

105TH CONGRESS
2D SESSION

S. 1697

To amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 1998

Mr. KENNEDY (for himself, Mr. KERRY, Mr. AKAKA, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “America After School
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) children spend less than 20 percent of their
2 waking hours in school, and their activities during
3 the remaining 80 percent of these hours have a criti-
4 cal impact on their long-term success in school and
5 work;

6 (2) approximately 24,000,000 children require
7 care after school while their parents work;

8 (3) during 1991—

9 (A) there were 36,700,000 school-age chil-
10 dren in the United States;

11 (B) approximately 21,200,000 of the chil-
12 dren described in subparagraph (A) lived with
13 working mothers (including mothers seeking
14 employment) and 999,000 lived with mothers
15 who were enrolled in school; and

16 (C) approximately 912,000 of the children
17 described in subparagraph (A) lived with single
18 working fathers, 61,000 with single unemployed
19 fathers, and 9,000 with single fathers who were
20 enrolled in school;

21 (4) the General Accounting Office estimates
22 that the current supply of child care for school-age
23 children will meet as little as 25 percent of the de-
24 mand in some urban areas by 2002;

(5) children who attend quality after-school programs while their parents work—

(A) experience positive effects on their development;

(B) have better peer relations, emotional adjustment, grades, and conduct in school than their peers in other care arrangements;

(C) have more learning opportunities and enrichment activities than their peers in other care arrangements; and

(D) are less likely to engage in juvenile delinquent activity;

(6)(A) most juvenile delinquent activity occurs between 3 p.m. and 8 p.m.; and

(B) from 1988 to 1992, juvenile arrests for violent acts increased by 50 percent;

(7) survey data confirms public support for expansion of programs to assist school-age children, as evidenced by the fact that the need for child care, including before- and after-school care, was rated as one of the most pressing needs for children and families by 92 percent of respondents to a 1995 National League of Cities survey, ranking as the highest rated need in the survey, which inquired about crime prevention, welfare reform, education, hous-

ing, family stability, drug and alcohol abuse prevention, and a host of other issues;

(8) 1996 survey data indicate that parents overwhelmingly support using school-based after-school programs for learning and enrichment programs, but 70 percent of all public elementary schools do not offer such programs; and

(9) parents want more than babysitting from after-school programs, and computer classes, art and music courses, tutoring, and community service activities rank high among parental choices for activities for after-school programs.

TITLE I—CHILD CARE AND DEVELOPMENT SERVICES

SEC. 101. DEFINITIONS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) by redesignating section 658P (42 U.S.C. 9858n) as section 658T;

(2) by moving such section 658T to the end of such Act; and

(3) in such section 658T—

(A) in paragraph (4), by adding at the end the following:

1 “The term ‘eligible child’, used with respect to child
 2 care and development services, means a school age
 3 child.”; and

4 (B) by adding at the end the following:

5 “(15) CHILD CARE; CHILD CARE SERVICES.—
 6 The terms ‘child care’ and ‘child care services’ in-
 7 clude child care and development services.

8 “(16) CHILD CARE AND DEVELOPMENT SERV-
 9 ICES.—The term ‘child care and development serv-
 10 ices’ means services described in section 658H(f).

11 “(17) CHILD WITH A DISABILITY.—The term
 12 ‘child with a disability’ has the meaning given the
 13 term in section 602 of the Individuals with Disabil-
 14 ities Education Act (20 U.S.C. 1401).

15 “(18) ELEMENTARY SCHOOL; SECONDARY
 16 SCHOOL.—The terms ‘elementary school’ and ‘sec-
 17 ondary school’ have the meanings given the terms in
 18 section 14101 of the Elementary and Secondary
 19 Education Act of 1965 (20 U.S.C. 8801).

20 “(19) SCHOOL AGE CHILD.—The term ‘school
 21 age child’ means an individual who—

22 “(A)(i) is not less than 5 and not more
 23 than 15 years of age; or

24 “(ii) at the election of the State involved,
 25 is less than 5 years of age; and

1 “(B) meets the requirements of subpara-
 2 graphs (B) and (C) of paragraph (4).”

