20 in the operation of other child and family
21 service programs;

22 (iii) appropriate officials from Indian
23 tribes and tribal organizations; and

24 (iv) individuals from organizations in-
25 volved with, and academic disciplines re-

1 lated to, children and families, ensuring
2 that the individuals consulted under this
3 subparagraph reflect the multicultural na-
4 ture of the children and families served by
5 the child care and early learning programs
6 and the multidisciplinary nature of the
7 programs;

- (i) a representative of the Office of Child Care and Early Learning (who shall serve as chairperson); and

(ii) a representative from each of the Federal agencies and offices determined to be appropriate by the Secretary.

(B) MEETINGS.—The Council shall meet at least annually and at such more frequent times as the Council may determine to be necessary.

(C) DUTIES.—The Council shall assure co-ordination of child care and early learning services under the jurisdiction of the agencies and offices represented on the Council and carry out the provisions of this section so as to assure—

(i) maximum utilization of available resources through the prevention of duplication of activities;

(ii) a division of labor, insofar as is compatible with the purposes of each of the agencies or offices represented on the Council, among those agencies and offices to assure maximum progress toward the achievement of the purposes of this section; and

6 (e) ANNUAL REPORT.—The Secretary shall make an
7 annual report to Congress—

8 (1) summarizing—

(B) the grants, contracts, or other arrangements entered into during the preceding year under this section; and

17 (f) PLAN.—The Secretary shall develop, and periodi-
18 cally update, a plan governing the research, demonstra-
19 tion, and evaluation activities under this section.

20 (g) OWNERSHIP OF RESULTS.—The Secretary shall
21 take necessary steps to ensure that all studies, reports,
22 proposals, and data produced or developed with Federal
23 funds under this title shall become the property of the
24 United States.

1 SEC. 138. REPORTS.

2 (a) IN GENERAL.—At least once during every 2-year
3 period, the Secretary shall prepare a report concerning the
4 status of children (including low-income children, children
5 with disabilities, dual language learner children, homeless
6 children, children in foster care, children participating in
7 child care and early learning programs on Indian land,
8 and children participating in migrant or seasonal child
9 care and early learning programs) participating in child
10 care and early learning programs, including the number
11 of participating children and the services being provided
12 to such children.

13 (b) CONTENTS.—Such report shall include—

14 (1) a statement for the then most recently con-
15 cluded fiscal year specifying—

16 (A) the amount of funds received, by prime
17 sponsors that are designated under section 113,
18 to provide child care and early learning services
19 in a period before such fiscal year; and

20 (B) the amount of funds received, by prime
21 sponsors that are newly designated under sec-
22 tion 113, to provide such services in such fiscal
23 year;

24 (2) a description of the distribution of child
25 care and early learning services relative to the dis-
26 tribution of children who are in need of child care

1 and early learning programs, including geographic
2 distribution within States, and information on the
3 number of children receiving those services;

4 (3) a statement identifying how funds made
5 available under section 112(a)(1) were distributed
6 and used at national, regional, and local levels;

7 (4) a statement specifying the amount of funds
8 provided as the non-Federal share of the costs of
9 child care and early learning programs, and the
10 source of such funding;

11 (5) the cost per child of carrying out child care
12 and early learning programs, and how such cost var-
13 ies by region;

14 (6) a description of the level and nature of par-
15 ticipation of parents and family members in child
16 care and early learning programs as volunteers and
17 in other capacities;

18 (7) information concerning child care and early
19 learning center staff, including salaries, education,
20 training, experience, and staff turnover;

21 (8) information concerning children partici-
22 pating in child care and early learning programs, in-
23 cluding information on family income, cultural back-
24 ground, racial and ethnic background, homelessness,
25 whether such a child is in foster care or was referred

1 by a child welfare agency, disability, and whether the
2 child's family receives benefits under part A of title
3 IV of the Social Security Act (42 U.S.C. 601 et
4 seq.);

5 (9) using data from the monitoring conducted
6 under section 121—

7 (A) a description of the extent to which
8 programs funded under this title comply with
9 program standards and regulations in effect
10 under this title;

11 (B) a description of the types and condition
12 of facilities in which such programs are located;
13 and

14 (C) the types of organizations that receive
15 funds under this title through such programs;

