

117TH CONGRESS  
1ST SESSION

# H. R. 2886

To establish universal child care and early learning programs.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2021

Mr. JONES (for himself, Mr. CARSON, Ms. TLAIB, Mr. KHANNA, Mr. GARCÍA of Illinois, Mrs. NAPOLITANO, Ms. PRESSLEY, Ms. LEE of California, Ms. JAYAPAL, Ms. JACOBS of California, Mr. AUCHINCLOSS, Mr. MCGOVERN, Mr. TAKANO, Ms. NORTON, Ms. BUSH, Ms. MENG, and Ms. CLARK of Massachusetts) introduced the following bill; which was referred to the Committee on Education and Labor

---

## A BILL

To establish universal child care and early learning programs.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Universal Child Care  
5       and Early Learning Act”.

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

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

9       The purposes of this title are—

1           (1) to provide all young children with a fair and  
2           full opportunity to reach their full potential, by es-  
3           tablishing and expanding programs, to create uni-  
4           versal, comprehensive child care and early learning  
5           programs that are available to all young children;

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

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

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

17                (B) through the provision to children and  
18                their families of health, educational, nutritional,  
19                social, and other services that are determined,  
20                based on family needs assessments, to be nec-  
21                essary;

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

1           (5) to provide that decisions on the nature of  
2           such child care and early learning programs be made  
3           at the community level with the full involvement of  
4           parents, family members, and other individuals and  
5           organizations in the community; and

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

8 **SEC. 102. DEFINITIONS.**

9           For purposes of this title:

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

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

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

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

24           (3) COMMUNITY.—The term “community”  
25           means a city, county, or multicity or multicounty

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

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

12 (A) is—

13 (i) not younger than 6 weeks of age;

14 and

15 (ii) not yet required to attend school,

16 under the laws of compulsory school at-

17 tendance of the State in which the child re-

18 sides; and

19 (B) meets the requirements of regulations

20 issued under section 124.

21 (5) DUAL LANGUAGE LEARNER.—The term  
22 “dual language learner” means a child who is ac-  
23 quiring two or more languages at the same time, or  
24 a child who is learning a second language while con-  
25 tinuing to develop the child’s first language, includ-

1       ing a child who may also be identified by a State or  
2       locality as “bilingual”, “an English language learn-  
3       er”, “limited English proficient”, “an English learn-  
4       er”, or a child who speaks a “language other than  
5       English”.

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

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

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

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

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

mitted by State law (including regulation) for the provision of services to such a child.

(9) HEALTH.—The term “health”, when used to refer to services or care provided to children enrolled in a child care and early learning program, their parents, or their siblings, shall be interpreted to refer to both physical and mental health.

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

(11) INDIAN.—The term “Indian” means an individual who is—

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

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

(ii) any tribe or band recognized by the State in which the tribe or band resides;

(B) a descendant of an individual described in subparagraph (A);

(C) considered by the Secretary of the Interior to be an Indian for any purpose;

1 (D) an Eskimo, Aleut, or other Alaska Na-  
2 tive; or

3 (E) a member of an organized Indian  
4 group that received a grant under the Indian  
5 Education Act of 1988 as in effect on October  
6 19, 1994.

7 (12) INDIAN TRIBE.—The term “Indian tribe”  
8 means an Indian tribe, within the meaning of part  
9 A of title VI of the Elementary and Secondary Edu-  
10 cation Act of 1965 (20 U.S.C. 7401 et seq.).

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) STATE.—The term “State” means—

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

12           (B) the Republic of Palau—

13           (i) for each of fiscal years 2022  
14           through 2026; and

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

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

1           (26) TRIBAL ORGANIZATION.—The term “tribal  
2       organization” means—

3           (A) the recognized governing body of any  
4       Indian tribe, and any legally established organi-  
5       zation of Indians which is controlled, sanc-  
6       tioned, or chartered by such governing body or  
7       which is democratically elected by the adult  
8       members of the Indian community to be served  
9       by such organization and which includes the  
10      maximum participation of Indians in all phases  
11      of its activities, except that in any case where  
12      a contract is let or grant made to an organiza-  
13      tion to perform services benefitting more than  
14      one Indian tribe, the approval of each such In-  
15      dian tribe shall be a prerequisite to the letting  
16      or making of such contract or grant; and

17          (B) includes a Native Hawaiian organiza-  
18      tion, as defined in section 6207 of the Elemen-  
19      tary and Secondary Education Act of 1965 (20  
20      U.S.C. 7517) and a private nonprofit organiza-  
21      tion established for the purpose of serving  
22      youth who are Indians or Native Hawaiians.

1 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS; APPRO-**  
2 **PRIATIONS.**

3 (a) APPROPRIATIONS.—There are authorized to be  
4 appropriated and there are appropriated to carry out this  
5 title (other than the activities described in subsection (b)),  
6 including meeting the entitlement requirements of section  
7 111(b), such sums as may be necessary.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to carry out activities under  
10 sections 135, 136, 137, 138, 151, 152, and such adminis-  
11 trative activities as the Secretary determines to be nec-  
12 essary and appropriate to carry out this title,  
13 \$500,000,000 for each of fiscal years 2022 through 2032.

