

118TH CONGRESS
1ST SESSION

S. 388

To establish universal child care and early learning programs.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Ms. WARREN (for herself, Mr. PADILLA, Mr. MARKEY, Mr. SANDERS, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SMITH, Mr. WYDEN, and Mr. BOOKER) 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 “Child Care for Every
5 Community 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 uni-
2 versal, comprehensive child care and early learning
3 programs that are available to all young children;

4 (2) to ensure that families can access afford-
5 able, high-quality child care and early learning pro-
6 grams regardless of circumstance;

7 (3) to promote the school readiness of all young
8 children by enhancing their cognitive, social, emo-
9 tional, and physical development—

10 (A) in a learning environment that sup-
11 ports children’s growth in language, literacy,
12 mathematics, science, cognitive abilities, social
13 and emotional functioning, creative arts, phys-
14 ical skills, and approaches to learning; and

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 nec-
19 essary;

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

24 (5) to provide that decisions on the nature of
25 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 not yet required to attend school,
11 under the laws of compulsory school attendance
12 of the State in which the child resides; and

13 (B) meets the requirements of regulations
14 issued under section 124.

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

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

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

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

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

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

22 (9) HEALTH.—The term “health”, when used
23 to refer to services or care provided to children en-
24 rolled in a child care and early learning program,

1 their parents, or their siblings, shall be interpreted
2 to refer to both physical and mental health.

3 (10) HOMELESS CHILD.—The term “homeless
4 child” means an individual described in section
5 725(2) of the McKinney-Vento Homeless Assistance
6 Act (42 U.S.C. 11434a(2)).

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

9 (A) a member of an Indian Tribe or band,
10 as membership is defined by the Tribe or band,
11 including—

12 (i) any Tribe or band terminated since
13 1940; and

14 (ii) any Tribe or band recognized by
15 the State in which the Tribe or band re-
16 sides;

17 (B) a descendant of an individual de-
18 scribed in subparagraph (A);

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

21 (D) an Eskimo, Aleut, or other Alaska Na-
22 tive; or

23 (E) a member of an organized Indian
24 group that received a grant under the Indian

1 Education Act of 1988 as in effect on October
2 19, 1994.

3 (12) INDIAN TRIBE.—The term “Indian Tribe”
4 means the governing body of any individually identi-
5 fied and federally recognized Indian or Alaska Na-
6 tive Tribe, band, nation, pueblo, village, or commu-
7 nity (including an affiliated Tribal group or compo-
8 nent reservation) included on the list published pur-
9 suant to section 104(a) of the Federally Recognized
10 Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

11 (13) INSTITUTION OF HIGHER EDUCATION.—
12 The term “institution of higher education” has the
13 meaning given the term in section 101(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

15 (14) LOCAL EDUCATIONAL AGENCY.—The term
16 “local educational agency” has the meaning given
17 such term in section 8101 of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C. 7801).

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

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

1 means an individual in a family with a family in-
2 come that is not more than 200 percent of the pov-
3 erty line.

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

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

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

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

1 (19) NATIVE HAWAIIAN.—The term “Native
2 Hawaiian” has the meaning given the term in sec-
3 tion 6207 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7517).

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

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

16 (B) adjusted for family size.

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

1 (22) SCIENTIFICALLY VALID RESEARCH.—The
2 term “scientifically valid research” includes applied
3 research, basic research, and field-initiated research,
4 in which the rationale, design, and interpretation are
5 soundly developed in accordance with principles of
6 scientific research.

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

9 (24) STAKEHOLDER.—The term “stakeholder”
10 means a community-based employer of child care
11 providers, a labor organization representing child
12 care providers, a joint labor-management partner-
13 ship advocating for child care standards, an entity
14 operating a trust fund that provides training and
15 education for child care providers, or a nonprofit or-
16 ganization that represents parents of children eligi-
17 ble for services in a program carried out under this
18 title.

19 (25) STATE.—The term “State” means—

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

22 (B) the Republic of Palau—

23 (i) for each of fiscal years 2024
24 through 2028; and

1 (ii) (if legislation approving a new
2 agreement regarding United States assist-
3 ance for the Republic of Palau has not
4 been enacted by September 30, 2026), for
5 each subsequent fiscal year for which such
6 legislation has not been enacted.

7 (26) TRIBAL LAND.—The term “Tribal land”
8 means a reservation, the land of an Indian Tribe, or
9 land designated by Hawaii as under the control of
10 Native Hawaiians for purposes of this title.

11 (27) TRIBAL ORGANIZATION.—The term “Trib-
12 al organization” means—

13 (A) the recognized governing body of any
14 Indian Tribe, and any legally established orga-
15 nization of Indians which is controlled, sanc-
16 tioned, or chartered by such governing body or
17 which is democratically elected by the adult
18 members of the Indian community to be served
19 by such organization and which includes the
20 maximum participation of Indians in all phases
21 of its activities, except that in any case where
22 a contract is let or grant made to an organiza-
23 tion to perform services benefitting more than
24 one Indian Tribe, the approval of each such In-

1 dian Tribe shall be a prerequisite to the letting
2 or making of such contract or grant; and

3 (B) includes a Native Hawaiian organiza-
4 tion, as defined in section 6207 of the Elemen-
5 tary and Secondary Education Act of 1965 (20
6 U.S.C. 7517) and a private nonprofit organiza-
7 tion established for the purpose of serving
8 youth who are Indians or Native Hawaiians.

9 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS; APPRO-**
10 **PRIATIONS.**

11 (a) APPROPRIATIONS.—There are authorized to be
12 appropriated and there are appropriated to carry out this
13 title (other than the activities described in subsection (b)),
14 including meeting the entitlement requirements of section
15 111(b), such sums as may be necessary.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out activities under
18 sections 135, 136, 137, 138, 151, 152, and such adminis-
19 trative activities as the Secretary determines to be nec-
20 essary and appropriate to carry out this title,
21 \$500,000,000 for each of fiscal years 2024 through 2034.

1 dren, other than activities described in paragraph
2 (2).

3 (2) ADMINISTRATIVE AND ENHANCEMENT AC-
4 TIVITIES.—Of the amounts appropriated under sec-
5 tion 103(b)—

6 (A) such portion, but not less than 50 per-
7 cent, shall be used for the purpose of carrying
8 out activities under sections 135 and 136 and
9 such administrative activities as the Secretary
10 determines to be necessary and appropriate to
11 carry out this title;

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

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

18 (3) FLEXIBILITY FOR EMERGENCY SUPPLE-
19 MENTAL FUNDING.—Notwithstanding paragraph
20 (2), the Secretary may, after providing appropriate
21 notice and written justification to Congress, redirect
22 any amounts appropriated under section 103(b) as
23 the Secretary determines to be necessary and appro-
24 priate to carry out section 151 for the purpose of
25 carrying out activities under section 151.

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

6 (c) PAYMENTS.—

7 (1) IN GENERAL.—

8 (A) AUTHORITY FOR PAYMENTS.—In ac-
9 cordance with this subsection, the Secretary
10 shall pay, from the allocation under subsection
11 (a)(1), the Federal share of the costs of pro-
12 viding child care and early learning programs,
13 in accordance with plans under sections 113
14 and 114 that have been approved as provided in
15 this title.

16 (B) MANNER AND TIMING FOR PAY-
17 MENTS.—The Secretary may make such finan-
18 cial assistance as may be necessary to carry out
19 this title. The Secretary may also withhold
20 funds otherwise payable under this title in order
21 to recover any amounts expended in the current
22 or immediately prior fiscal year in violation of
23 any provision of this title or any term or condi-
24 tion of financial assistance under this title.

25 (2) FEDERAL SHARE.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraphs (B) and (C) and section 151,
3 the Federal share of the costs of providing child
4 care and early learning programs for covered
5 children shall be no less than 90 percent.

6 (B) CHILDREN OF MIGRANT AND SEA-
7 SONAL FARMWORKERS.—The Secretary shall
8 pay for 100 percent of the costs of providing
9 child care and early learning programs for cov-
10 ered children of migrant and seasonal farm-
11 workers under this title.

12 (C) NATIVE AMERICAN CHILDREN.—The
13 Secretary shall pay each prime sponsor des-
14 ignated under section 113 for 100 percent of
15 the costs of providing child care and early
16 learning programs for covered children in In-
17 dian Tribes and Native Hawaiian covered chil-
18 dren under this title.

19 (D) ADMINISTRATIVE AMOUNT.—When
20 making a payment described in paragraph (1)
21 to any prime sponsor for the Federal share of
22 the costs of providing a child care and early
23 learning program, the Secretary shall also make
24 a payment to the prime sponsor of not more
25 than 100 percent of the costs for staff and

1 other administrative expenses of the prime
2 sponsor, including such costs and expenses re-
3 lated to quality improvement (such as con-
4 ducting monitoring and training) and operating
5 the Child Care and Early Learning Council, but
6 not to exceed an amount which is reasonable
7 when compared with such costs and expenses
8 for other prime sponsors.

9 (3) RATE ANALYSIS.—

10 (A) PROCESS.—The Secretary shall, on the
11 basis of recommendations by an committee of
12 experts and stakeholders outside the Depart-
13 ment of Health and Human Services, establish
14 and implement a process for determining the
15 costs described in paragraph (1)(A) and ensur-
16 ing that the requirement of subparagraph (B)
17 is met.

18 (B) SUFFICIENCY REQUIREMENT.—The
19 Secretary shall ensure that the Federal share
20 determined under paragraph (2) is sufficient to
21 ensure that a prime sponsor can meet all re-
22 quirements under this title, including the na-
23 tional program standards under section 121,
24 compensation provisions under section 136(b),

1 and provisions relating to comprehensive serv-
2 ices and access to services.

3 (4) NON-FEDERAL SHARE.—

4 (A) SOURCES.—The non-Federal share of
5 the costs described in paragraph (1) may be
6 provided through public or private funds (in-
7 cluding labor union or employer contributions)
8 and may be in cash or in kind, fairly evaluated,
9 including facilities, goods, or services.

10 (B) FEES FROM FAMILIES.—Fees collected
11 for services provided pursuant to section 114(j)
12 may be used toward the non-Federal share.
13 Such fees collected from a family may not ex-
14 ceed 7 percent of the family income, regardless
15 of the number of children served from that fam-
16 ily.

17 (C) EXCESS CONTRIBUTIONS.—If, with re-
18 spect to any fiscal year, a prime sponsor pro-
19 vides a non-Federal share, for any program
20 that exceeds its requirements for such a share,
21 such excess may be applied toward meeting the
22 requirements for such a share for the subse-
23 quent fiscal year under this title.

24 (d) MAINTENANCE OF EFFORT.—No State or locality
25 shall reduce its expenditures for child care and early learn-

1 ing programs (including home-based child care and early
2 learning programs) because of financial assistance pro-
3 vided under this title.

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

5 (a) **AUTHORITY TO DESIGNATE.**—

6 (1) **QUALIFIED ENTITIES.**—In accordance with
7 the provisions of this section, a State, locality, In-
8 dian Tribe, Tribal organization, or public or private
9 nonprofit agency or organization, meeting the re-
10 quirements of this title may be designated by the
11 Secretary as a prime sponsor for the purpose of en-
12 tering into arrangements to carry out child care and
13 early learning programs under this title.

14 (2) **PRIME SPONSORSHIP PLANS.**—An entity
15 may be designated by the Secretary as a prime spon-
16 sor for a period of fiscal years only pursuant to an
17 application in the form of a prime sponsorship plan
18 which was submitted by such entity and approved by
19 the Secretary in accordance with the provisions of
20 this title. At a minimum, the plan shall—

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

23 (B) provide a comprehensive child care and
24 early learning plan, as described in section
25 114(b);

1 (C) demonstrate that the entity has en-
2 gaged with the community involved, including
3 parents who might participate in such a child
4 care and early learning program, family mem-
5 bers of such parents, and other stakeholders,
6 individuals, and organizations, in the commu-
7 nity, to determine the need and interest for
8 such a child care and early learning program in
9 a service area, in a manner that takes into ac-
10 count a wide array of perspectives, especially
11 those from marginalized populations; and

12 (D) demonstrate that the entity has the
13 authority under its charter or applicable law to
14 receive and administer funds under this title,
15 funds and contributions from private or public
16 sources that may be used in support of a child
17 care and early learning program, and funds
18 under a Federal or State assistance program
19 that may be so used.