3 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 658B of the Child Care and Development
 5 Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

6 (1) by striking “There is” and inserting “(a) IN
 7 GENERAL.—There is”;

8 (2) by striking “this subchapter” and inserting
 9 “this subchapter (other than section 658H)”; and

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

11 “(b) PROGRAMS FOR CHILD CARE AND DEVELOP-
 12 MENT SERVICES.—There is authorized to be appropriated
 13 and there is appropriated to carry out section 658H,
 14 \$1,000,000,000 for each of fiscal years 1999 through
 15 2003.”

16 **SEC. 103. STATE PLAN.**

17 Section 658E(c) of the Child Care and Development
 18 Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amend-
 19 ed—

20 (1) in paragraph (2)—

21 (A) in subparagraph (A)—

22 (i) in clause (i)(II), by striking “sec-
 23 tion 658P(2)” and inserting “section
 24 658T(2)”; and

1 (ii) in clause (ii), by striking “eligible
 2 provider” and inserting “eligible child care
 3 provider (or, in the case of child care and
 4 development services, an entity described
 5 in section 658H(c))”; and

6 (B) in the first sentence of subparagraph
 7 (E)(i)—

8 (i) by inserting after “within the
 9 State” the following “(or, in the case of
 10 child care and development services, other
 11 appropriate requirements)”; and

12 (ii) by striking “such requirements”
 13 each place it appears and inserting “such
 14 licensing or appropriate requirements”;
 15 and

16 (2) in paragraph (3)—

17 (A) in subparagraph (A), by striking
 18 “(D)” and inserting “(E)”; and

19 (B) by adding at the end the following:

20 “(E) PROGRAMS FOR CHILD CARE AND DE-
 21 VELOPMENT SERVICES.—

22 “(i) IN GENERAL.—The State plan
 23 shall provide that the State will reserve the
 24 portion described in clause (ii) of the State
 25 allotment under section 658O for each fis-

1 cal year to carry out activities under sec-
 2 tion 658H.

3 “(ii) PORTION.—For each fiscal year,
 4 the portion referred to in clause (i) is the
 5 amount that bears the same relationship to
 6 the State allotment for that year as the
 7 amount appropriated under section
 8 658B(b) for that year bears to the total
 9 amount appropriated under section 658B
 10 for that year.”.

11 **SEC. 104. CHILD CARE AND DEVELOPMENT SERVICES.**

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

15 **“SEC. 658H. CHILD CARE AND DEVELOPMENT SERVICES.**

16 “(a) PURPOSE.—It is the purpose of this section to
 17 fund quality child care and development services, including
 18 direct services provided outside of normal school hours,
 19 to promote the health and academic achievement of school
 20 age children, and assist the children in avoiding high risk
 21 behaviors.

22 “(b) IN GENERAL.—Each State that receives funds
 23 to carry out this subchapter for a fiscal year shall use the
 24 funds reserved as described in section 658E(c)(3)(E) to
 25 make grants to eligible entities to carry out programs to

1 expand the availability and affordability of quality child
2 care and development services, including direct services
3 provided outside of normal school hours (including before-
4 and after-school care and weekend, holiday, and summer
5 care) for school age children.

6 “(c) ELIGIBLE ENTITIES.—To be eligible to receive
7 a grant under this section, an entity shall be—

8 “(1) an elementary school or secondary school;
9 or

10 “(2) a community-based organization, including
11 a community-based entity that operates a child care
12 center or youth center or is a family child care pro-
13 vider, that meets such requirements of the type de-
14 scribed in subparagraphs (E) and (F) of section
15 658E(c)(3) as the State and local governments in-
16 volved may prescribe.

17 “(d) APPLICATION.—To be eligible to receive a grant
18 under this section, an entity shall submit an application
19 to the State at such time, in such manner, and containing
20 such information as the State may require. At a minimum,
21 each application shall contain—

22 “(1) information demonstrating the manner in
23 which the entity will carry out a program described
24 in subsection (b) in a manner that meets the needs,
25 of the community to be served, for child care and de-

1 velopment services, including direct services provided
2 outside of normal school hours;

3 “(2) an assurance that the entity will carry out
4 direct services provided through the program dur-
5 ing—

6 “(A) at least 3 days in each week that the
7 program operates, and for at least 3 hours on
8 each day that the program operates; or

9 “(B) at least 10 hours in each week that
10 the program operates;

11 “(3) information demonstrating the manner in
12 which the entity will serve children with disabilities;
13 and

14 “(4) information demonstrating the manner in
15 which the entity will carry out the planning, estab-
16 lishment, implementation, and evaluation of the pro-
17 gram, and provide staff training for the program, in
18 coordination with other entities carrying out pro-
19 grams for children or public transportation pro-
20 grams in the community.