14 **Subtitle A—Prime Sponsors and**  
15 **Providers**

16 **SEC. 111. FINANCIAL ASSISTANCE FOR CHILD CARE AND**  
17 **EARLY LEARNING PROGRAMS.**

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

24 (b) ENTITLEMENT.—Each covered child shall be enti-  
25 tled to participate in a child care and early learning pro-

1 gram that meets the requirements of this title. The entitle-  
2 ment shall not be a capped entitlement.

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

4 (a) ALLOCATION TO ACTIVITIES.—The Secretary  
5 shall allocate the amounts appropriated for carrying out  
6 this title for any fiscal year after fiscal year 2021, in the  
7 following manner:

8 (1) CHILD CARE AND EARLY LEARNING PRO-  
9 GRAMS.—The amount made available under section  
10 103(a) shall be used for the purpose of providing fi-  
11 nancial assistance to carry out child care and early  
12 learning programs under this title for covered chil-  
13 dren, other than activities described in paragraph  
14 (2).

15 (2) ADMINISTRATIVE AND ENHANCEMENT AC-  
16 TIVITIES.—Of the amounts appropriated under sec-  
17 tion 103(b)—

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

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

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

7 (3) FLEXIBILITY FOR EMERGENCY SUPPLE-  
8 MENTAL FUNDING.—Notwithstanding paragraph  
9 (2), the Secretary may, after providing appropriate  
10 notice and written justification to Congress, redirect  
11 any amounts appropriated under section 103(b) as  
12 the Secretary determines to be necessary and appro-  
13 priate to carry out section 151 for the purpose of  
14 carrying out activities under section 151.

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

20 (c) PAYMENTS.—

21 (1) IN GENERAL.—

22 (A) AUTHORITY FOR PAYMENTS.—In ac-  
23 cordance with this subsection, the Secretary  
24 shall pay, from the allocation under subsection  
25 (a)(1), the Federal share of the costs of pro-

1       viding child care and early learning programs,  
2       in accordance with plans under sections 113  
3       and 114 that have been approved as provided in  
4       this title.

5               (B) MANNER AND TIMING FOR PAY-  
6       MENTS.—The Secretary may make such finan-  
7       cial assistance as may be necessary to carry out  
8       this title. The Secretary may also withhold  
9       funds otherwise payable under this title in order  
10      to recover any amounts expended in the current  
11      or immediately prior fiscal year in violation of  
12      any provision of this title or any term or condi-  
13      tion of financial assistance under this title.

14      (2) FEDERAL SHARE.—

15              (A) IN GENERAL.—Except as provided in  
16      subparagraphs (B) through (E) and section  
17      151, the Federal share of the costs of providing  
18      child care and early learning programs for cov-  
19      ered children shall be not more than 80 per-  
20      cent.

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

1           (C) CHILDREN WHO ARE NOT LOW-IN-  
2 COME.—The Federal share shall be 50 percent  
3 of the costs of providing child care and early  
4 learning programs for covered children who are  
5 not low-income children.

6           (D) 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          (E) 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          (F) 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 outside the Department of Health and  
13 Human Services, establish and implement a  
14 process for determining the costs described in  
15 paragraph (1)(A) and ensuring that the re-  
16 quirement of subparagraph (B) is met.

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

1 (4) NON-FEDERAL SHARE.—

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

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

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

22 (d) MAINTENANCE OF EFFORT.—No State or locality  
23 shall reduce its expenditures for child care and early learn-  
24 ing programs (including home-based child care and early

1 learning programs) because of financial assistance pro-  
2 vided under this title.

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

4 (a) **AUTHORITY TO DESIGNATE.**—

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

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

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

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

1           (C) demonstrate that the entity has the  
2           authority under its charter or applicable law to  
3           receive and administer funds under this title,  
4           funds and contributions from private or public  
5           sources that may be used in support of a child  
6           care and early learning program, and funds  
7           under a Federal or State assistance program  
8           that may be so used.

9           (3) APPROVAL.—No prime sponsorship plan, or  
10          modification of the plan, submitted by an entity  
11          under this section shall be approved by the Secretary  
12          unless the Secretary determines, in accordance with  
13          regulations which the Secretary shall prescribe,  
14          that—

15                (A) the local educational agency for the  
16                service area and other appropriate educational  
17                and training agencies and institutions have had  
18                an opportunity to submit comments to the enti-  
19                ty and to the Secretary;

20                (B) appropriate officials from Indian tribes  
21                or tribal organizations have had an opportunity  
22                to submit comments to the entity and to the  
23                Secretary; and

1 (C) the Governor of the State has had an  
2 opportunity to submit comments to the entity  
3 and to the Secretary.

4 (4) JOINT SUBMISSION.—In order to contribute  
5 to the effective administration of this title, the Sec-  
6 retary shall establish appropriate procedures to per-  
7 mit an entity described in subsection (a)(1) and a  
8 State to submit jointly a single comprehensive child  
9 care and early learning plan for the service areas the  
10 entity and State propose. If the Secretary approves  
11 such a plan, the Secretary may designate the entity  
12 as a prime sponsor, and the State as a prime spon-  
13 sor, for the corresponding service areas.