20 (3) APPROVAL.—No prime sponsorship plan, or
21 modification of the plan, submitted by an entity
22 under this section shall be approved by the Secretary
23 unless the Secretary determines, in accordance with
24 regulations which the Secretary shall prescribe,
25 that—

1 (A) the local educational agency for the
2 service area and other appropriate educational
3 and training agencies and institutions have had
4 an opportunity to submit comments to the enti-
5 ty and to the Secretary;

6 (B) appropriate officials from Indian
7 Tribes or Tribal organizations have had an op-
8 portunity to submit comments to the entity and
9 to the Secretary; and

10 (C) the Governor of the State has had an
11 opportunity to submit comments to the entity
12 and to the Secretary.

13 (4) JOINT SUBMISSION.—In order to contribute
14 to the effective administration of this title, the Sec-
15 retary shall establish appropriate procedures to per-
16 mit an entity described in subsection (a)(1) and a
17 State to submit jointly a single comprehensive child
18 care and early learning plan for the service areas the
19 entity and State propose. If the Secretary approves
20 such a plan, the Secretary may designate the entity
21 as a prime sponsor, and the State as a prime spon-
22 sor, for the corresponding service areas.

23 (b) ADDITIONAL APPROVAL PROCEDURES.—

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

4 (A) the locality meets a population thresh-
5 old determined by the Secretary, except that
6 the Secretary may waive the population thresh-
7 old if it creates a barrier to providing child care
8 and early learning services in a service area of
9 a specified type, such as a rural region;

10 (B) the plan meets the requirements of
11 subsection (a) and includes adequate provisions
12 for carrying out child care and early learning
13 programs in the area of such locality; and

14 (C) the locality is a—

15 (i) city;

16 (ii) county; or

17 (iii) other unit of general local govern-
18 ment, including a local educational agency,
19 as defined in section 8101 of the Elemen-
20 tary and Secondary Education Act of 1965
21 (20 U.S.C. 7801).

22 (2) LOCALITIES WITH COMMON GEOGRAPHICAL
23 AREA.—In the event that the area under the juris-
24 diction of a unit of general local government de-
25 scribed in clause (i), (ii), (iii), or (iv) of paragraph

1 (1)(C) includes any common geographical area with
2 the geographical area covered by another such unit
3 of general local government, the Secretary shall des-
4 ignate to serve such common area the unit of gen-
5 eral local government that—

6 (A) the Secretary determines has the capa-
7 bility of more effectively carrying out the pur-
8 poses of this title with respect to such area; and

9 (B) has submitted a plan which meets the
10 requirements of subsection (a) and includes
11 adequate provisions for carrying out child care
12 and early learning programs in such area.

13 (3) LOCALITIES.—

14 (A) SUBMISSION BY COMBINATION.—In
15 the event that the Secretary determines that a
16 locality does not meet the requirements for des-
17 ignation as a prime sponsor under this section,
18 the Secretary shall take steps to encourage the
19 submission of a prime sponsorship plan, cov-
20 ering the area of such locality, by a combination
21 of localities which are adjoining and possess a
22 sufficient commonality of interest.

23 (B) APPROVAL.—The Secretary shall ap-
24 prove a prime sponsorship plan submitted by
25 such a combination of localities, if the Secretary

1 determines that the plan so submitted meets
2 the requirements of subsection (a) and includes
3 adequate provisions for carrying out child care
4 and early learning programs in the area covered
5 by the combination of such localities.

6 (4) INDIAN TRIBES AND TRIBAL ORGANIZA-
7 TIONS.—The Secretary shall approve a prime spon-
8 sorship plan submitted by an Indian Tribe or Tribal
9 organization if the Secretary determines that the
10 plan so submitted meets the requirements of sub-
11 section (a) and includes adequate provisions for car-
12 rying out child care and early learning programs in
13 the area to be served.

14 (5) STATES.—The Secretary shall approve a
15 prime sponsorship plan submitted by a State if the
16 Secretary determines that the plan so submitted—

17 (A) meets the requirements of subsection
18 (a);

19 (B) includes adequate provisions for car-
20 rying out child care and early learning pro-
21 grams in the area to be served;

22 (C) contains a commitment to coordinating
23 the State's early childhood programs to create
24 a cohesive system, for children from birth to

1 entry into kindergarten, for providing child care
2 and early learning services;

3 (D) demonstrates that the State can de-
4 liver a child care and early learning program
5 that ensures coverage of—

6 (i) the entire State; or

7 (ii) the portions of the State that are
8 not proposed to be covered by other enti-
9 ties submitting applications under sub-
10 section (a)(2); and

11 (E) demonstrates that the State can de-
12 liver such a program with sufficient local ad-
13 ministration, governance, and input.

14 (6) TWO PHASES OF APPLICATION REVIEW.—

15 (A) IN GENERAL.—The Secretary shall es-
16 tablish two phases of review for applications in
17 the form of prime sponsorship plans. Entities
18 submitting such applications for the first phase
19 of review shall be given preference for designa-
20 tion under subsection (a).

21 (B) FIRST PHASE.—States, Indian Tribes,
22 Tribal organizations, entities applying to carry
23 out migrant or seasonal child care and early
24 learning programs, and entities and States sub-
25 mitting applications jointly may submit applica-

1 tions described in subparagraph (A) for the
2 first phase of application review.

3 (C) SECOND PHASE.—Localities, public or
4 private nonprofit agencies or organizations, and
5 entities described in subparagraph (B) may
6 submit applications described in subparagraph
7 (A) for the second phase of application review.

8 (D) PRIORITY.—During each phase of ap-
9 plication review, the Secretary shall give pri-
10 ority to applications describing programs that
11 will serve a significant number of low-income
12 children, children with disabilities, dual lan-
13 guage learner children, homeless children, or
14 children in foster care, or will offer child care
15 and early learning services during nonstandard
16 hours.

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

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

1 (2) a reasonable time in which to submit correc-
2 tive amendments to such plan or undertake other
3 necessary corrective action; and

4 (3) an opportunity for a public hearing upon
5 which basis an appeal to the Secretary may be taken
6 as of right.

7 (d) UNSERVED AREAS.—From amounts allocated
8 under section 103(b) in the event that a prime sponsorship
9 plan has not been submitted or approved, if a prime spon-
10 sor designation has been withdrawn, or if the needs of sea-
11 sonal and migrant farmworkers, minority groups, or low-
12 income individuals are not being met, for a service area,
13 the Secretary shall develop and implement a program of
14 outreach to identify a prime sponsor. If necessary, the
15 Secretary may enter into an agreement with an organiza-
16 tion, such as a national nonprofit organization, to serve
17 as the prime sponsor for such an area. The Secretary shall
18 meet the requirements described in subsection (g) before
19 entering into the agreement.

20 (e) DESIGNATION RENEWAL.—

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

1 (2) SYSTEM FOR DESIGNATION RENEWAL.—

2 The Secretary shall develop a system for prime
3 sponsors to renew their designation, under which the
4 Secretary shall determine if a prime sponsor is deliv-
5 ering a high-quality and comprehensive child care
6 and early learning program that meets the health,
7 educational, nutritional, and social needs of the chil-
8 dren and families it serves, and meets program and
9 financial management requirements and standards
10 described in section 121(a), and governance and
11 legal requirements.

12 (f) PROHIBITION AGAINST ENTITIES OTHER THAN
13 INDIAN TRIBES OR TRIBAL ORGANIZATIONS RECEIVING
14 A GRANT FOR A CHILD CARE AND EARLY LEARNING PRO-
15 GRAM ON INDIAN LAND.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, except as provided in paragraph
18 (2), under no condition may an entity other than an
19 Indian Tribe or Tribal organization receive a grant
20 to carry out a child care and early learning program
21 on Tribal land.

22 (2) EXCEPTIONS.—

23 (A) NO INDIAN TRIBE OR TRIBAL ORGANI-
24 ZATION AVAILABLE.—In a service area in which
25 there is no Indian Tribe or Tribal organization

1 available for designation to carry out an child
2 care and early learning program on Indian
3 land, an entity that is not a Tribal organization
4 may receive a grant to carry out an child care
5 and early learning program on Indian land, but
6 only until such time as an Indian Tribe or Trib-
7 al organization in such service area becomes
8 available and is designated pursuant to this sec-
9 tion.

10 (B) JOINT PRIME SPONSORS.—For a serv-
11 ice area that consists of any non-reservation In-
12 dian land, if the Indian Tribe or Tribal organi-
13 zation involved is not interested in serving or
14 does not have the capacity to serve the entire
15 service area, the Indian Tribe or Tribal organi-
16 zation may work with another prime sponsor to
17 jointly serve as prime sponsors for the service
18 area.

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

21 (1) significantly involve parents, family mem-
22 bers, family child care home providers, child care
23 and early learning staff, labor unions, and commu-
24 nity residents in the service area for the program in-

1 involved, in the process for designation of prime spon-
2 sors; and

3 (2) ensure that the persons selected to be in-
4 volved in that process shall reflect the diversity of
5 the service area, with respect to income, culture,
6 race and ethnicity, language, and status as a mi-
7 grant or seasonal farmworker, Indian, or Native Ha-
8 waiian.

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

10 (a) **AUTHORITY.**—If an entity has been designated as
11 a prime sponsor under this title—

12 (1) the entity may receive and administer funds
13 under this title, funds and contributions from pri-
14 vate or local public sources that may be used in sup-
15 port of a child care and early learning program, and
16 funds under a Federal or State assistance program
17 related to the provision of child care and early learn-
18 ing services;

19 (2) the entity may transfer funds so received,
20 and delegate powers to other agencies, subject to the
21 powers of its governing board and its overall pro-
22 gram responsibilities;

23 (3) the entity's power to transfer funds and del-
24 egate powers shall include the power to make trans-
25 fers and delegations for services in all cases where

1 the transfers and delegations will contribute to effi-
2 ciency and effectiveness or otherwise further pro-
3 gram objectives; and

4 (4) the entity may set up a process to negotiate
5 wages, benefits, hours, and working conditions of
6 teachers and other staff in the corresponding child
7 care and early learning program.