21 “(e) PREFERENCE.—In making grants under this
22 section, a State shall give preference to entities that—

23 “(1) serve communities with—

1 “(A) a high rate of poverty, as determined
 2 in accordance with criteria established by the
 3 Secretary; and

4 “(B) a high incidence of at-risk children;
 5 and

6 “(2) propose programs that make transpor-
 7 tation services available to the children served, if
 8 needed to enable the children to receive other serv-
 9 ices described in this section, using transportation
 10 provided under other public programs in the commu-
 11 nity, such as transportation provided under the
 12 Head Start Act (42 U.S.C. 9831 et seq.), or under
 13 programs providing services to older individuals,
 14 educational programs, or public transportation pro-
 15 grams.

16 “(f) USE OF FUNDS.—

17 “(1) IN GENERAL.—An entity that receives a
 18 grant under this section shall use the funds made
 19 available through the grant to provide—

20 “(A) direct services outside of normal
 21 school hours;

22 “(B) quality services; and

23 “(C) indirect services.

24 “(2) DIRECT SERVICES AND RELATED QUALITY
 25 SERVICES.—

1 “(A) IN GENERAL.—The entity shall use
2 not less than 75 percent of the funds described
3 in paragraph (1) to provide two or more of the
4 direct services described in subparagraph (B) to
5 school age children and to carry out related
6 quality services.

7 “(B) DIRECT SERVICES.—The direct serv-
8 ices referred to in subparagraph (A) consist
9 of—

10 “(i) recreational activities;

11 “(ii) community-based service pro-
12 grams that provide for meaningful human,
13 educational, environmental, or public safe-
14 ty service;

15 “(iii) academic assistance and tutor-
16 ing;

17 “(iv) mentoring;

18 “(v) conflict management;

19 “(vi) health and nutrition services, in-
20 cluding disease and injury prevention serv-
21 ices;

22 “(vii) literacy services;

23 “(viii) child care (other than another
24 service described in this subsection); and

1 “(ix) transportation of school age chil-
2 dren between—

3 “(I) school or home; and

4 “(II) the facility in which the
5 services are provided.

6 “(C) QUALITY SERVICES.—The quality
7 services referred to in subparagraph (A) consist
8 of—

9 “(i) provision of community-based
10 training, related to the provision of direct
11 services, for staff of the entity, at times
12 and in locations that are accessible to the
13 staff;

14 “(ii) provision of financial assistance
15 to the staff to attend courses at an institu-
16 tion of higher education that are related to
17 the provision of direct services;

18 “(iii) provision of financial assistance
19 to staff to promote staff retention;

20 “(iv) provision of financial assistance
21 to enable the child care and development
22 services program provided by the entity to
23 obtain accreditation by a nationally recog-
24 nized accreditation organization;

“(v) data collection relating to direct services, including the collection of data described in paragraphs (1)(B) and (2) of section 658K(a) for family units receiving assistance under this section, and submission of the data to the State for inclusion in the reports described in section 658K(a)(2); and

“(vi) evaluation of the child care and development services provided by the entity in accordance with criteria determined by the State, and participation in audits described in section 658K(b).

“(3) INDIRECT SERVICES.—

“(A) IN GENERAL.—The entity shall use not more than 25 percent of the funds described in paragraph (1) to provide indirect services that support the sustainability of the direct services and the accountability of entities carrying out the direct services.

“(B) SERVICES.—The indirect services referred to in subparagraph (A) may include—

“(i) carrying out activities to provide increased compensation to staff who provide the direct services to school age chil-

1 dren outside of normal school hours and
2 who participate in appropriate training;

3 “(ii) developing and maintaining elec-
4 tronic databases of providers who provide
5 the direct services outside of normal school
6 hours, and making the information in the
7 databases available to the public through
8 arrangements with elementary schools, sec-
9 ondary schools, public libraries, commu-
10 nity-based agencies, and other public agen-
11 cies;

12 “(iii) conducting community needs as-
13 sessments to determine the need for direct
14 services outside of normal school hours;
15 and

16 “(iv) constructing, maintaining, and
17 improving facilities, and purchasing equip-
18 ment for facilities, in which school age chil-
19 dren receive direct services outside of nor-
20 mal school hours.