14 (b) ADDITIONAL APPROVAL PROCEDURES.—

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

18 (A) the locality meets a population thresh-  
19 old determined by the Secretary, except that  
20 the Secretary may waive the population thresh-  
21 old if it creates a barrier to providing child care  
22 and early learning services in a service area of  
23 a specified type, such as a rural region;

24 (B) the plan meets the requirements of  
25 subsection (a) and includes adequate provisions

1           for carrying out child care and early learning  
2           programs in the area of such locality; and

3           (C) the locality is a—

4                 (i) city;

5                 (ii) county; or

6                 (iii) other unit of general local govern-  
7                 ment, including a local educational agency,  
8                 as defined in section 8101 of the Elemen-  
9                 tary and Secondary Education Act of 1965  
10                (20 U.S.C. 7801).

11           (2) LOCALITIES WITH COMMON GEOGRAPHICAL  
12           AREA.—In the event that the area under the juris-  
13           diction of a unit of general local government de-  
14           scribed in clause (i), (ii), (iii), or (iv) of paragraph  
15           (1)(C) includes any common geographical area with  
16           the geographical area covered by another such unit  
17           of general local government, the Secretary shall des-  
18           ignate to serve such common area the unit of gen-  
19           eral local government that—

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

23                 (B) has submitted a plan which meets the  
24                 requirements of subsection (a) and includes

adequate provisions for carrying out child care and early learning programs in such area.

(3) LOCALITIES.—

(A) SUBMISSION BY COMBINATION.—In the event that the Secretary determines that a locality does not meet the requirements for designation as a prime sponsor under this section, the Secretary shall take steps to encourage the submission of a prime sponsorship plan, covering the area of such locality, by a combination of localities which are adjoining and possess a sufficient commonality of interest.

(B) APPROVAL.—The Secretary shall approve a prime sponsorship plan submitted by such a combination of localities, if the Secretary determines that the plan so submitted meets the requirements of subsection (a) and includes adequate provisions for carrying out child care and early learning programs in the area covered by the combination of such localities.

(4) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall approve a prime sponsorship plan submitted by an Indian tribe or tribal organization if the Secretary determines that the plan so submitted meets the requirements of sub-

1 section (a) and includes adequate provisions for car-  
2 rying out child care and early learning programs in  
3 the area to be served.

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

7 (A) meets the requirements of subsection

8 (a);

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

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

17 (D) demonstrates that the State can de-  
18 liver a child care and early learning program  
19 that ensures coverage of—

20 (i) the entire State; or

21 (ii) the portions of the State that are  
22 not proposed to be covered by other enti-  
23 ties submitting applications under sub-  
24 section (a)(2); and



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

4 (6) TWO PHASES OF APPLICATION REVIEW.—

5 (A) IN GENERAL.—The Secretary shall es-  
6 tablish two phases of review for applications in  
7 the form of prime sponsorship plans. Entities  
8 submitting such applications for the first phase  
9 of review shall be given preference for designa-  
10 tion under subsection (a).

11 (B) FIRST PHASE.—States, Indian tribes,  
12 tribal organizations, entities applying to carry  
13 out migrant or seasonal child care and early  
14 learning programs, and entities and States sub-  
15 mitting applications jointly may submit applica-  
16 tions described in subparagraph (A) for the  
17 first phase of application review.

18 (C) SECOND PHASE.—Localities, public or  
19 private nonprofit agencies or organizations, and  
20 entities described in subparagraph (B) may  
21 submit applications described in subparagraph  
22 (A) for the second phase of application review.

23 (c) DISAPPROVAL; WITHDRAWAL OF APPROVAL.—A  
24 prime sponsorship plan submitted under this section may  
25 be disapproved or a prior designation of a prime sponsor

1 may be withdrawn only if the Secretary, in accordance  
2 with regulations which the Secretary shall prescribe, has  
3 provided—

4           (1) written notice of intention to disapprove  
5       such plan or withdraw such designation, including a  
6       statement of the reasons;

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

10          (3) an opportunity for a public hearing upon  
11       which basis an appeal to the Secretary may be taken  
12       as of right.

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

23       (e) DESIGNATION RENEWAL.—

24           (1) DESIGNATION RENEWAL.—A prime sponsor  
25       shall obtain renewal of the designation of the prime

1 sponsor not more frequently than every 3 years and  
2 not less frequently than every 5 years.

3 (2) SYSTEM FOR DESIGNATION RENEWAL.—

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

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

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

24 (2) EXCEPTIONS.—

1                   (A) NO INDIAN TRIBE OR TRIBAL ORGANI-  
2                   ZATION AVAILABLE.—In a service area in which  
3                   there is no Indian tribe or tribal organization  
4                   available for designation to carry out an child  
5                   care and early learning program on Indian  
6                   land, an entity that is not a tribal organization  
7                   may receive a grant to carry out an child care  
8                   and early learning program on Indian land, but  
9                   only until such time as an Indian tribe or tribal  
10                  organization in such service area becomes avail-  
11                  able and is designated pursuant to this section.