8 (b) COMPREHENSIVE CHILD CARE AND EARLY
9 LEARNING PLANS.—

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

18 (2) CONTENTS.—Any such plan shall set forth
19 a comprehensive proposal, for providing child care
20 and early learning services in the service area,
21 which—

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

1 (B) describes the demographic and eco-
2 nomic data and other criteria the prime sponsor
3 proposes to use to determine whether a commu-
4 nity is in particular need of child care;

5 (C) identifies specific communities deter-
6 mined to be in particular need of child care,
7 where such communities are located, the size
8 and scope of such areas, and the age groups of
9 children in need of child care in such areas;

10 (D) describes how the prime sponsor will
11 increase the child care supply, quality, and af-
12 fordability for all families in communities of
13 particular need, which may include providing
14 start-up funding, technical assistance, training
15 and professional development for the child care
16 workforce, enhanced compensation, and other
17 activities;

18 (E) describes how the prime sponsor will
19 provide comprehensive health, mental health,
20 education, parental or family member involve-
21 ment, nutritional, social, and other services for
22 the children that need child care and early
23 learning services, including appropriate screen-
24 ing and referrals for children with challenging
25 behaviors and other mental health needs;

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

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

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

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

21 (ii) teacher training and mental health
22 consultations for both staff and children of
23 the child care and early learning program;

24 (I) includes a policy on suspension and ex-
25 pulsion that—

1 (i) prohibits or severely limits the use
2 of suspension due to a child’s behavior and
3 ensures suspensions are only temporary in
4 nature;

5 (ii) prohibits expelling or unenrolling
6 a child from the program because of the
7 child’s behavior; and

8 (iii) provides that, in the case of a
9 child exhibiting persistent and serious chal-
10 lenging behaviors, the program provider
11 will—

12 (I) explore all possible steps and
13 document all steps taken to address
14 such behaviors;

15 (II) make efforts to facilitate the
16 child’s safe participation in the pro-
17 gram; and

18 (III) after taking the steps de-
19 scribed in subclauses (I) and (II), if
20 the provider determines, in consulta-
21 tion with parents and other profes-
22 sionals, that the program is not the
23 most appropriate placement for the
24 child, work with the parents to di-
25 rectly facilitate the transition of the

1 child to a more appropriate place-
2 ment;

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

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

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

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

1 (N) provides that services will be cul-
2 turally, linguistically, and developmentally ap-
3 propriate;

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

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

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

20 (R) provides equitably for the child care
21 and early learning needs of all covered children
22 within the service area, and promotes equity
23 and addresses disparities in the provision of
24 services, including equity and disparities related
25 to income, culture, race and ethnicity, language,

1 or status as a child of a migrant or seasonal
2 farmworker, as a child belonging to an Indian
3 Tribe, or as a Native Hawaiian child;

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

7 (T) provides for—

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

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

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

24 (V) includes to the extent feasible a career
25 development plan for paraprofessional and pro-

1 professional training, education, and advancement
2 on a career ladder;

3 (W) provides that, insofar as possible, per-
4 sons residing in the service area will receive
5 jobs, including in-home and part-time jobs, and
6 opportunities for training in programs under
7 sections 135 and 136, with special consideration
8 for career opportunities for low-income individ-
9 uals;

10 (X) provides for the regular and frequent
11 dissemination of information in the language of
12 workers and those to be served, to assure that
13 parents, family members, and interested per-
14 sons in the service area are fully informed of
15 services available through the child care and
16 early learning program, and of the activities of
17 the prime sponsor's Child Care and Early
18 Learning Council;

19 (Y) provides for coordination with adminis-
20 trators of programs and services that are re-
21 lated to child care and early learning programs
22 and services and that are not funded through
23 this title, including programs conducted under
24 the auspices of or with the support of business
25 or financial institutions or organizations, indus-

1 try, labor unions, employee or labor-manage-
2 ment organizations, or other community groups;

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

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

20 (BB) provides that—

21 (i) services for children with disabil-
22 ities at the State, Tribal, and local levels
23 will be available, in the child care and early
24 learning program approved under the plan;
25 and

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

5 (CC) provides assurances satisfactory to
6 the Secretary that the non-Federal share re-
7 quirements described in section 112(c) will be
8 met;

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

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

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

24 (GG) provides verification that the sponsor
25 and its delegate providers—

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

7 (ii) will not assist in, promote, or
8 deter labor union organizing;

9 (HH) provides an annual technical assist-
10 ance and training plan;

11 (II) provides for collection and reporting of
12 program performance data in both an aggregate
13 form and disaggregated by family income, cul-
14 ture, race and ethnicity, and primary language;

15 (JJ) documents a written affirmation,
16 signed by the appropriate officials from Indian
17 Tribes or Tribal organizations approved by the
18 Tribes or Native Hawaiian groups, which recog-
19 nizes that the prime sponsor has engaged in
20 timely and meaningful consultation with the ap-
21 propriate officials from Indian Tribes or Tribal
22 organizations if—

23 (i) a program is being operated on or
24 near an Indian reservation, or if more than
25 15 percent of children enrolled in the pro-

1 gram are Indians or Native Hawaiians;
2 and

3 (ii) the prime sponsor is not an Indian
4 Tribe or Tribal organization;

5 (KK) provides that services will be pro-
6 vided with a holistic and multi-generational ap-
7 proach that includes promoting the well-being
8 of pregnant women and engaging expectant
9 parents during prenatal and early months;

10 (LL) describes how the sponsor will ensure
11 that key workplace protections and rights, simi-
12 lar to the protections and rights specified in the
13 National Labor Relations Act (29 U.S.C. 151
14 et seq.), are provided;

15 (MM) describes how the sponsor will im-
16 plement a process in which, through their labor
17 unions, family child care home providers and
18 child care and early learning center staff par-
19 ticipate in a collective process to set wages, ben-
20 efits, hours, and minimum standards for work-
21 ing conditions;

22 (NN) describes how the sponsor will ensure
23 that family child care home providers, including
24 teachers and other staff of family child care
25 home providers, and teachers and other staff at

1 a child care and early learning center (including
2 employees of a delegate provider) are paid com-
3 pensation that meets the requirements of sec-
4 tion 136(b);

5 (OO) provides that the sponsor will provide
6 teachers and other staff with supports that are
7 high-quality, research-based, and rooted in
8 adult learning theory;

9 (PP) provides that the program will be ac-
10 cessible to, and that staff will receive training
11 on working with, children with disabilities and
12 parents with disabilities;

13 (QQ) describes how the prime sponsor will
14 award financial assistance to delegate providers,
15 consistent with the requirements under this sec-
16 tion, for the provision of child care and early
17 learning services for children under this section
18 that, at a minimum, supports—

19 (i) the providers' operating expenses
20 to meet and sustain compliance with
21 health, safety, quality, and wage standards
22 required under this section; and

23 (ii) services to address underserved
24 populations described in section 137(a)(4);
25 and

1 (RR) meets any other requirements or pro-
2 vides any information the Secretary requires by
3 regulation.

4 (c) USES.—The Secretary shall provide the financial
5 assistance to a prime sponsor, for the planning, conduct,
6 administration, and evaluation of a child care and early
7 learning program that delivers services in accordance with
8 the requirements of the comprehensive child care and early
9 learning plan specified under subsection (b), and for im-
10 plementing the following activities:

11 (1)(A) Provide for family member and commu-
12 nity involvement, including the involvement of par-
13 ents, family members, community residents, current
14 or future staff of a child care and early learning pro-
15 gram, and local businesses, in the design and imple-
16 mentation of the program.

17 (B) The prime sponsor shall—

18 (i) provide for the involvement in a manner
19 that recognizes parents and family members as
20 their children’s primary teachers and nurturers;
21 and

22 (ii) implement intentional strategies to en-
23 gage parents and family members in their chil-
24 dren’s learning and development and support
25 parent-child relationships.

1 (2) Provide for implementing additional activi-
2 ties, other than the activities described in paragraph
3 (1), that the Secretary determines to be appropriate
4 by regulation, which additional activities may in-
5 clude—

6 (A) activities to support family well-being
7 related to family safety, health, and economic
8 stability, including substance abuse counseling
9 (either directly or through referral to local enti-
10 ties), which may include providing information
11 on the effect of prenatal exposure to drugs and
12 alcohol; and

13 (B) other activities designed to facilitate a
14 partnership in the program with parents in sup-
15 porting the development and early learning of
16 their child, including providing—

17 (i) training in basic child care and
18 early learning (including cognitive, social,
19 and emotional development);

20 (ii) assistance in developing adult or
21 family literacy and communication skills;

22 (iii) opportunities to share experiences
23 with other parents (including parent-men-
24 tor relationships);

1 (iv) health services, including informa-
2 tion on maternal depression and mental
3 health;

4 (v) regular in-home or virtual visita-
5 tion; or

6 (vi) family literacy services.

7 (3) Provide, with respect to each participating
8 family, a family needs assessment that includes con-
9 sultation with the parents (including, in this para-
10 graph, foster parents, grandparents, and kinship
11 caregivers, where applicable) in the family's pre-
12 ferred language or through an interpreter, to the ex-
13 tent practicable, and ensure parents have the oppor-
14 tunity to share personal information in an environ-
15 ment in which the parents feel safe.

16 (4) Provide to parents of dual language learners
17 outreach and information, in an understandable and
18 uniform format and, to the extent practicable, in a
19 language that the parents can understand.

20 (5) Promote the continued partnership in the
21 program of the parents (including, in this para-
22 graph, foster parents, grandparents, and kinship
23 caregivers, as appropriate) of children that partici-
24 pate in child care and early learning programs in the
25 education of their children upon transition of their

1 children to school, by working with the local edu-
2 cational agency—

3 (A) to implement strategies and activities,
4 including providing information and training to
5 the parents—

6 (i) to help parents advocate for and
7 promote successful transitions to kinder-
8 garten for their children, including helping
9 parents continue to be involved in the edu-
10 cation and development of their child, and
11 to help parents understand and prepare to
12 exercise their rights and responsibilities
13 concerning the education of their children;

14 (ii) in the case of parents with chil-
15 dren who receive services under section
16 619 or part C of the Individuals with Dis-
17 abilities Education Act (20 U.S.C. 1419,
18 1431 et seq.), to collaborate with the par-
19 ents, and the local agency responsible for
20 providing such services, to support the
21 children and parents in transitioning to a
22 new setting in elementary school; and

23 (iii) to prepare parents—

1 (I) to understand and work with
2 schools in order to communicate with
3 teachers and other school personnel;

4 (II) to continue to support their
5 children's learning, in an elementary
6 school setting; and

7 (III) to participate as appro-
8 priate in decisions relating to the edu-
9 cation of their children and advocate
10 for their children's needs; and

11 (B) to advocate for the local educational
12 agency to ensure that schools have a process in
13 place to take other actions, as appropriate and
14 feasible, to support the active involvement of
15 the parents with schools, school personnel, and
16 school-related organizations.

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

23 (7) Establish effective procedures—

24 (A) for providing necessary early interven-
25 tion services and special education and related

1 services to children with developmental delays
2 and disabilities prior to an eligibility determina-
3 tion by the State or local agency responsible for
4 providing services under section 619 or part C
5 of such Act; and

6 (B) in the case of a child for whom an
7 evaluation determines that the child is not eligi-
8 ble for early intervention services or special
9 education and related services under the Indi-
10 viduals with Disabilities Education Act (20
11 U.S.C. 1400), but who has a documented sig-
12 nificant delay, for partnering with parents to
13 help the parents access services and supports to
14 help address the child's identified needs through
15 health insurance or other means.

16 (8) Ensure that each family with a covered
17 child who requests a placement receives one in the
18 service area and, in making the placement, recognize
19 and take into account the family's needs regarding
20 setting (such as a family child care home or center-
21 based setting), cultural and linguistic preferences,
22 operating schedule, and preferences on location.

23 (9) Provide both center-based and family child
24 care home options for child care and early learning
25 services to families.

1 (d) PROGRAM GOVERNANCE.—

2 (1) ADVISORY COUNCIL.—Upon receiving des-
3 ignation as a prime sponsor, the prime sponsor shall
4 establish a Child Care and Early Learning Advisory
5 Council (referred to in this section as a “Council”)
6 and maintain the Council to advise the prime spon-
7 sor and assist in the coordination of program serv-
8 ices and implementation.

9 (2) STATE COUNCIL.—In the event that the
10 prime sponsor is a State, the Council shall coordi-
11 nate activities with the State Advisory Council on
12 Early Childhood Education and Care designated or
13 established under section 642B(b) in the Head Start
14 Act (42 U.S.C. 9837b(b)).

15 (3) OVERALL COMPOSITION.—

16 (A) IN GENERAL.—The Secretary shall es-
17 tablish the composition requirements for the
18 Council ensuring that the Council has represen-
19 tation of—

20 (i) parents or family members of chil-
21 dren served by child care and early learn-
22 ing programs;

23 (ii) staff and providers of child care
24 and early learning programs, or their rep-
25 resentatives; and

1 (iii) other relevant stakeholders.

2 (B) REPRESENTATION.—Members of the
3 Council shall reflect the population served by
4 the prime sponsor, with respect to income, cul-
5 ture, race and ethnicity, language, and status
6 as a migrant or seasonal farmworker, Indian, or
7 Native Hawaiian.

8 (4) CHAIRPERSON.—Each Council shall select
9 its own chairperson, from among the members of the
10 Council.