16 (10) a description of the types of services provided
17 through the programs to children and their
18 families, both on site and through referrals, including
19 services related to health, mental health, dental
20 care, vision care, parenting education, physical fitness,
21 and literacy training;

22 (11) information from a study of the delivery of
23 child care and early learning programs to Indian
24 children, to Native Hawaiian children, and to children
25 of migrant or seasonal farmworker families;

1 (12) information on the delivery of disability-re-
2 lated services in order to—

3 (A) determine whether child care and early
4 learning programs are making timely referrals
5 to the State or local agency responsible for pro-
6 viding services under section 619 or part C of
7 the Individuals with Disabilities Education Act
8 (20 U.S.C. 1419, 1431 et seq.);

9 (B) identify barriers to timely evaluations
10 and eligibility determinations by the State or
11 local agency responsible for providing services
12 under section 619 or part C of the Individuals
13 with Disabilities Education Act; and

14 (C) determine under what circumstances
15 and for what length of time child care and early
16 learning programs are providing disability-re-
17 lated services for children who have not been
18 determined under the Individuals with Disabil-
19 ties Education Act (20 U.S.C. 1400 et seq.) to
20 be children with disabilities; and

21 (13) information on how child care and early
22 learning programs serve populations of low-income
23 children, minority children, and dual language learn-
24 er children, the extent to which disparities exist in
25 early learning outcomes of participants in such pro-

1 grams, and how such programs address disparities
2 in early learning outcomes.

3 (c) SUBMISSION.—The Secretary shall submit each
4 report prepared under subsection (a) to the Committee on
5 Health, Education, Labor, and Pensions of the Senate and
6 the Committee on Education and Labor of the House of
7 Representatives.

8 **SEC. 139. NONDISCRIMINATION PROVISIONS.**

9 The Secretary shall establish nondiscrimination re-
10 quirements consistent with the requirements described in
11 section 654 of the Head Start Act (42 U.S.C. 9849). The
12 established requirements shall apply to the child care and
13 early learning programs carried out under this title, and
14 the prime sponsors carrying out such programs, as the
15 case may be.

16 **SEC. 140. ADVANCE FUNDING.**

17 For the purpose of affording adequate notice of fund-
18 ing available under this title, appropriations for carrying
19 out this title are authorized to be included in an appro-
20 priation Act for the fiscal year preceding the fiscal year
21 for which the appropriations are available for obligation.

1 **SEC. 141. PARENTAL CONSENT REQUIREMENT FOR NON-**
2 **EMERGENCY INTRUSIVE PHYSICAL EXAMINA-**
3 **TIONS.**

4 The Secretary shall establish a parental consent re-
5 quirement consistent with the requirement described in
6 section 657A of the Head Start Act (42 U.S.C. 9852a).
7 The established requirement shall apply to the child care
8 and early learning programs carried out under this title,
9 and the prime sponsors carrying out such programs, as
10 the case may be.

11 **Subtitle D—Special Programs**

12 **SEC. 151. SUPPLEMENTAL FUNDING TO PRIME SPONSORS.**

13 (a) IN GENERAL.—The Secretary is authorized to
14 provide supplemental financial assistance for the activities
15 described in subsection (b) or the purposes described in
16 subsection (c), to prime sponsors, who—

17 (1) demonstrate barriers—

18 (A) to scaling the services and processes
19 needed to fully implement the prime sponsors'
20 child care and early learning programs; and

21 (B) to meeting the national program
22 standards; and

23 (2) need financial assistance, as determined by
24 the Secretary, for those activities or purposes, re-
25 spectively.

1 (b) ACTIVITIES.—The Secretary may provide the sup-
2 plemental financial assistance for activities consisting of—
3 (1) conducting a facilities review as described in
4 section 132(b)(2) and accessing adequate facilities;
5 (2) establishing coordination arrangements and
6 processes with other entities, including local edu-
7 cational agencies and related entities, organizations
8 delivering health and social services in the service
9 area involved, and the State;
10 (3) establishing training and professional devel-
11 opment protocols and processes under sections 135
12 and 136;
13 (4) meeting accreditation requirements;
14 (5) providing supports to enable family child
15 care home providers to participate as providers within
16 the child care and early learning program carried
17 out by the prime sponsor involved and to enable the
18 prime sponsor to meet the national program stand-
19 ards;
20 (6) securing materials and resources for profes-
21 sional learning opportunities; and
22 (7) other activities related to the establishment,
23 expansion, and scaling of services and processes
24 needed to fully implement the prime sponsor's child
25 care and early learning program and enable the

1 prime sponsor to meet the national program stand-
2 ards.