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

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

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

1       volved, 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, decision-making 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           fessional 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          those to be served, to assure that parents, fam-  
13          ily members, and interested persons in the serv-  
14          ice area are fully informed of services available  
15          through the child care and early learning pro-  
16          gram, and of the activities of the prime spon-  
17          sor's Child Care and Early Learning Council;

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

try, labor unions, employee or labor-management organizations, or other community groups;

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

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

(BB) provides that—

(i) services for children with disabilities at the State, tribal, and local levels will be available, in the child care and early learning program approved under the plan; 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                  (EF) 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                  (FG) 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; and

13 (QQ) meets any other requirements or pro-  
14 vides any information the Secretary requires by  
15 regulation.

16 (c) USES.—The Secretary shall provide the financial  
17 assistance to a prime sponsor, for the planning, conduct,  
18 administration, and evaluation of a child care and early  
19 learning program that delivers services in accordance with  
20 the requirements of the comprehensive child care and early  
21 learning plan specified under subsection (b), and for im-  
22 plementing the following activities:

23 (1)(A) Provide for family member and commu-  
24 nity involvement, including the involvement of par-  
25 ents, family members, community residents, current

1 or future staff of a child care and early learning pro-  
2 gram, and local businesses, in the design and imple-  
3 mentation of the program.

4 (B) The prime sponsor shall—

5 (i) provide for the involvement in a manner  
6 that recognizes parents and family members as  
7 their children’s primary teachers and nurturers;  
8 and

9 (ii) implement intentional strategies to en-  
10 gage parents and family members in their chil-  
11 dren’s learning and development and support  
12 parent-child relationships.

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

18 (A) activities to support family well-being  
19 related to family safety, health, and economic  
20 stability, including substance abuse counseling  
21 (either directly or through referral to local enti-  
22 ties), which may include providing information  
23 on the effect of prenatal exposure to drugs and  
24 alcohol; and

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

5 (i) training in basic child care and  
6 early learning (including cognitive, social,  
7 and emotional development);

8 (ii) assistance in developing adult or  
9 family literacy and communication skills;

10 (iii) opportunities to share experiences  
11 with other parents (including parent-men-  
12 tor relationships);

13 (iv) health services, including informa-  
14 tion on maternal depression and mental  
15 health;

16 (v) regular in-home or virtual visita-  
17 tion; or

18 (vi) family literacy services.

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

1       tunity to share personal information in an environ-  
2       ment in which the parents feel safe.

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

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

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

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

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

10          (iii) to prepare parents—

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

14               (II) to continue to support their  
15               children’s learning, in an elementary  
16               school setting; and

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

21               (B) to advocate for the local educational  
22               agency to ensure that schools have a process in  
23               place to take other actions, as appropriate and  
24               feasible, to support the active involvement of

1 the parents with schools, school personnel, and  
2 school-related organizations.

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

9 (7) Establish effective procedures—

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

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

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

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

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

13          (d) PROGRAM GOVERNANCE.—

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

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



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

3 (3) OVERALL COMPOSITION.—

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

8 (i) parents or family members of chil-  
9 dren served by child care and early learn-  
10 ing programs;

11 (ii) staff and providers of child care  
12 and early learning programs, or their rep-  
13 resentatives; and

14 (iii) other relevant stakeholders.

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

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

24 (5) CONFLICT OF INTEREST.—

1 (A) IN GENERAL.—Members of the Council  
2 shall—

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

5 (ii) not receive compensation for serv-  
6 ing on the Council or for providing services  
7 to the prime sponsor;

8 (iii) not be employed, nor shall mem-  
9 bers of their immediate family be em-  
10 ployed, by a prime sponsor in the service  
11 area; and

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

15 (B) EXCEPTION.—If an individual holds a  
16 position as a result of public election or political  
17 appointment, and such position carries with it  
18 a concurrent appointment to serve as a member  
19 of a Council, and such individual has any con-  
20 flict of interest described in clause (ii) or (iii)  
21 of subparagraph (A)—

22 (i) such individual shall not be prohib-  
23 ited from serving on such body and the  
24 Council shall report such conflict to the  
25 Secretary; and

1 (ii) if the position held as a result of  
2 public election or political appointment  
3 provides compensation, such individual  
4 shall not be prohibited from receiving such  
5 compensation.

6 (6) RESPONSIBILITIES.—The Council shall pro-  
7 vide regular advice and guidance to the prime spon-  
8 sor on the basic goals, policies, actions, and proce-  
9 dures, at a basic level, for the prime sponsor relating  
10 to the child care and early learning program in-  
11 volved, including policies with respect to planning,  
12 general supervision and oversight, overall coordina-  
13 tion, personnel, budgeting, funding, and monitoring  
14 and evaluation, of the programs.

15 (e) PROGRAM GOVERNANCE ADMINISTRATION.—

16 (1) IMPASSE POLICIES.—The Secretary shall  
17 develop policies, procedures, and guidance for prime  
18 sponsors concerning the resolution of internal dis-  
19 putes, including any impasse in the governance of  
20 child care and early learning programs.

21 (2) CONDUCT OF RESPONSIBILITIES.—Each  
22 prime sponsor shall ensure the sharing of accurate  
23 and regular information for use by the Council,  
24 about program planning, policies, and operations.