11 (5) CONFLICT OF INTEREST.—

12 (A) IN GENERAL.—Members of the Council
13 shall—

14 (i) not have a financial conflict of in-
15 terest with the prime sponsor;

16 (ii) not receive compensation for serv-
17 ing on the Council or for providing services
18 to the prime sponsor;

19 (iii) not be employed, nor shall mem-
20 bers of their immediate family be em-
21 ployed, by a prime sponsor in the service
22 area; and

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

1 (B) EXCEPTION.—If an individual holds a
2 position as a result of public election or political
3 appointment, and such position carries with it
4 a concurrent appointment to serve as a member
5 of a Council, and such individual has any con-
6 flict of interest described in clause (ii) or (iii)
7 of subparagraph (A)—

8 (i) such individual shall not be prohib-
9 ited from serving on such body and the
10 Council shall report such conflict to the
11 Secretary; and

12 (ii) if the position held as a result of
13 public election or political appointment
14 provides compensation, such individual
15 shall not be prohibited from receiving such
16 compensation.

17 (6) RESPONSIBILITIES.—The Council shall pro-
18 vide regular advice and guidance to the prime spon-
19 sor on the basic goals, policies, actions, and proce-
20 dures, at a basic level, for the prime sponsor relating
21 to the child care and early learning program in-
22 volved, including policies with respect to planning,
23 general supervision and oversight, overall coordina-
24 tion, personnel, budgeting, funding, and monitoring
25 and evaluation, of the programs.

1 (e) PROGRAM GOVERNANCE ADMINISTRATION.—

2 (1) IMPASSE POLICIES.—The Secretary shall
3 develop policies, procedures, and guidance for prime
4 sponsors concerning the resolution of internal dis-
5 putes, including any impasse in the governance of
6 child care and early learning programs.

7 (2) CONDUCT OF RESPONSIBILITIES.—Each
8 prime sponsor shall ensure the sharing of accurate
9 and regular information for use by the Council,
10 about program planning, policies, and operations.

11 (3) TRAINING AND TECHNICAL ASSISTANCE.—
12 Appropriate training and technical assistance shall
13 be provided to the members of the Council to ensure
14 that the members understand the information the
15 members receive and can effectively oversee and par-
16 ticipate in the child care and early learning program
17 of the prime sponsor.

18 (f) COLLABORATION AND COORDINATION.—On re-
19 ceiving designation as a prime sponsor, the prime sponsor
20 shall ensure that the child care and early learning program
21 is implemented in a way that promotes collaboration and
22 coordination with public and private entities, to the max-
23 imum extent practicable, to improve the availability and
24 quality of services to children and families, including im-
25 plementing each of the following activities:

1 (1) Conduct outreach to schools in which chil-
2 dren participating in the child care and early learn-
3 ing program will enroll following the program, local
4 educational agencies, the local business community,
5 community-based organizations, faith-based organi-
6 zations, museums, health care providers, and librar-
7 ies to generate support and leverage the resources of
8 the entire local community in order to improve
9 school readiness.

10 (2) Coordinate activities and collaborate with
11 entities (including providers) carrying out programs
12 under the Child Care and Development Block Grant
13 Act of 1990 (42 U.S.C. 9857 et seq.), section 106
14 of the Child Abuse Prevention and Treatment Act
15 (42 U.S.C. 5106a), parts B and E of title IV of the
16 Social Security Act (42 U.S.C. 621 et seq., 670 et
17 seq.), subtitle B of title VII of the McKinney-Vento
18 Homeless Assistance Act (42 U.S.C. 11431 et seq.),
19 section 619 and part C of the Individuals with Dis-
20 abilities Education Act (20 U.S.C. 1419, 1431 et
21 seq.), or the Head Start Act (42 U.S.C. 9831 et
22 seq.), and other entities providing early childhood
23 education and development programs or services.

24 (3) Take steps to coordinate activities with the
25 local educational agency serving the service area in-

1 involved and with schools in which children partici-
2 pating in the child care and early learning program
3 will enroll following the program, including—

4 (A) collaborating on the shared use of
5 transportation and facilities, in appropriate
6 cases;

7 (B) collaborating to reduce the duplication
8 and enhance the efficiency of services while in-
9 creasing the program participation; and

10 (C) exchanging information on the provi-
11 sion of noneducational services.

12 (4) If there is a public preschool program in the
13 service area that is not a prime sponsor nor a partici-
14 pant in the child care and early learning program,
15 enter into a memorandum of understanding with the
16 local entity responsible for managing the preschool
17 program, not later than 1 year after the date of en-
18 actment of this Act, that shall—

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

21 (ii) include plans to coordinate, as appro-
22 priate, activities regarding—

23 (I) educational activities, curricular
24 objectives, and instruction;

1 (II) public information dissemination
2 and access to programs for families con-
3 tacting the child care and early learning
4 program or the preschool program;

5 (III) selection priorities for eligible
6 children to be served by the child care and
7 early learning program or any of the pre-
8 school programs;

9 (IV) service areas;

10 (V) staff training, including opportu-
11 nities for joint staff training on topics such
12 as academic content standards, instruc-
13 tional methods, curricula, and social and
14 emotional development;

15 (VI) program technical assistance;

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

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

23 (IX) provision and use of facilities,
24 transportation, and other program ele-
25 ments; and

1 (X) other elements mutually agreed to
2 by the parties to such memorandum;

3 (B) be submitted to the Secretary and the
4 State Director of Child Care and Early Learn-
5 ing Program Collaboration not later than 30
6 days after the parties enter into such memo-
7 randum; and

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

11 The requirements of the preceding sentence shall not
12 apply where the local entity responsible for man-
13 aging the public preschool program is unable or un-
14 willing to enter into such a memorandum, and the
15 prime sponsor shall inform the Secretary and the
16 State Director of Child Care and Early Learning
17 Program Collaboration of such inability or unwilling-
18 ness.

19 (g) STANDARDS, CURRICULA, AND ASSESSMENT.—
20 On receiving designation as a prime sponsor, the prime
21 sponsor shall ensure that the child care and early learning
22 program will—

23 (1) take steps to ensure, to the maximum ex-
24 tent practicable, that children maintain the develop-

1 mental and educational gains achieved and build
2 upon such gains in further schooling;

3 (2) meet the national program standards set
4 forth in section 121(a);

5 (3) implement a research-based early childhood
6 curriculum that—

7 (A) promotes young children’s school read-
8 iness in the areas listed in section
9 121(a)(4)(A)(ii);

10 (B) is based on scientifically valid research
11 and has standardized training procedures and
12 curriculum materials to support implementa-
13 tion;

14 (C) is comprehensive and linked to an on-
15 going assessment and aligned with State early
16 learning standards, within the meaning of sec-
17 tion 637 of the Head Start Act (42 U.S.C.
18 9832), which is conducted not more than twice
19 a year, with developmental and learning goals
20 and measurable objectives; and

21 (D) is focused on improving the learning
22 environment, teaching practices, parent and
23 family member involvement, and child outcomes
24 across all areas of development;

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

5 (5) use research-based assessment methods, in-
6 cluding such methods that provide proven results re-
7 gardless of culture, race or ethnicity, or language
8 spoken at home, in order to support the educational
9 instruction and school readiness of children in the
10 program;

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

13 (A) standardized, reliable, valid, and accu-
14 rate for the child being assessed, to the max-
15 imum extent practicable; and

16 (B) age, developmentally, culturally, and
17 linguistically appropriate, for the child and, if
18 relevant, appropriate for children with disabil-
19 ities;

20 (7) adopt, in consultation with experts in child
21 care and early learning and with classroom teachers,
22 a non-punitive evaluation to assess classroom teach-
23 ers and to inform professional development plans, as
24 appropriate, that leads to improved teacher effective-
25 ness;

1 (8) establish goals and measurable objectives
2 for the provision of health, educational, nutritional,
3 social services, and other services provided under
4 this title and related to the program mission and to
5 promoting school readiness;

6 (9) develop procedures for identifying and pro-
7 moting the language knowledge and skills of dual
8 language learner children; and

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

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

15 (B) will be used as the primary or sole
16 basis for providing a reward or sanction for an
17 individual provider;

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

20 (D) will be used to deny children eligibility
21 to participate in the program carried out under
22 this title.

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

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

3 (2) targeting professional development to a pro-
4 vider;

5 (3) determining the need for health, mental
6 health, disability, developmental delay, or family
7 support services;

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

10 (5) conducting a program evaluation for the
11 purposes of improving the program and providing in-
12 formation to parents.

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

17 (j) SLIDING FEE SCALE.—

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

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

23 (B) may charge a fee with respect to any
24 child who is not a low-income child, in accord-
25 ance with the sliding fee scale described in

1 paragraph (2) and subject to paragraphs (3)
2 and (4).

3 (2) SLIDING FEE SCALE.—A fee under this sub-
4 section shall be charged, in a State, based on a slid-
5 ing fee scale as follows:

6 (A) With respect to a child who is in a
7 family with a family income that is more than
8 75 percent of the State median income but not
9 more than 87.5 percent of the State median in-
10 come, the fee under this subsection shall not ex-
11 ceed 1 percent of the family income.

12 (B) With respect to a child who is in a
13 family with a family income that is more than
14 87.5 percent of the State median income but
15 not more than 100 percent of the State median
16 income, the fee under this subsection shall not
17 exceed 2 percent of the family income.

18 (C) With respect to a child who is in a
19 family with a family income that is more than
20 100 percent of the State median income but not
21 more than 112.5 percent of the State median
22 income, the fee under this subsection shall not
23 exceed 3 percent of the family income.

24 (D) With respect to a child who is in a
25 family with a family income that is more than

1 112.5 percent of the State median income but
2 not more than 125 percent of the State median
3 income, the fee under this subsection shall not
4 exceed 4 percent of the family income.

5 (E) With respect to a child who is in a
6 family with a family income that is more than
7 125 percent of the State median income but not
8 more than 137.5 percent of the State median
9 income, the fee under this subsection shall not
10 exceed 5 percent of the family income.

11 (F) With respect to a child who is in a
12 family with a family income that is more than
13 137.5 percent of the State median income but
14 not more than 150 percent of the State median
15 income, the fee under this subsection shall not
16 exceed 6 percent of the family income.

17 (G) With respect to a child who is in a
18 family with a family income that is more than
19 150 percent of the State median income, the fee
20 under this subsection shall not exceed 7 percent
21 of the family income.

22 (3) LIMITATION.—With respect to a child who
23 is in a family with a family income described in ei-
24 ther of subparagraph (A) or (B) of paragraph (2),
25 the fee charged per day under this subsection shall

1 not exceed 2 percent of the family income, divided
2 by 52, and then divided by 5, irrespective of the
3 number of days of care provided per week.

4 (4) FEE PERCENTAGE APPLICABLE REGARD-
5 LESS OF NUMBER OF CHILDREN SERVED.—The total
6 fee for a family that is subject to the fee under this
7 subsection and has more than 1 child served through
8 the program—

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

11 (B) may not be greater than the fee al-
12 lowed under paragraphs (2) and (3).

13 (k) PARENT BOARDS.—The prime sponsor shall re-
14 quire the establishment, at each child care and early learn-
15 ing center, of a board of parents, to be composed of par-
16 ents and family members of children attending the center.
17 The board shall meet periodically with staff of the center
18 for the purpose of discussing problems and concerns.

19 (l) RULES OF CONSTRUCTION.—Nothing in this title
20 shall be construed to alter or otherwise affect the rights,
21 remedies, and procedures afforded to staff of child care
22 and early learning programs or delegate providers, or em-
23 ployees of public schools, or local educational agencies,
24 under Federal, State, Tribal, or local laws (including ap-
25 plicable regulations or court orders) or under the terms

1 of collective bargaining agreements, memoranda of under-
2 standing, or other agreements between such staff or em-
3 ployees, and the corresponding program, provider, school,
4 or agency.