3 (c) PURPOSES.—The Secretary may provide the sup-
4 plemental financial assistance to a prime sponsor that
5 meets the requirements of subsection (a) and has difficulty
6 in providing a non-Federal share because the prime spon-
7 sor serves an area with a high concentration of families
8 with a family income of not more than, or slightly above,
9 200 percent of the poverty line, for the purposes of in-
10 creasing the Federal share of the costs described in section
11 121(c)(2)(A).

12 **SEC. 152. SPECIAL GRANTS TO STATES.**

13 (a) GRANTS.—On approving an application submitted
14 by any State, the Secretary is authorized to provide a
15 grant to the State for carrying out activities described in
16 subsection (b).

17 (b) USE OF FUNDS.—A State that receives a grant
18 under subsection (a) may use the grant funds for—

19 (1) identifying child care and early learning
20 services goals and needs within the State;

21 (2) assisting in the establishment of Child Care
22 and Early Learning Councils and strengthening the
23 capability of such Councils to effectively advise on
24 the child care and early learning programs;

- 1 (3) encouraging the cooperation and participation of State agencies in providing child care and early learning services, including health, family planning, mental health, education, nutrition, family, social, and rehabilitative services if that cooperation and participation are requested by appropriate prime sponsors in the development and implementation of child care and early learning plans;
- 2 (4) encouraging the full utilization of resources and facilities for child care and early learning programs within the State;
- 3 (5) disseminating the results of research on child care and early learning programs;
- 4 (6) conducting programs for the exchange of personnel involved in child care and early learning programs within the State;
- 5 (7) assisting prime sponsors in the acquisition or improvement of facilities for child care and early learning programs;
- 6 (8) assessing State and local licensing codes as the codes relate to child care and early learning programs within the State;
- 7 (9) developing information useful in reviewing prime sponsorship plans described in section 113(a)

1 and child care and early learning plans described in
2 section 114(b);

3 (10) facilitating collaboration among prime
4 sponsors and delegate providers within the State;
5 and

6 (11) supporting a unified, birth-through-school-
7 entry, early childhood system, including carrying out
8 activities related to establishing braided or blended
9 funding arrangements to promote the integration of
10 services to children and families.

11 (c) MAINTENANCE OF EFFORT.—No State or com-
12 munity shall reduce its expenditures for child care and
13 early learning programs (including home-based child care
14 and early learning programs) because of financial assist-
15 ance provided under this section.

16 **TITLE II—RELATED PROGRAMS**

17 **SEC. 201. MAINTENANCE OF EFFORT.**

18 (a) MAINTENANCE OF EFFORT.—Section 658J of the
19 Child Care and Development Block Grant Act of 1990 (42
20 U.S.C. 9858h) is amended by adding at the end the fol-
21 lowing:

22 “(d) MAINTENANCE OF EFFORT.—

23 “(1) IN GENERAL.—No State shall receive such
24 a payment for a fiscal year if the State reduces its
25 total State expenditures for child care services for

1 the prior fiscal year below such expenditures for fis-
2 cal year 2019.

3 “(2) TOTAL STATE EXPENDITURES.—For pur-
4 poses of this subsection, total State expenditures for
5 child care services include State expenditures to
6 carry out this subchapter and the Universal Child
7 Care and Early Learning Act.”.

8 (b) RELATIONSHIP TO THE UNIVERSAL CHILD CARE
9 AND EARLY LEARNING ACT.—Section 658M of the Child
10 Care and Development Block Grant Act of 1990 (42
11 U.S.C. 9858k) is amended by adding at the end the fol-
12 lowing:

13 “(c) RELATIONSHIP TO THE UNIVERSAL CHILD
14 CARE AND EARLY LEARNING ACT.—An eligible child who
15 is eligible for child care and early learning services under
16 the Universal Child Care and Early Learning Act shall
17 only receive child care services under this subchapter that
18 the child is ineligible for under that Act.”.