1           (3) TRAINING AND TECHNICAL ASSISTANCE.—

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

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

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

1           (2) Coordinate activities and collaborate with  
2           entities (including providers) carrying out programs  
3           under the Child Care and Development Block Grant  
4           Act of 1990 (42 U.S.C. 9857 et seq.), section 106  
5           of the Child Abuse Prevention and Treatment Act  
6           (42 U.S.C. 5106a), parts B and E of title IV of the  
7           Social Security Act (42 U.S.C. 621 et seq., 670 et  
8           seq.), subtitle B of title VII of the McKinney-Vento  
9           Homeless Assistance Act (42 U.S.C. 11431 et seq.),  
10          section 619 and part C of the Individuals with Dis-  
11          abilities Education Act (20 U.S.C. 1419, 1431 et  
12          seq.), or the Head Start Act (42 U.S.C. 9831 et  
13          seq.), and other entities providing early childhood  
14          education and development programs or services.

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

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

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

1 (C) exchanging information on the provi-  
2 sion of noneducational services.

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

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

12 (ii) include plans to coordinate, as appro-  
13 priate, activities regarding—

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

16 (II) public information dissemination  
17 and access to programs for families con-  
18 tacting the child care and early learning  
19 program or the preschool program;

20 (III) selection priorities for eligible  
21 children to be served by the child care and  
22 early learning program or any of the pre-  
23 school programs;

24 (IV) service areas;

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

6 (VI) program technical assistance;

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

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

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

17 (X) other elements mutually agreed to  
18 by the parties to such memorandum;

19 (B) be submitted to the Secretary and the  
20 State Director of Child Care and Early Learn-  
21 ing Program Collaboration not later than 30  
22 days after the parties enter into such memo-  
23 randum; and

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

4 The requirements of the preceding sentence shall not  
5 apply where the local entity responsible for man-  
6 aging the public preschool program is unable or un-  
7 willing to enter into such a memorandum, and the  
8 prime sponsor shall inform the Secretary and the  
9 State Director of Child Care and Early Learning  
10 Program Collaboration of such inability or unwilling-  
11 ness.

12 (g) STANDARDS, CURRICULA, AND ASSESSMENT.—  
13 On receiving designation as a prime sponsor, the prime  
14 sponsor shall ensure that the child care and early learning  
15 program will—

16 (1) take steps to ensure, to the maximum ex-  
17 tent practicable, that children maintain the develop-  
18 mental and educational gains achieved and build  
19 upon such gains in further schooling;

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

22 (3) implement a research-based early childhood  
23 curriculum that—



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13          (j) SLIDING FEE SCALE.—

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

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

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

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

1           (A) With respect to a child who is in a  
2           family with a family income that is more than  
3           200 percent of the poverty line but not more  
4           than 250 percent of the poverty line, the fee  
5           under this subsection shall not exceed 1 percent  
6           of the family income.

7           (B) With respect to a child who is in a  
8           family with a family income that is more than  
9           250 percent of the poverty line but not more  
10          than 300 percent of the poverty line, the fee  
11          under this subsection shall not exceed 2 percent  
12          of the family income.

13          (C) With respect to a child who is in a  
14          family with a family income that is more than  
15          300 percent of the poverty line but not more  
16          than 350 percent of the poverty line, the fee  
17          under this subsection shall not exceed 3 percent  
18          of the family income.

19          (D) With respect to a child who is in a  
20          family with a family income that is more than  
21          350 percent of the poverty line but not more  
22          than 400 percent of the poverty line, the fee  
23          under this subsection shall not exceed 4 percent  
24          of the family income.

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

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

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

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

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

1 (B) may not be greater than the fee al-  
2 lowed under paragraph (2).

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

9 (l) RULES OF CONSTRUCTION.—Nothing in this title  
10 shall be construed to alter or otherwise affect the rights,  
11 remedies, and procedures afforded to staff of child care  
12 and early learning programs or delegate providers, or em-  
13 ployees of public schools, or local educational agencies,  
14 under Federal, State, tribal, or local laws (including appli-  
15 cable regulations or court orders) or under the terms of  
16 collective bargaining agreements, memoranda of under-  
17 standing, or other agreements between such staff or em-  
18 ployees, and the corresponding program, provider, school,  
19 or agency.

20 **SEC. 115. DELEGATE PROVIDERS.**

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

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

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

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

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



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

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

## 9 **Subtitle B—Standards**

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

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

15 (1) ISSUANCE.—

16 (A) NATIONAL PROGRAM STANDARDS.—

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

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

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

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

12 (ii) shall be phased in; and

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

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

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

3           (3) SPECIAL COMMITTEE.—

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

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

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

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

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

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

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

center-based child care and early learning programs, and family child care home providers in child care and early learning programs; and

(vi) specialists covering the areas of child care and early learning quality, workforce preparation, working conditions, and wages, and early childhood development.

(C) DIVERSITY.—The Secretary shall ensure that the membership of the Committee is diverse with regard to culture, race and ethnicity, and language.

(D) DUTIES.—Such Committee shall recommend Federal Standards for Child Care and Early Learning Services and modifications of such standards as provided in paragraph (1).