5 **SEC. 115. DELEGATE PROVIDERS.**

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

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

18 (1) that the delegate provider applicant is an
19 entity that is a locality, local educational agency,
20 faith-based organization, public or private nonprofit
21 or for-profit agency or organization, family child
22 care network or association, employer or business or-
23 ganization, labor union, employee or labor-manage-
24 ment organization, home-based child care provider,

1 or public or private educational agency or institu-
2 tion; and

3 (2) that the entity will provide for such fiscal
4 control and fund accounting procedures as the Sec-
5 retary shall prescribe to assure proper disbursement
6 of and accounting for Federal funds.

7 (c) APPROVAL.—A delegate provider application may
8 be approved by a prime sponsor upon its determination
9 that such application meets the requirements of this sec-
10 tion and that the services to be provided will otherwise
11 further the objectives and satisfy the appropriate provi-
12 sions of the prime sponsor’s child care and early learning
13 plan as approved pursuant to section 114. On approval
14 of the application, the entity shall be considered to be a
15 delegate provider, for purposes of this title.

16 (d) FAMILY AND COMMUNITY INVOLVEMENT.—
17 Prime sponsors shall involve parents, family members, and
18 community members in the selection process of delegate
19 providers.

20 **Subtitle B—Standards**

21 **SEC. 121. NATIONAL PROGRAM STANDARDS, MONITORING** 22 **OF CHILD CARE AND EARLY LEARNING PRO-** 23 **GRAMS.**

24 (a) STANDARDS FOR CHILD CARE AND EARLY
25 LEARNING SERVICES.—

1 (1) ISSUANCE.—

2 (A) NATIONAL PROGRAM STANDARDS.—

3 Within 18 months after the date of enactment
4 of this Act, the Secretary shall, after consulta-
5 tion with other Federal agencies, and on the
6 basis of the recommendations of the Committee
7 established pursuant to paragraph (3), issue a
8 common set of national program standards
9 which shall be applicable to all prime sponsors,
10 with respect to their child care and early learn-
11 ing programs providing child care and early
12 learning services with financial assistance under
13 this title, to be known as the “Federal Stand-
14 ards for Child Care and Early Learning Serv-
15 ices”.

16 (B) BASELINE FOR KNOWLEDGE, SKILLS,
17 AND COMPETENCIES.—The standards shall es-
18 tablish a baseline threshold for knowledge,
19 skills, and competencies for child care and early
20 learning teachers and staff that—

21 (i) shall be aligned with compensation
22 levels;

23 (ii) shall be phased in; and

24 (iii) shall be determined by the Sec-
25 retary to be in alignment with the knowl-

1 edge, skills, and competency expectations
2 of the child care and early learning, or
3 early childhood education, profession.

4 (2) COMPREHENSIVENESS.—As appropriate
5 and practicable, the Secretary shall make efforts to
6 ensure that the Federal Standards for Child Care
7 and Early Learning Services are as comprehensive
8 as the Head Start program performance standards
9 in section 641A(a) of the Head Start Act (42 U.S.C.
10 9836a(a)), and the performance standards for pro-
11 viders and programs issued under the military child
12 care program.

13 (3) SPECIAL COMMITTEE.—

14 (A) APPOINTMENT.—The Secretary shall,
15 within 60 days after the date of enactment of
16 this Act, appoint a Special Committee on Fed-
17 eral Standards for Child Care and Early Learn-
18 ing Services.

19 (B) COMPOSITION.—The Committee shall
20 include—

21 (i) parents or legal guardians of chil-
22 dren participating in child care and early
23 learning programs;

1 (ii) representatives of prime sponsors
2 carrying out child care and early learning
3 programs;

4 (iii) representatives of staff of child
5 care and early learning programs, includ-
6 ing teachers;

7 (iv) representatives of Indian Tribes
8 and Tribal organizations carrying out child
9 care and early learning programs on In-
10 dian land;

11 (v) representatives of family child care
12 home providers, staff and employers for
13 center-based child care and early learning
14 programs, and family child care home pro-
15 viders in child care and early learning pro-
16 grams; and

17 (vi) specialists covering the areas of
18 child care and early learning quality, work-
19 force preparation, working conditions, and
20 wages, and early childhood development.

21 (C) DIVERSITY.—The Secretary shall en-
22 sure that the membership of the Committee is
23 diverse with regard to culture, race and eth-
24 nicity, and language.

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

5 (4) CONTENT OF STANDARDS.—The standards
6 shall include—

7 (A) performance standards with respect to
8 services required to be provided, including
9 health, nutritional, and social services, and
10 other services, including parental and family
11 member involvement services and transition ac-
12 tivities described in section 122;

13 (B) scientifically based and develop-
14 mentally appropriate early development and
15 learning performance standards related to
16 school readiness to ensure that the children
17 participating in the child care and early learn-
18 ing program, at a minimum, develop, as devel-
19 opmentally appropriate, and demonstrate—

20 (i) language knowledge and skills, in-
21 cluding oral language and listening com-
22 prehension;

23 (ii) literacy knowledge and skills, in-
24 cluding phonological awareness, print

- 1 awareness and skills, and alphabetic knowl-
2 edge;
- 3 (iii) mathematics knowledge and
4 skills;
- 5 (iv) science knowledge and skills;
- 6 (v) cognitive abilities that support
7 academic achievement and child care and
8 early learning;
- 9 (vi) approaches to learning related to
10 child care and early learning;
- 11 (vii) social and emotional development
12 sufficient to be a foundation for early
13 learning, school success, and social prob-
14 lem-solving;
- 15 (viii) creative arts expression;
- 16 (ix) physical development; and
- 17 (x) in the case of dual language learn-
18 er children, progress toward language
19 knowledge and development, including
20 progress made through the use of cul-
21 turally and linguistically appropriate in-
22 structional services;
- 23 (C) administrative and financial manage-
24 ment standards;

1 (D) standards relating to the condition and
2 location of facilities (including indoor air qual-
3 ity assessment standards, where appropriate)
4 for such prime sponsors, including regulations
5 that require that the facilities used for child
6 care and early learning programs for regularly
7 scheduled center-based and combination pro-
8 gram option classroom activities—

9 (i) shall meet or exceed State and
10 local requirements concerning licensing for
11 such facilities; and

12 (ii) shall be accessible by State and
13 local authorities for purposes of monitoring
14 and ensuring compliance, unless State or
15 local laws prohibit such access;

16 (E) standards related to the work environ-
17 ment, including standards for the health and
18 safety, and well-being, of teachers and other
19 staff in the child care and early learning pro-
20 grams; and

21 (F) such other standards as the Secretary
22 finds to be appropriate.

23 (5) CONSIDERATIONS REGARDING STAND-
24 ARDS.—In developing standards required under
25 paragraph (1), the Secretary shall—

1 (A) consult with experts in the fields of
2 child care and early learning, early childhood
3 education, child health care, family services (in-
4 cluding linguistically and culturally appropriate
5 services to dual language learner children and
6 their families), administration, and financial
7 management, and with persons with experience
8 in the operation of child care and early learning
9 programs;

10 (B) take into consideration—

11 (i) past experience with use of the
12 standards in effect under the Head Start
13 Act (42 U.S.C. 9831 et seq.) on the date
14 of enactment of the Improving Head Start
15 for School Readiness Act of 2007;

16 (ii) developments concerning research-
17 based practices with respect to early child-
18 hood education and development, children
19 with disabilities, homeless children, chil-
20 dren in foster care, and family services,
21 and best practices with respect to program
22 administration and financial management;

23 (iii) appropriateness of standards for
24 prime sponsors with respect to their pro-
25 grams, recognizing differences in types of

1 settings (including center-based and home-
2 based settings), geography of the service
3 area, and the culture, language, and age
4 distribution of the children served;

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

7 (v) guidelines and standards that pro-
8 mote child health and physical develop-
9 ment, including participation in outdoor
10 activity that supports children's motor de-
11 velopment and overall health and nutrition;

12 (vi) changes in the characteristics of
13 the population of children who are access-
14 ing child care and early learning programs,
15 including country of origin, language back-
16 ground, and family structure of such chil-
17 dren, and changes in the population and
18 number of such children who are in foster
19 care or are homeless children;

20 (vii) mechanisms to ensure that chil-
21 dren participating in child care and early
22 learning programs make a successful tran-
23 sition to the schools that the children will
24 be attending;

1 (viii) the need for prime sponsors to
2 maintain regular communications with par-
3 ents and family members, including con-
4 ducting periodic meetings to discuss the
5 progress of individual children in child care
6 and early learning programs;

7 (ix) the unique challenges faced by in-
8 dividual programs, including those pro-
9 grams that are seasonal or short-term and
10 those programs that serve rural popu-
11 lations;

12 (x) the degree to which standards are
13 streamlined and minimize administrative
14 burdens on child care and early learning
15 program providers;

16 (xi) the depth of demonstrated skills,
17 experiences, and linguistic, cultural, and
18 racial and ethnic, diversity of providers for
19 child care and early learning programs;
20 and

21 (xii) the input of parents and family
22 members;

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

1 (ii) ensure that any such revisions in the
2 standards will not result in the elimination of or
3 any reduction in quality, scope, or types of
4 health, educational, nutritional, social, or other
5 services, including parental and family member
6 involvement services, required to be provided
7 under such standards as in effect on the date
8 of enactment of this Act; and

9 (D) consult with appropriate officials from
10 Indian Tribes and Tribal organizations, experts
11 in Indian or Native Hawaiian early childhood
12 education and development, linguists, and asso-
13 ciations related to child care and early learning
14 programs providing services for children belong-
15 ing to Indian Tribes or Native Hawaiian chil-
16 dren, on the review and promulgation of stand-
17 ards under paragraph (1) (including standards
18 for Indian or Native Hawaiian, as the case may
19 be, language acquisition and school readiness).

20 (6) ADEQUATE TIME TO MEET STANDARDS.—

21 The Secretary shall establish an effective date for
22 the standards that allows adequate time for prime
23 sponsors to meet the standards after they have been
24 issued.

25 (b) UNIFORM CODE FOR FACILITIES.—

1 (1) ESTABLISHMENT OF SPECIAL COM-
2 MITTEE.—The Secretary shall, within 60 days after
3 the date of enactment of this Act, appoint a special
4 committee to develop and recommend a uniform
5 code for facilities, to be used as described in para-
6 graph (4). The standards in the code shall deal prin-
7 cipally with those aspects of facilities that are essen-
8 tial to the health, safety, and physical comfort of the
9 children involved and the aspects of facilities that
10 are related to the Federal Standards for Child Care
11 and Early Learning Services under subsection
12 (a)(1). In recommending the provisions of the code,
13 the Secretary shall take into consideration the dif-
14 ferences between child care centers and family child
15 care homes.

16 (2) COMPOSITION OF COMMITTEE.—The special
17 committee appointed under this subsection shall in-
18 clude parents or family members of children partici-
19 pating in child care and early learning programs and
20 representatives of State and local facility licensing
21 agencies, of public health officials, of fire prevention
22 officials, of the construction industry and labor
23 unions, of prime sponsors, of center-based providers
24 and family child care home providers, and of na-
25 tional agencies or organizations interested in the de-

1 velopment of children. Not less than one-half of the
2 membership of the committee shall consist of par-
3 ents or family members of children participating in
4 child care and early learning programs conducted
5 under this title.

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

8 (A) shall develop standards for a proposed
9 uniform code for facilities in which child care
10 and early learning services are provided; and

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

14 (4) PROMULGATION.—After considering the
15 recommendations submitted by the special com-
16 mittee in accordance with paragraph (3), the Sec-
17 retary shall promulgate standards for a uniform
18 code described in paragraph (3)(A), which shall be
19 applicable to all facilities receiving Federal financial
20 assistance under this title. If the Secretary dis-
21 approves the committee's recommendations, the Sec-
22 retary shall state the reasons for the disapproval.
23 The Secretary shall also distribute such standards
24 and urge their adoption by States and local govern-
25 ments for facilities in which child care and early

1 learning services are provided. The Secretary may
2 from time to time modify the uniform code for facili-
3 ties in accordance with procedures set forth in this
4 subsection.