21 “(g) DEFINITIONS.—In this section:

22 “(1) DIRECT SERVICES.—The term ‘direct serv-
23 ices’ means the services described in subsection
24 (f)(2)(B).

1 “(2) INDIRECT SERVICES.—The term ‘indirect
2 services’ means the services described in subsection
3 (f)(3).

4 “(3) QUALITY SERVICES.—The term ‘quality
5 services’ means the services described in subsection
6 (f)(2)(C).”.

7 **SEC. 105. CONFORMING AMENDMENTS.**

8 (a) FACILITIES.—Section 658F(b) of the Child Care
9 and Development Block Grant Act of 1990 (42 U.S.C.
10 9858d(b)(1)) is amended—

11 (1) in paragraph (1), by striking “section
12 658O(c)(6)” and inserting “section 658H or
13 658O(c)(6)”; and

14 (2) in paragraph (2), by inserting before “ex-
15 cept” the following: “except as provided in section
16 658H and”.

17 (b) QUALITY ACTIVITIES.—Section 658G of the Child
18 Care and Development Block Grant Act of 1990 (42
19 U.S.C. 9858e) is amended by striking “this subchapter”
20 and inserting “this subchapter (other than section
21 658H)”.

22 (c) REDESIGNATION.—Section 658K of the Child
23 Care and Development Block Grant Act of 1990 (42
24 U.S.C. 9858i) is amended, in subsection (a)(2)(A), by

1 striking “section 658P(5)” and inserting “section
2 658T(5)”.

3 (d) CONSTRUCTION.—Section 658O(c)(6) of the
4 Child Care and Development Block Grant Act of 1990 (42
5 U.S.C. 9858m(c)(6)) is amended by inserting “(other than
6 the amounts provided to carry out section 658H)” after
7 “this subsection” each place it appears.

8 **TITLE II—STRENGTHENING THE** 9 **21ST CENTURY COMMUNITY** 10 **LEARNING CENTERS ACT**

11 **SEC. 201. PROGRAM AUTHORIZATION.**

12 Section 10903 of the 21st Century Community
13 Learning Centers Act (20 U.S.C. 8243) is amended—

14 (1) in subsection (a)—

15 (A) in the subsection heading, by inserting
16 “TO LOCAL EDUCATIONAL AGENCIES FOR
17 SCHOOLS” after “SECRETARY”; and

18 (B) by striking “rural and inner-city pub-
19 lic” and all that follows through “or to” and in-
20 serting “local educational agencies for the sup-
21 port of public elementary schools or secondary
22 schools, including middle schools, that serve
23 communities with substantial needs for ex-
24 panded learning opportunities for children and

1 youth in the communities, to enable the schools
2 to establish or”; and

3 (C) by striking “a rural or inner-city com-
4 munity” and inserting “the communities”;

5 (2) in subsection (b)—

6 (A) by striking “States, among” and in-
7 serting “States and among”; and

8 (B) by striking “United States,” and all
9 that follows through “a State” and inserting
10 “United States”; and

11 (3) in subsection (c), by striking “3” and in-
12 serting “5”.

13 **SEC. 202. APPLICATIONS.**

14 Section 10904(a) of such Act (20 U.S.C. 8244(a))
15 is amended—

16 (1) in the first sentence, by striking “an ele-
17 mentary or secondary school or consortium” and in-
18 serting “a local educational agency”;

19 (2) in paragraph (1), by striking “or consor-
20 tium”;

21 (3) in paragraph (2), by striking “and” after
22 the semicolon;

23 (4) in paragraph (3)—

24 (A) in subparagraph (D), by striking “or
25 consortium”; and

1 (B) in subparagraph (E)—

2 (i) in the matter preceding clause (i),

3 by striking “or consortium”; and

4 (ii) in clause (ii), by striking the pe-

5 riod and inserting a semicolon;

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

7 “(4) information demonstrating that the local
8 educational agency will—

9 “(A) provide not less than 50 percent of
10 the annual cost of the activities assisted under
11 the project from sources other than funds pro-
12 vided under this part, which contribution may
13 be provided in cash or in kind, fairly evaluated;

14 “(B) provide not more than 25 percent of
15 the annual cost of the activities assisted under
16 the project from funds provided by the Sec-
17 retary under other Federal programs that per-
18 mit the use of those other funds for activities
19 assisted under the project; and

20 “(C) subject to subparagraph (B), in the
21 fourth and fifth years of a local educational
22 agency’s project, increase the percentage of the
23 annual cost of activities assisted under the
24 project that is paid for from sources other than
25 the funds provided under this part; and

1 “(5) an assurance that the local educational
 2 agency, in each year of the project, will maintain the
 3 agency’s fiscal effort, from non-Federal sources,
 4 from the preceding fiscal year for the activities the
 5 local educational agency provides with funds pro-
 6 vided under this part.”; and

7 (6) in the matter preceding paragraph (1), by
 8 striking “Each such” and inserting the following:

9 “(b) CONTENTS.—Each such”.