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

(A) performance standards with respect to services required to be provided, including health, nutritional, and social services, and other services, including parental and family member involvement services and transition activities described in section 122;

1 (B) scientifically-based and develop-  
2 mentally appropriate early development and  
3 learning performance standards related to  
4 school readiness to ensure that the children  
5 participating in the child care and early learn-  
6 ing program, at a minimum, develop and dem-  
7 onstrate—

8 (i) language knowledge and skills, in-  
9 cluding oral language and listening com-  
10 prehension;

11 (ii) literacy knowledge and skills, in-  
12 cluding phonological awareness, print  
13 awareness and skills, and alphabetic knowl-  
14 edge;

15 (iii) mathematics knowledge and  
16 skills;

17 (iv) science knowledge and skills;

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

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

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

- 1 learning, school success, and social prob-  
2 lem-solving;
- 3 (viii) creative arts expression;
- 4 (ix) physical development; and
- 5 (x) in the case of dual language learn-  
6 er children, progress toward language  
7 knowledge and development, including  
8 progress made through the use of cul-  
9 turally and linguistically appropriate in-  
10 structional services;
- 11 (C) administrative and financial manage-  
12 ment standards;
- 13 (D) standards relating to the condition and  
14 location of facilities (including indoor air qual-  
15 ity assessment standards, where appropriate)  
16 for such prime sponsors, including regulations  
17 that require that the facilities used for child  
18 care and early learning programs for regularly  
19 scheduled center-based and combination pro-  
20 gram option classroom activities—
- 21 (i) shall meet or exceed State and  
22 local requirements concerning licensing for  
23 such facilities; and
- 24 (ii) shall be accessible by State and  
25 local authorities for purposes of monitoring

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

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

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

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

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

22                       (B) take into consideration—

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

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

3 (ii) developments concerning research-  
4 based practices with respect to early child-  
5 hood education and development, children  
6 with disabilities, homeless children, chil-  
7 dren in foster care, and family services,  
8 and best practices with respect to program  
9 administration and financial management;

10 (iii) appropriateness of standards for  
11 prime sponsors with respect to their pro-  
12 grams, recognizing differences in types of  
13 settings (including center-based and home-  
14 based settings), geography of the service  
15 area, and the culture, language, and age  
16 distribution of the children served;

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

19 (v) guidelines and standards that pro-  
20 mote child health and physical develop-  
21 ment, including participation in outdoor  
22 activity that supports children's motor de-  
23 velopment and overall health and nutrition;

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



1 ing child care and early learning programs,  
2 including country of origin, language back-  
3 ground, and family structure of such chil-  
4 dren, and changes in the population and  
5 number of such children who are in foster  
6 care or are homeless children;

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

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

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

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

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

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

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

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

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

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

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

6           (6) ADEQUATE TIME TO MEET STANDARDS.—

7           The Secretary shall establish an effective date for  
8           the standards that allows adequate time for prime  
9           sponsors to meet the standards after they have been  
10          issued.

11          (b) UNIFORM CODE FOR FACILITIES.—

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

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

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

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

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

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

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

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

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

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

8 (c) MEASURES.—

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

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

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

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

5 (C) program evaluation; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1           volved and, for infants and toddlers, ensur-  
2           ing the opportunity for one-on-one inter-  
3           action that facilitates early learning and  
4           development;

5           (iii) identifying the special needs of  
6           children; and

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

12          (B) LIMITATIONS.—Such measures shall  
13          not be used for an assessment for children  
14          that—

15               (i) will be used as the sole basis for a  
16               child care and early learning provider  
17               being determined to be ineligible to partici-  
18               pate in the program carried out under this  
19               title;

20               (ii) will be used as the primary or sole  
21               basis for providing a reward or sanction  
22               for an individual provider;

23               (iii) will be used as the primary or  
24               sole basis for assessing program effective-  
25               ness; or

1 (iv) will be used to deny children eligi-  
2 bility to participate in the program carried  
3 out under this title.

4 (C) EXCEPTIONS.—Nothing in this sub-  
5 chapter shall preclude a State from using a sin-  
6 gle assessment (as determined by the State) for  
7 children for—

8 (i) supporting learning or improving a  
9 classroom environment;

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

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

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

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

21 (4) CONFIDENTIALITY.—

22 (A) IN GENERAL.—The Secretary, through  
23 regulation, shall ensure the confidentiality of  
24 any personally identifiable data, information,  
25 and records collected or maintained under this

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

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

15 (5) SPECIAL RULE.—

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

20 (i) ranking, comparing, or otherwise  
21 evaluating individual children for purposes  
22 other than research, training, or technical  
23 assistance; and

24 (ii) providing rewards or sanctions for  
25 individual children or teachers.

1                   (B) RESULTS.—The Secretary shall not  
2                   use the results of a single such assessment as  
3                   the sole method for assessing program effective-  
4                   ness or making agency funding determinations  
5                   at the national, regional, or local level under  
6                   this title.

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

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

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

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

6       (e) CORRECTIVE ACTION FOR PRIME SPONSORS.—

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

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

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

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

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

cretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

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

(2) QUALITY IMPROVEMENT PLAN.—

(A) PRIME SPONSOR AND PROGRAM RESPONSIBILITIES.—To retain a designation as a prime sponsor under this title, a prime sponsor that is the subject of a determination described in paragraph (1) (excluding a prime sponsor required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

(i) develop in a timely manner, a quality improvement plan that shall be subject

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

3 (I) the deficiencies to be cor-  
4 rected;

5 (II) the actions to be taken to  
6 correct such deficiencies; and

7 (III) the timetable for accom-  
8 plishment of the corrective actions  
9 specified; and

10 (ii) correct each deficiency identified,  
11 not later than the date for correction of  
12 such deficiency specified in such plan  
13 (which shall not be later than 1 year after  
14 the date the prime sponsor that is deter-  
15 mined to have a deficiency received notice  
16 of the determination and of the specific de-  
17 ficiency to be corrected).