5 (5) ADEQUATE TIME TO MEET FACILITIES
6 CODE.—The Secretary shall establish an effective
7 date for the code that allows adequate time for
8 prime sponsors to meet the code after it has been
9 promulgated.

10 (6) STATE CODE FOR FACILITIES.—Paragraphs
11 (1) through (5) shall not apply in a State for which
12 the Secretary, after consultation with the special
13 committee referred to in paragraph (2), makes a de-
14 termination that the State’s uniform code for facili-
15 ties or a similar facilities code or set of standards
16 that applies to centers and family child care homes
17 that participate in a child care and early learning
18 program under this title, is sufficient to meet the
19 health, safety, and physical comfort goals of this
20 subsection.

21 (c) MEASURES.—

22 (1) IN GENERAL.—The Secretary, in consulta-
23 tion with representatives of child care and early
24 learning programs, Indian Tribes and Tribal organi-
25 zations, parents and family members of children in

1 such programs, and teachers and other staff in such
2 programs, and with experts in the fields of early
3 childhood education and development, family serv-
4 ices, and program management, shall use the study
5 on Developmental Outcomes and Assessments for
6 Young Children by the National Academy of
7 Sciences, consistent with section 649(j) of the Head
8 Start Act (42 U.S.C. 9844(j)), and other relevant
9 research to establish, inform, revise, and provide
10 guidance to prime sponsors for utilizing, scientif-
11 ically based measures that support, as appropriate—

12 (A) classroom instructional practices and,
13 for infants and toddlers, responsive caregiving
14 practices that support early learning and devel-
15 opment;

16 (B) identification of children with special
17 needs;

18 (C) program evaluation; and

19 (D) administrative and financial manage-
20 ment practices.

21 (2) CHARACTERISTICS OF MEASURES.—The
22 measures under this subsection shall—

23 (A) be developmentally, linguistically, and
24 culturally appropriate for the population served;

1 (B) be reviewed periodically, based on ad-
2 vances in the science of early childhood develop-
3 ment;

4 (C) be consistent with relevant, nationally
5 recognized professional and technical standards
6 related to the assessment of young children;

7 (D) be valid and reliable in the language in
8 which the measures are administered;

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

11 (F) provide for appropriate accommoda-
12 tions for children with disabilities and dual lan-
13 guage learner children;

14 (G) be high-quality research-based meas-
15 ures that have been demonstrated to assist with
16 the purposes for which the measures were de-
17 vised; and

18 (H) be adaptable, as appropriate, for use
19 in the self-assessment of prime sponsors, in-
20 cluding in the evaluation of administrative and
21 financial management practices.

22 (3) USE OF MEASURES; LIMITATIONS ON
23 USE.—

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

- 1 (i) helping to develop the skills,
2 knowledge, abilities, and development de-
3 scribed in subsection (a)(4)(A)(ii) of chil-
4 dren participating in child care and early
5 learning programs, with an emphasis on
6 measuring skills that scientifically valid re-
7 search has demonstrated are related to
8 children's school readiness and later suc-
9 cess in school;
- 10 (ii) improving classroom practices, in-
11 cluding reviewing children's strengths and
12 weaknesses and individualizing instruction
13 to better meet the needs of the children in-
14 volved and, for infants and toddlers, ensur-
15 ing the opportunity for one-on-one inter-
16 action that facilitates early learning and
17 development;
- 18 (iii) identifying the special needs of
19 children; and
- 20 (iv) improving overall program per-
21 formance in order to help prime sponsors
22 identify problem areas that may require
23 additional training and technical assistance
24 resources.

1 (B) LIMITATIONS.—Such measures shall
2 not be used for an assessment for children
3 that—

4 (i) will be used as the sole basis for a
5 child care and early learning provider
6 being determined to be ineligible to partici-
7 pate in the program carried out under this
8 title;

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

12 (iii) will be used as the primary or
13 sole basis for assessing program effective-
14 ness; or

15 (iv) will be used to deny children eligi-
16 bility to participate in the program carried
17 out under this title.

18 (C) EXCEPTIONS.—Nothing in this sub-
19 chapter shall preclude a State from using a sin-
20 gle assessment (as determined by the State) for
21 children for—

22 (i) supporting learning or improving a
23 classroom environment;

24 (ii) targeting professional development
25 to a provider;

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

4 (iv) obtaining information for the
5 quality improvement process at the State
6 level; or

7 (v) conducting a program evaluation
8 for the purposes of improving the program
9 and providing information to parents.

10 (4) CONFIDENTIALITY.—

11 (A) IN GENERAL.—The Secretary, through
12 regulation, shall ensure the confidentiality of
13 any personally identifiable data, information,
14 and records collected or maintained under this
15 title by the Secretary and any prime sponsors.
16 Such regulations shall provide the policies, pro-
17 tections, and rights equivalent to those provided
18 to a parent, student, and educational agency or
19 institution, as the case may be, under section
20 444 of the General Education Provisions Act
21 (20 U.S.C. 1232g).

22 (B) RULE OF CONSTRUCTION ON NATION-
23 WIDE DATABASE.—Nothing in this subsection
24 shall be construed to authorize the development
25 of a nationwide database of personally identifi-

1 able data, information, or records on children
2 resulting from the use of measures under this
3 subsection.

4 (5) SPECIAL RULE.—

5 (A) PROHIBITION.—The use of assessment
6 items and data on any assessment authorized
7 under this title by any agent of the Federal
8 Government is prohibited for the purposes of—

9 (i) ranking, comparing, or otherwise
10 evaluating individual children for purposes
11 other than research, training, or technical
12 assistance; and

13 (ii) providing rewards or sanctions for
14 individual children or teachers.

15 (B) RESULTS.—The Secretary shall not
16 use the results of a single such assessment as
17 the sole method for assessing program effective-
18 ness or making agency funding determinations
19 at the national, regional, or local level under
20 this title.

21 (d) MONITORING OF LOCAL PRIME SPONSORS AND
22 CHILD CARE AND EARLY LEARNING PROGRAMS.—The
23 Secretary, in consultation with representatives of child
24 care and early learning programs, Indian Tribes and Trib-
25 al organizations, parents and family members of children

1 in such programs, teachers and other staff in such pro-
2 grams, and with experts in the fields of early childhood
3 education and development, family services, and program
4 management, shall establish and implement monitoring
5 procedures for prime sponsors and their child care and
6 early learning programs (which may be based on the Head
7 Start program monitoring procedures described in section
8 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)), and
9 the monitoring procedures being implemented for the mili-
10 tary child care program)—

11 (1) to determine whether prime sponsors meet
12 standards described in subsection (a)(1) established
13 under this title with respect to program, administra-
14 tive, financial management, and other requirements;
15 and

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

19 (e) CORRECTIVE ACTION FOR PRIME SPONSORS.—

20 (1) DETERMINATION.—If the Secretary deter-
21 mines, on the basis of a review pursuant to sub-
22 section (d), that a prime sponsor designated pursu-
23 ant to this title fails to meet the standards described
24 in subsection (a)(1), the Secretary shall—

1 (A) inform the prime sponsor of the defi-
2 ciencies that shall be corrected and identify the
3 assistance to be provided consistent with para-
4 graph (3);

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

7 (i) to correct the deficiency imme-
8 diately, if the Secretary finds that the defi-
9 ciency threatens the health or safety of
10 staff or program participants or poses a
11 threat to the integrity of Federal funds;

12 (ii) to correct the deficiency not later
13 than 90 days after the identification of the
14 deficiency if the Secretary finds, in the dis-
15 cretion of the Secretary, that such a 90-
16 day period is reasonable, in light of the na-
17 ture and magnitude of the deficiency; or

18 (iii) in the discretion of the Secretary
19 (taking into consideration the seriousness
20 of the deficiency and the time reasonably
21 required to correct the deficiency), to com-
22 ply with the requirements of paragraph (2)
23 concerning a quality improvement plan;
24 and

1 (C) initiate proceedings to terminate the
2 designation of the prime sponsor unless the
3 prime sponsor corrects the deficiency.

4 (2) QUALITY IMPROVEMENT PLAN.—

5 (A) PRIME SPONSOR AND PROGRAM RE-
6 SPONSIBILITIES.—To retain a designation as a
7 prime sponsor under this title, a prime sponsor
8 that is the subject of a determination described
9 in paragraph (1) (excluding a prime sponsor re-
10 quired to correct a deficiency immediately or
11 during a 90-day period under clause (i) or (ii)
12 of paragraph (1)(B)) shall—

13 (i) develop in a timely manner, a qual-
14 ity improvement plan that shall be subject
15 to the approval of the Secretary, and that
16 shall specify—

17 (I) the deficiencies to be cor-
18 rected;

19 (II) the actions to be taken to
20 correct such deficiencies; and

21 (III) the timetable for accom-
22 plishment of the corrective actions
23 specified; and

24 (ii) correct each deficiency identified,
25 not later than the date for correction of

1 such deficiency specified in such plan
2 (which shall not be later than 1 year after
3 the date the prime sponsor that is deter-
4 mined to have a deficiency received notice
5 of the determination and of the specific de-
6 ficiency to be corrected).

7 (B) SECRETARIAL RESPONSIBILITY.—Not
8 later than 30 days after receiving from a prime
9 sponsor a proposed quality improvement plan
10 pursuant to subparagraph (A), the Secretary
11 shall either approve such proposed plan or
12 specify the reasons why the proposed plan can-
13 not be approved.

14 (3) TRAINING AND TECHNICAL ASSISTANCE.—
15 The Secretary shall provide training and technical
16 assistance to the prime sponsor with respect to the
17 development or implementation of such quality im-
18 provement plans to the extent the Secretary finds
19 such provision to be feasible and appropriate given
20 available funding and other statutory responsibil-
21 ities.

22 (f) SUMMARIES OF MONITORING OUTCOMES.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the end of each fiscal year, the Secretary shall
25 publish a summary report on the findings of reviews

1 conducted under subsection (d) and on the outcomes
2 of quality improvement plans implemented under
3 subsection (e), during such fiscal year.

4 (2) REPORT AVAILABILITY.—Such report shall
5 be made widely available to—

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

8 (i) in an understandable and uniform
9 format; and

10 (ii) to the extent practicable, in a lan-
11 guage that the parents and family mem-
12 bers understand;

13 (B) the public through means such as—

14 (i) distribution through public agen-
15 cies; and

16 (ii) posting such information on the
17 internet; and

18 (C) Indian Tribes and Tribal organiza-
19 tions.

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

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

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

4 (g) SELF-ASSESSMENT.—

5 (1) IN GENERAL.—Not less frequently than
6 once each program year, with the consultation and
7 participation of the Child Care and Early Learning
8 Council and, as appropriate, other interested persons
9 in the service area, each prime sponsor that receives
10 financial assistance under this title shall conduct a
11 comprehensive self-assessment of its effectiveness
12 and progress in meeting program goals and objec-
13 tives and in implementing and complying with stand-
14 ards described in subsection (a)(1).

15 (2) ONGOING MONITORING.—Each prime spon-
16 sor shall establish and implement procedures for the
17 ongoing monitoring of its child care and early learn-
18 ing program, to ensure that the operations of the
19 program work toward meeting program goals and
20 objectives and implementing and complying with
21 standards described in subsection (a)(1).

22 (h) ACCREDITATION.—The Secretary shall require
23 that each child care and early learning center meet, not
24 later than 6 years after receiving financial assistance
25 under this title, standards of operation necessary for ac-

1 creditation by an appropriate national early childhood pro-
2 grams accreditation body that was in existence on the date
3 of enactment of this Act.