10 **SEC. 203. USES OF FUNDS.**

11 Section 10905 of such Act (20 U.S.C. 8245) is
 12 amended by striking “may be used” and all that follows
 13 through “four” and inserting “shall be used to establish
 14 or expand community learning centers that provide activi-
 15 ties which offer expanded learning opportunities for chil-
 16 dren and youth in the community (such as activities con-
 17 ducted before or after school) and which may include
 18 any”.

19 **SEC. 204. CONTINUATION AWARDS UNDER CURRENT**
 20 **STATUTE.**

21 Such Act (20 U.S.C. 8241 et seq.) is further amend-
 22 ed—

23 (1) by redesignating sections 10906 and 10907
 24 as sections 10907 and 10908, respectively; and

1 (2) by inserting after section 10906 the follow-
 2 ing:

3 **“SEC. 10907. CONTINUATION AWARDS.**

4 “Notwithstanding any other provision of law, the Sec-
 5 retary may use funds appropriated under this part to
 6 make payments under this part for projects that were
 7 funded under this part for fiscal year 1998, under the
 8 terms and conditions that applied to the original grants
 9 for the projects.”.

10 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 10908 of such Act (as redesignated by section
 12 204(1)) (20 U.S.C. 8247) is amended by striking
 13 “\$20,000,000 for fiscal year 1995” and inserting
 14 “\$200,000,000 for fiscal year 1999”.

15 **SEC. 206. EFFECTIVE DATE.**

16 This title, and the amendments made by this title,
 17 shall take effect on October 1, 1998.

18 **TITLE III—CRIME PREVENTION**
 19 **PROGRAM**

20 **SEC. 301. GRANTS TO PUBLIC AND PRIVATE AGENCIES.**

21 Title II of the Juvenile Justice and Delinquency Pre-
 22 vention Act of 1974 (42 U.S.C. 5611 et seq.) is amend-
 23 ed—

24 (1) by redesignating the second part designated
 25 as part I as part K; and

1 (2) by inserting after the first part designated
2 as part I the following:

3 **“PART J—AFTER SCHOOL CRIME PREVENTION**
4 **“SEC. 292. GRANTS TO PUBLIC AND PRIVATE AGENCIES**
5 **FOR EFFECTIVE AFTER SCHOOL CRIME PRE-**
6 **VENTION PROGRAMS.**

7 “(a) IN GENERAL.—Subject to the availability of ap-
8 propriations, the Administrator shall make grants in ac-
9 cordance with this section to public and private agencies
10 to fund effective after school juvenile crime prevention
11 programs.

12 “(b) MATCHING REQUIREMENT.—The Administrator
13 may not make a grant to a public or private agency under
14 this section unless that agency agrees that, with respect
15 to the costs to be incurred by the agency in carrying out
16 the program for which the grant is to be awarded, the
17 agency will make available non-Federal contributions in
18 an amount that is not less than a specific percentage of
19 Federal funds provided under the grant, as determined by
20 the Administrator.

21 “(c) PRIORITY.—In making grants under this sec-
22 tion, the Administrator shall give priority to funding pro-
23 grams that—

24 “(1) are targeted to high crime neighborhoods
25 or at-risk juveniles;

1 “(2) operate during the period immediately fol-
2 lowing normal school hours;

3 “(3) provide educational or recreational activi-
4 ties designed to encourage law-abiding conduct, re-
5 duce the incidence of criminal activity, and teach ju-
6 veniles alternatives to crime; and

7 “(4) coordinate with State or local juvenile
8 crime control and juvenile offender accountability
9 programs.

10 “(d) FUNDING.—There are authorized to be appro-
11 priated for grants under this section \$250,000,000 for
12 each of fiscal years 1999, 2000, 2001, 2002, and 2003.”.

○