18 (B) SECRETARIAL RESPONSIBILITY.—Not  
19 later than 30 days after receiving from a prime  
20 sponsor a proposed quality improvement plan  
21 pursuant to subparagraph (A), the Secretary  
22 shall either approve such proposed plan or  
23 specify the reasons why the proposed plan can-  
24 not be approved.

1           (3) TRAINING AND TECHNICAL ASSISTANCE.—

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

9           (f) SUMMARIES OF MONITORING OUTCOMES.—

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

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

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

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

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

25                   (B) the public through means such as—



1 (i) distribution through public agen-  
2 cies; and

3 (ii) posting such information on the  
4 Internet; and

5 (C) Indian tribes and tribal organizations.

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

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

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

13 (g) SELF-ASSESSMENT.—

14 (1) IN GENERAL.—Not less frequently than  
15 once each program year, with the consultation and  
16 participation of the Child Care and Early Learning  
17 Council and, as appropriate, other interested persons  
18 in the service area, each prime sponsor that receives  
19 financial assistance under this title shall conduct a  
20 comprehensive self-assessment of its effectiveness  
21 and progress in meeting program goals and objec-  
22 tives and in implementing and complying with stand-  
23 ards described in subsection (a)(1).

24 (2) ONGOING MONITORING.—Each prime spon-  
25 sor shall establish and implement procedures for the

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

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

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

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

21 (1) developing and implementing a systematic  
22 procedure for transferring, with parental consent,  
23 child care and early learning program records for  
24 each participating child to the school in which such  
25 child will enroll;

1           (2) establishing ongoing channels of commu-  
2           nication between child care and early learning pro-  
3           gram staff and their counterparts in the schools (in-  
4           cluding teachers, social workers, local educational  
5           agency liaisons designated under section  
6           722(g)(1)(J)(ii) of the McKinney-Vento Homeless  
7           Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and  
8           health staff) to facilitate coordination of programs;

9           (3) establishing ongoing communications be-  
10          tween the prime sponsor and local educational agen-  
11          cy for developing continuity of developmentally ap-  
12          propriate curricular objectives and for shared expect-  
13          ations for children's learning and development as  
14          the children transition to school;

15          (4) organizing and participating in joint train-  
16          ing, including transition-related training for school  
17          staff and child care and early learning program  
18          staff;

19          (5) establishing comprehensive transition poli-  
20          cies and procedures that support children  
21          transitioning to school, including by engaging the  
22          local educational agency in the establishment of such  
23          policies;

24          (6) conducting outreach to parents and elemen-  
25          tary school (such as kindergarten) teachers to dis-

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

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

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

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

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

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

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

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

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

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

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

1 (b) DISSEMINATION AND TECHNICAL ASSISTANCE.—

2 The Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

23 **Subtitle C—Administration**

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

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

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

5 (b) COORDINATION OF CHILD CARE PROGRAMS.—

6 (1) IN GENERAL.—

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

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

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

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



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

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

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

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

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

14 (a) REQUIREMENTS AND STANDARDS.—

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

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

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

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

12 (b) FACILITIES.—

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

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

1 are not utilized fully for their usual purposes;  
2 and

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

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

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

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

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

23 (c) CAPITAL EXPENDITURES.—

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

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

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

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

1 (B) major renovation of facilities in exist-  
2 ence on such date, if major renovation is more  
3 cost effective than purchase, construction, or  
4 minor renovation; and

5 (C) purchase of vehicles used for programs  
6 conducted at child care and early learning pro-  
7 gram facilities eligible for a payment under this  
8 subsection.

9 (3) WAGES FOR CONSTRUCTION OR RENOVA-  
10 TION.—All laborers and mechanics employed by con-  
11 tractors or subcontractors in the construction or ren-  
12 ovation of facilities to be used to carry out child care  
13 and early learning programs under this title shall be  
14 paid wages that are not less than the wages pre-  
15 vailing on similar construction or renovation in the  
16 service area, as determined by the Secretary of  
17 Labor in accordance with subchapter IV of chapter  
18 31 of title 40, United States Code (commonly known  
19 as the “Davis-Bacon Act”).

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

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

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

4 (b) WITHHOLDING OF FUNDS.—

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

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

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

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

1           (2) ACTION.—On making a finding under para-  
2       graph (1), the Secretary shall notify the prime spon-  
3       sor or delegate provider involved of the findings and  
4       that no further payments may be made to such  
5       prime sponsor or delegate provider under this title  
6       (or in the Secretary’s discretion that any such prime  
7       sponsor shall not make further payments under this  
8       title to specified delegate providers affected by the  
9       failure) until the Secretary is satisfied that there is  
10      no longer any such failure to comply, or the non-  
11      compliance will be promptly corrected. The Secretary  
12      may authorize the continuation of payments with re-  
13      spect to any program or service assisted under this  
14      title which is being carried out pursuant to the cor-  
15      responding plan or application referred to in para-  
16      graph (1) and which is not involved in the non-  
17      compliance.