4 **SEC. 122. PRIME SPONSOR ALIGNMENT WITH K-12 EDU-**
5 **CATION.**

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

12 (1) developing and implementing a systematic
13 procedure for transferring, with parental consent,
14 child care and early learning program records for
15 each participating child to the school in which such
16 child will enroll;

17 (2) establishing ongoing channels of commu-
18 nication between child care and early learning pro-
19 gram staff and their counterparts in the schools (in-
20 cluding teachers, social workers, local educational
21 agency liaisons designated under section
22 722(g)(1)(J)(ii) of the McKinney-Vento Homeless
23 Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and
24 health staff) to facilitate coordination of programs;

1 (3) establishing ongoing communications be-
2 tween the prime sponsor and local educational agen-
3 cy for developing continuity of developmentally ap-
4 propriate curricular objectives and for shared expect-
5 ations for children’s learning and development as
6 the children transition to school;

7 (4) organizing and participating in joint train-
8 ing, including transition-related training for school
9 staff and child care and early learning program
10 staff;

11 (5) establishing comprehensive transition poli-
12 cies and procedures that support children
13 transitioning to school, including by engaging the
14 local educational agency in the establishment of such
15 policies;

16 (6) conducting outreach to parents and elemen-
17 tary school (such as kindergarten) teachers to dis-
18 cuss the educational, developmental, and other needs
19 of individual children;

20 (7) helping parents of dual language learner
21 children understand—

22 (A) the instructional and other services
23 provided by the school in which such child will
24 enroll after participation in the child care and
25 early learning program; and

1 (B) as appropriate, the information pro-
2 vided to parents of dual language learners
3 under section 1112(e)(3) of the Elementary and
4 Secondary Education Act of the 1965 (20
5 U.S.C. 6312(e)(3));

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

16 (9) assisting families, administrators, and
17 teachers in enhancing educational and developmental
18 continuity and continuity of parental involvement in
19 activities between child care and early learning serv-
20 ices and elementary school classes;

21 (10) linking the services provided in such child
22 care and early learning program with educational
23 services, including services relating to language, lit-
24 eracy, and numeracy, provided by such local edu-
25 cational agency;

1 (11) helping parents (including in this para-
2 graph grandparents and kinship caregivers, as ap-
3 propriate) to understand the importance of parental
4 involvement in a child’s academic success while
5 teaching the parents strategies for maintaining pa-
6 rental involvement as their child moves from a child
7 care and early learning program to elementary
8 school;

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

13 (13) developing and implementing a system to
14 increase child care and early learning program par-
15 ticipation of underserved populations of eligible chil-
16 dren.

17 (b) DISSEMINATION AND TECHNICAL ASSISTANCE.—

18 The Secretary shall—

19 (1) disseminate to prime sponsors information
20 on effective policies and activities relating to the
21 transition of children from child care and early
22 learning programs to public schools; and

23 (2) provide technical assistance to such prime
24 sponsors to promote and assist such prime sponsors

1 to adopt and implement such effective policies and
2 activities.

3 **SEC. 123. ADEQUATE NUTRITION SERVICES.**

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

17 **SEC. 124. PARTICIPATION IN CHILD CARE AND EARLY**
18 **LEARNING PROGRAMS.**

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

22 (b) ELIGIBLE AGES.—Such regulation shall provide
23 that all children who are younger than the age of compul-
24 sory school attendance shall be eligible regardless of family

1 income, disability status, citizenship status, employment
2 of a family member, or circumstance.

3 (c) PRIME SPONSOR ELIGIBILITY DETERMINATION
4 RESPONSIBILITIES.—A prime sponsor shall—

5 (1) determine eligibility under this title based
6 on standards prescribed by the Secretary under sub-
7 section (a);

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

11 (3) serve all families that request child care and
12 early learning services through the prime sponsor’s
13 program.

14 **Subtitle C—Administration**

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

16 (a) PRINCIPAL AGENCY.—The Office of Child Care
17 of the Department of Health and Human Services shall
18 be the principal agency of the Department for the admin-
19 istration of this title and for the coordination of child care
20 and early learning programs and other activities relating
21 to child care and early learning.

22 (b) COORDINATION OF CHILD CARE PROGRAMS.—

23 (1) IN GENERAL.—

24 (A) DEPARTMENT OF HEALTH AND
25 HUMAN SERVICES.—The Secretary shall take all

1 necessary action to coordinate child care and
2 early learning programs under the Secretary's
3 jurisdiction, including with the Office of Head
4 Start.

5 (B) DEPARTMENT OF EDUCATION.—The
6 Secretary shall take all necessary action to co-
7 ordinate such programs with the Department of
8 Education.

9 (2) REGULATIONS.—The Secretary shall pro-
10 mulgate regulations to assure that entities that are
11 funded by the Department of Health and Human
12 Services to carry out activities relating to child care
13 and early learning will coordinate the activities with
14 the programs carried out under this title.

15 (3) TECHNICAL ASSISTANCE.—The Secretary
16 shall ensure that joint technical assistance efforts
17 will result in the development of coordinated ef-
18 forts—

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

21 (B) between the Department of Health and
22 Human Services and other Federal agencies, in-
23 cluding the Department of Education, that
24 carry out those activities.

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

4 **SEC. 132. ADMINISTRATIVE REQUIREMENTS AND STAND-**
5 **ARDS.**

6 (a) REQUIREMENTS AND STANDARDS.—

7 (1) IN GENERAL.—The Secretary shall establish
8 administrative requirements and standards con-
9 sistent with the requirements and standards de-
10 scribed in subsections (a) through (f), and (h), of
11 section 644 of the Head Start Act (42 U.S.C. 9839).
12 The established requirements and standards shall
13 apply to the child care and early learning programs
14 carried out under this title, and the prime sponsors
15 carrying out such programs, as the case may be.

16 (2) ADJUSTMENTS.—The Secretary may make
17 such adjustments to the requirements, standards,
18 qualifications, development activities, and limitations
19 specified in paragraph (1) and sections 133(a), 134,
20 136(a), 139, and 141, as may be necessary to ensure
21 effective administration of this title.

22 (3) ADMINISTRATIVE CONTROLS.—The Sec-
23 retary shall prescribe regulations to assure that pro-
24 grams under this title have adequate internal admin-
25 istrative controls, accounting requirements, per-

1 sonnel standards, evaluation procedures, and other
2 policies as may be necessary to promote the effective
3 use of funds.

4 (b) FACILITIES.—

5 (1) OWNED OR LEASED BY FEDERAL AGEN-
6 CIES.—The Secretary, after consultation with other
7 appropriate officials of the Federal Government,
8 shall within 16 months after the date of enactment
9 of this Act prepare and submit to Congress a report
10 that—

11 (A) describes the extent to which facilities
12 owned or leased by Federal agencies (including
13 departments) could be made available to prime
14 sponsors, through appropriate arrangements,
15 for use as facilities for child care and early
16 learning programs under this title during times
17 and periods when the owned or leased facilities
18 are not utilized fully for their usual purposes;
19 and

20 (B) the Secretary's recommendations (in-
21 cluding recommendations for changes through
22 legislation) or proposed actions for such use.

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

24 The Secretary shall require, as a condition for the
25 receipt of financial assistance under this title, that

1 any prime sponsor under this title agree to conduct
2 a review and prepare and submit to the Secretary a
3 report that—

4 (A) describes the extent to which facilities
5 owned or leased by such prime sponsor, or by
6 other organizations in the service area, could be
7 made available, through appropriate arrange-
8 ments, for use as facilities for child care and
9 early learning programs under this title during
10 times and periods when the owned or leased fa-
11 cilities are not utilized fully for their usual pur-
12 poses; and

13 (B) the prime sponsor's proposed actions
14 for such use.

15 (c) CAPITAL EXPENDITURES.—

16 (1) CONSTRUCTION.—Upon a determination by
17 the Secretary that suitable facilities (including public
18 school facilities) are not otherwise available to prime
19 sponsors to carry out child care and early learning
20 programs, that the lack of suitable facilities will in-
21 hibit the operation of such programs, and that con-
22 struction of such facilities is more cost effective than
23 purchase of available facilities or renovation, the
24 Secretary, in the discretion of the Secretary, may
25 authorize the use of financial assistance under this

1 title to make payments for capital expenditures re-
2 lated to construction of facilities that will be used to
3 carry out such programs. The Secretary shall estab-
4 lish uniform procedures for prime sponsors to re-
5 quest approval for such payments, and shall pro-
6 mote, to the extent practicable, the collocation of
7 child care and early learning programs with other
8 programs serving children and families.

9 (2) CONSTRUCTION, RENOVATION, VEHICLE
10 PURCHASE.—Such payments may be used for capital
11 expenditures (including paying the cost of amor-
12 tizing the principal, and paying interest on, loans)
13 such as expenditures for—

14 (A) construction of facilities that are not
15 in existence on the date of the determination, if
16 such construction is more cost effective than
17 purchase or renovation;

18 (B) major renovation of facilities in exist-
19 ence on such date, if major renovation is more
20 cost effective than purchase, construction, or
21 minor renovation; and

22 (C) purchase of vehicles used for programs
23 conducted at child care and early learning pro-
24 gram facilities eligible for a payment under this
25 subsection.

1 (3) WAGES FOR CONSTRUCTION OR RENOVA-
2 TION.—All laborers and mechanics employed by con-
3 tractors or subcontractors in the construction or ren-
4 ovation of facilities to be used to carry out child care
5 and early learning programs under this title shall be
6 paid wages that are not less than the wages pre-
7 vailing on similar construction or renovation in the
8 service area, as determined by the Secretary of
9 Labor in accordance with subchapter IV of chapter
10 31 of title 40, United States Code (commonly known
11 as the “Davis-Bacon Act”).

12 **SEC. 133. APPEALS, NOTICE, AND HEARING.**

13 (a) PROCEDURES.—The Secretary shall establish ap-
14 peals, notice, hearing, and other procedures consistent (ex-
15 cept as otherwise provided in this section) with the proce-
16 dures described in section 646 of the Head Start Act (42
17 U.S.C. 9841). The established procedures shall apply to
18 the child care and early learning programs carried out
19 under this title, and the prime sponsors carrying out such
20 programs, as the case may be.

21 (b) WITHHOLDING OF FUNDS.—

22 (1) IN GENERAL.—The Secretary shall take the
23 action described in paragraph (2) whenever the Sec-
24 retary, after reasonable notice and opportunity for a

1 hearing for any prime sponsor (including a delegate
2 provider), finds—

3 (A) that the prime sponsor has failed to
4 comply substantially with any requirement set
5 forth in the plan of the prime sponsor approved
6 under section 113 or 114;

7 (B) that the delegate provider has failed to
8 comply substantially with any requirement set
9 forth in the application of the provider ap-
10 proved pursuant to section 115(c); or

11 (C) that in the operation of any program
12 (or services) carried out by any such prime
13 sponsor (or delegate provider) under this title
14 the prime sponsor (or delegate provider) has
15 failed to comply substantially with any applica-
16 ble provision of this title, including a regulation
17 promulgated under this title.

18 (2) ACTION.—On making a finding under para-
19 graph (1), the Secretary shall notify the prime spon-
20 sor or delegate provider involved of the findings and
21 that no further payments may be made to such
22 prime sponsor or delegate provider under this title
23 (or in the Secretary's discretion that any such prime
24 sponsor shall not make further payments under this
25 title to specified delegate providers affected by the

1 failure) until the Secretary is satisfied that there is
2 no longer any such failure to comply, or the non-
3 compliance will be promptly corrected. The Secretary
4 may authorize the continuation of payments with re-
5 spect to any program or service assisted under this
6 title which is being carried out pursuant to the cor-
7 responding plan or application referred to in para-
8 graph (1) and which is not involved in the non-
9 compliance.

10 **SEC. 134. RECORDS AND AUDITS.**

11 The Secretary shall establish record and audit re-
12 quirements consistent with the requirements described in
13 section 647 of the Head Start Act (42 U.S.C. 9842). The
14 established requirements shall apply to the child care and
15 early learning programs carried out under this title, and
16 the prime sponsors carrying out such programs, as the
17 case may be.

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

19 (a) **PRESERVICE AND INSERVICE TRAINING.**—The
20 Secretary is authorized to make payments to provide fi-
21 nancial assistance to enable individuals employed or pre-
22 paring for employment in child care and early learning
23 programs assisted under this title, including volunteers,
24 to participate in programs of preservice or inservice train-
25 ing for professional or nonprofessional personnel, to be

1 conducted by any prime sponsor carrying out a child care
 2 and early learning program, or any institution of higher
 3 education, including a community college, or by any com-
 4 bination of those prime sponsors or institutions. The fi-
 5 nancial assistance shall include scholarships and funding
 6 for books, transportation, and other comprehensive needs.