18   **SEC. 134. RECORDS AND AUDITS.**

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

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

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

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

22 (c) PRIME SPONSOR FINANCIAL ASSISTANCE.—

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



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

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

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

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

23 (1) Early childhood development.

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

1 (3) Child abuse prevention and detection.

2 (4) Cardiopulmonary resuscitation and other  
3 emergency medical procedures.

4 (e) WORKFORCE DEVELOPMENT AND DIVERSITY.—

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

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

13 (A) IN GENERAL.—From amounts allo-  
14 cated under section 103(b), the Secretary is au-  
15 thorized to award grants, for a period of not  
16 less than 5 years, to institutions of higher edu-  
17 cation, with priority for part B institutions,  
18 Hispanic-serving institutions, and Tribal Col-  
19 leges and Universities (as the 3 types of institu-  
20 tions are defined in clauses (i) through (iii) of  
21 section 241(1)(A) of the Higher Education Act  
22 of 1965 (20 U.S.C. 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 and

24 (VI) to develop institutional poli-  
25 cies that award credit for students'

1 previous postsecondary early child-  
2 hood coursework and degrees as well  
3 as for demonstrated competency  
4 through—

5 (aa) prior work experience;

6 and

7 (bb) apprenticeships that

8 lead to credentials, or associate

9 or baccalaureate degrees; and

10 (ii) make a portion of the grant funds

11 available for students training to become

12 staff of child care and early learning pro-

13 grams, to cover the corresponding tuition

14 and other costs of attendance.

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

16 (a) QUALIFICATION AND DEVELOPMENT.—

17 (1) IN GENERAL.—The Secretary, after con-

18 sultation with other Federal agencies and on the

19 basis of the recommendations of the Committee es-

20 tablished pursuant to section 121(a)(3), shall estab-

21 lish staff qualification and development requirements

22 based on such requirements described in section

23 648A of the Head Start Act (42 U.S.C. 9843a),

24 based on such requirements being implemented by

25 the military child care program (including certifi-

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

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

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

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

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

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

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

3       (b) PAY.—

4           (1) COMPETITIVE RATES OF COMPENSATION.—

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

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

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

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

1           (2) PERIODIC REVIEWS.—In recommending and  
2       establishing requirements under subsection (a) and  
3       this subsection, the Committee established pursuant  
4       to section 121(a)(3) and the Secretary, respectively,  
5       shall periodically conduct reviews of the rates of  
6       compensation for employers, teachers, and staff de-  
7       scribed in paragraph (1). The Committee and Sec-  
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 Labor of the House of  
7 Representatives.

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

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

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

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



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

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

11       **Subtitle D—Special Programs**

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

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

17               (1) demonstrate barriers—

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

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

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

1 (b) ACTIVITIES.—The Secretary may provide the sup-  
2 plemental financial assistance for activities consisting of—

3 (1) conducting a facilities review as described in  
4 section 132(b)(2) and accessing adequate facilities;

5 (2) establishing coordination arrangements and  
6 processes with other entities, including local edu-  
7 cational agencies and related entities, organizations  
8 delivering health and social services in the service  
9 area involved, and the State;

10 (3) establishing training and professional devel-  
11 opment protocols and processes under sections 135  
12 and 136;

13 (4) meeting accreditation requirements;

14 (5) providing supports to enable family child  
15 care home providers to participate as providers 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    and

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

24    (c) MAINTENANCE OF EFFORT.—No State or com-  
25    munity shall reduce its expenditures for child care and

1 early learning programs (including home-based child care  
 2 and early learning programs) because of financial assist-  
 3 ance provided under this section.

## 4 **TITLE II—RELATED PROGRAMS**

### 5 **SEC. 201. MAINTENANCE OF EFFORT.**

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

10 “(d) MAINTENANCE OF EFFORT.—

11 “(1) IN GENERAL.—No State shall receive such  
 12 a payment for a fiscal year if the State reduces its  
 13 total State expenditures for child care services for  
 14 the prior fiscal year below the average of such ex-  
 15 penditures for the 3 fiscal years preceding that prior  
 16 fiscal year.

17 “(2) TOTAL STATE EXPENDITURES.—For pur-  
 18 poses of this subsection, total State expenditures for  
 19 child care services include State expenditures to  
 20 carry out this subchapter and the Universal Child  
 21 Care and Early Learning Act.”.

22 (b) RELATIONSHIP TO THE UNIVERSAL CHILD CARE  
 23 AND EARLY LEARNING ACT.—Section 658M of the Child  
 24 Care and Development Block Grant Act of 1990 (42

1 U.S.C. 9858k) is amended by adding at the end the fol-  
2 lowing:

3       “(c) RELATIONSHIP TO THE UNIVERSAL CHILD  
4 CARE AND EARLY LEARNING ACT.—An eligible child who  
5 is eligible for child care and early learning services under  
6 the Universal Child Care and Early Learning Act shall  
7 only receive child care services under this subchapter that  
8 the child is ineligible for under that Act.”.

○