7 (b) PRIME SPONSOR TECHNICAL ASSISTANCE AND
 8 PLANNING.—The Secretary is authorized to, directly or
 9 through grant or contract, make technical assistance avail-
 10 able to entities who are eligible and seek to become prime
 11 sponsors, and to prime sponsors, to assist the entities and
 12 prime sponsors in planning, developing, and carrying out
 13 child care and early learning programs.

14 (c) PRIME SPONSOR FACILITIES ASSISTANCE.—

15 (1) IN GENERAL.—The Secretary is authorized
 16 to make, directly or through grant or contract, tech-
 17 nical assistance and other support available to pro-
 18 viders of services through child care and early learn-
 19 ing programs, to support the providers in meeting
 20 applicable facilities codes, if the providers are—

21 (A) providers in rural areas;

22 (B) family child care home providers; or

23 (C) providers serving children belonging to
 24 Indian Tribes, Native Hawaiian children, chil-
 25 dren of migrant and seasonal farmworkers, low-

1 income children, or underserved children (in-
2 cluding children with disabilities, homeless chil-
3 dren, children who have been abused or ne-
4 glected, and children in foster care).

5 (2) APPLICABLE FACILITIES CODE.—In this
6 subsection, the term “applicable facilities code”
7 means—

8 (A) a code promulgated under section
9 121(b)(4), for a provider in a State not de-
10 scribed in subparagraph (B); and

11 (B) a code or standards determined to be
12 sufficient under section 121(b)(6), for a pro-
13 vider in a State to which the code or standards
14 apply.

15 (d) PRIME SPONSOR FINANCIAL ASSISTANCE.—

16 (1) IN GENERAL.—Prime sponsors shall carry
17 out training and quality improvement activities, in-
18 cluding—

19 (A) activities that support child care and
20 early learning programs (including providers) in
21 meeting national program standards; and

22 (B) supporting staff in meeting qualifica-
23 tions described in section 136, including pro-
24 viding paid release time to staff, to engage in

1 activities that enable the staff to meet the
2 qualifications.

3 (2) FINANCIAL ASSISTANCE.—The Secretary is
4 authorized to make financial assistance available to
5 prime sponsors to carry out such training and qual-
6 ity improvement activities.

7 (e) STAFF TRAINING.—The Secretary shall prescribe
8 regulations implementing a training program for staff of
9 child care and early learning programs assisted under this
10 title, based on the training program of the military child
11 care program. Satisfactory completion of the training pro-
12 gram, which may be accomplished through a professional
13 preparation or development program, shall be a condition
14 of employment of any person as a member of the staff
15 of such a child care and early learning program. The train-
16 ing program established under this subsection shall cover,
17 at a minimum, training in each of the following:

18 (1) Early childhood development.

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

21 (3) Child abuse prevention and detection.

22 (4) Cardiopulmonary resuscitation and other
23 emergency medical procedures.

24 (f) WORKFORCE DEVELOPMENT AND DIVERSITY.—

1 (1) OUTREACH PROGRAM.—From amounts allo-
2 cated under section 103(b), the Secretary shall de-
3 velop and implement a program of outreach to re-
4 cruit and train professionals from diverse back-
5 grounds to become teachers in child care and early
6 learning programs.

7 (2) GRANTS.—

8 (A) IN GENERAL.—From amounts allo-
9 cated under section 103(b), the Secretary is au-
10 thorized to award grants, for a period of not
11 less than 5 years, to—

12 (i) entities that carry out training
13 through a fund sponsored at least in part
14 by a labor organization; and

15 (ii) institutions of higher education,
16 with priority for part B institutions, His-
17 panic-serving institutions, and Tribal Col-
18 leges and Universities (as the 3 types of
19 institutions are defined in clauses (i)
20 through (iii) of section 241(1)(A) of the
21 Higher Education Act of 1965 (20 U.S.C.
22 1033(1)(A))).

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

25 (i) use the grant funds—

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

3 (II) to recruit child care and
4 early learning teachers and other staff
5 who want to obtain additional creden-
6 tials related to child care and early
7 learning;

8 (III) to recruit and train profes-
9 sionals from diverse backgrounds to
10 become teachers in child care and
11 early learning programs;

12 (IV) to promote access and af-
13 fordability through direct student sup-
14 port, grants, scholarships, and other
15 forms of student financial aid to stu-
16 dents pursuing early childhood
17 coursework and degrees in order to re-
18 duce or eliminate the need for such
19 students to take out loans for the re-
20 lated costs of attendance;

21 (V) to create seamless, articu-
22 lated, teacher preparation pathways;

23 (VI) to develop institutional poli-
24 cies that award credit for students'
25 previous postsecondary early child-

1 hood coursework and degrees as well
2 as for demonstrated competency
3 through—

4 (aa) prior work experience;
5 and

6 (bb) apprenticeships that
7 lead to credentials, or associate
8 or baccalaureate degrees; and

9 (ii) make a portion of the grant funds
10 available for students training to become
11 staff of child care and early learning pro-
12 grams, to cover the corresponding tuition
13 and other costs of attendance.

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

15 (a) QUALIFICATION AND DEVELOPMENT.—

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

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

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

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

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

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

23 (C) provide enough time (which shall be
24 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-
8 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-All Urban Consumers, and
11 shall adjust the rates to ensure such an increase.

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

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

23 (A) includes salary, bonuses, periodic pay-
24 ments, severance pay, the value of any vacation
25 time, the value of a compensatory or paid leave

1 benefit, and the fair market value of any em-
2 ployee perquisite or benefit; and

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

7 (c) CURRICULUM SUPPORT.—

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

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

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

18 (B) shall include—

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

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

- 1 (iii) daily assistance in the prepara-
2 tion of lesson plans, provided through indi-
3 vidual specialists or resources for staff that
4 allow teachers to engage in professional re-
5 sponsibilities such as daily lesson planning;
- 6 (iv) assistance with child abuse pre-
7 vention and detection;
- 8 (v) assistance with activities to pro-
9 mote children’s cognitive development, be-
10 havior management, and mental health;
11 and
- 12 (vi) assistance with improving the de-
13 livery of instruction and with measuring
14 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;

24 (2) foster continuous improvement in the qual-
25 ity 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;

8 (C) whenever feasible and appropriate, ob-
9 tain the views of persons participating in and
10 served by programs assisted under this title
11 with respect to activities under this section; and

12 (D) establish, to the extent appropriate,
13 working relationships with faculty members of
14 institutions of higher education, as defined in
15 section 101 of the Higher Education Act of
16 1965 (20 U.S.C. 1001), located in the area in
17 which any evaluation under this section is being
18 conducted, to participate in such evaluation, un-
19 less there is no such institution of higher edu-
20 cation willing and able to participate in such
21 evaluation.

22 (3) COUNCIL.—

23 (A) IN GENERAL.—There is established a
24 Child Development Research Council, consisting
25 of—

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

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

7 (B) MEETINGS.—The Council shall meet
8 at least annually and at such more frequent
9 times as the Council may determine to be nec-
10 essary.

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

16 (i) maximum utilization of available
17 resources through the prevention of dupli-
18 cation of activities;

19 (ii) a division of labor, insofar as is
20 compatible with the purposes of each of
21 the agencies or offices represented on the
22 Council, among those agencies and offices
23 to assure maximum progress toward the
24 achievement of the purposes of this sec-
25 tion; and

1 (iii) recommendation of priorities for
2 federally funded research and related de-
3 velopment that are related to the purposes
4 of this section and those stated in section
5 101.

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

8 (1) summarizing—

9 (A) the Secretary's activities and accom-
10 plishments during the preceding year under this
11 section; and

12 (B) the grants, contracts, or other ar-
13 rangements entered into during the preceding
14 year under this section; and

15 (2) making such recommendations as the Sec-
16 retary may determine to be appropriate.

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 condi-
12 tion of facilities in which such programs are lo-
13 cated; 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 pro-
17 vided through the programs to children and their
18 families, both on site and through referrals, includ-
19 ing services related to health, mental health, dental
20 care, vision care, parenting education, physical fit-
21 ness, 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 chil-
25 dren 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 ities 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 the Workforce of the
7 House of 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 with-
16 in 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) furnishing child care providers with start-up
22 funding and technical assistance;

23 (3) supporting compensation for the child care
24 and early learning workforce comparable to com-

1 pensation for the primary education workforce,
2 which may include retention or bonus awards;

3 (4) establishing or expanding the operation of
4 community or neighborhood-based family child care
5 networks by providing grants and contracts for
6 training;

7 (5) supporting the recruitment, training, and
8 professional development of the child care and early
9 learning workforce;

10 (6) assisting in the establishment of Child Care
11 and Early Learning Councils and strengthening the
12 capability of such Councils to effectively advise on
13 the child care and early learning programs;

14 (7) encouraging the cooperation and participa-
15 tion of State agencies in providing child care and
16 early learning services, including health, family plan-
17 ning, mental health, education, nutrition, family, so-
18 cial, and rehabilitative services if that cooperation
19 and participation are requested by appropriate prime
20 sponsors in the development and implementation of
21 child care and early learning plans;

22 (8) encouraging the full utilization of resources
23 and facilities for child care and early learning pro-
24 grams within the State;

1 (9) disseminating the results of research on
2 child care and early learning programs;

3 (10) conducting programs for the exchange of
4 personnel involved in child care and early learning
5 programs within the State;

6 (11) assisting prime sponsors in the acquisition
7 or improvement of facilities for child care and early
8 learning programs;

9 (12) assessing State and local licensing codes as
10 the codes relate to child care and early learning pro-
11 grams within the State;

12 (13) developing information useful in reviewing
13 prime sponsorship plans described in section 113(a)
14 and child care and early learning plans described in
15 section 114(b);

16 (14) facilitating collaboration among prime
17 sponsors and delegate providers within the State;

18 (15) supporting a unified, birth-through-school-
19 entry, early childhood system, including carrying out
20 activities related to establishing braided or blended
21 funding arrangements to promote the integration of
22 services to children and families; and

23 (16) making grants and contracts to cover a
24 portion of the fixed operating expenses of eligible
25 providers of services through a child care and early

1 learning program serving eligible children receiving
 2 assistance under this section, to support increased
 3 wages, program stability, and continuity of services
 4 for all children in such program.

5 (c) MAINTENANCE OF EFFORT.—No State or com-
 6 munity shall reduce its expenditures for child care and
 7 early learning programs (including home-based child care
 8 and early learning programs) because of financial assist-
 9 ance provided under this section.

10 **TITLE II—RELATED PROGRAMS**

11 **SEC. 201. MAINTENANCE OF EFFORT.**

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

16 “(d) MAINTENANCE OF EFFORT.—

17 “(1) IN GENERAL.—No State shall receive such
 18 a payment for a fiscal year if the State reduces its
 19 total State expenditures for child care services for
 20 the prior fiscal year below the average of such ex-
 21 penditures for the 3 fiscal years preceding that prior
 22 fiscal year.

23 “(2) TOTAL STATE EXPENDITURES.—For pur-
 24 poses of this subsection, total State expenditures for
 25 child care services include State expenditures to

1 carry out this subchapter and the Child Care for
2 Every Community Act.”.

3 (b) RELATIONSHIP TO THE CHILD CARE FOR EVERY
4 COMMUNITY ACT.—Section 658M of the Child Care and
5 Development Block Grant Act of 1990 (42 U.S.C. 9858k)
6 is amended by adding at the end the following:

7 “(c) RELATIONSHIP TO THE CHILD CARE FOR
8 EVERY COMMUNITY ACT.—An eligible child who is eligible
9 for child care and early learning services under the Child
10 Care for Every Community Act shall only receive child
11 care services under this subchapter that the child is ineli-
12 gible for under that Act.”.

○