

116TH CONGRESS
1ST SESSION

S. _____

To establish universal child care and early learning programs.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To establish universal child care and early learning programs.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

9 The purposes of this title are—

- 10 (1) to provide all young children with a fair and
11 full opportunity to reach their full potential, by es-
12 tablishing and expanding programs, to create uni-

1 versal, comprehensive child care and early learning
2 programs that are available to all young children;

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

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

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

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

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

23 (5) to provide that decisions on the nature of
24 such child care and early learning programs be made
25 at the community level with the full involvement of

1 parents, family members, and other individuals and
2 organizations in the community; and

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

5 **SEC. 102. DEFINITIONS.**

6 For purposes of this title:

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

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

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

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

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

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

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

9 (A) is—

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

11 and

12 (ii) not yet required to attend school,

13 under the laws of compulsory school at-

14 tendance of the State in which the child re-

15 sides; and

16 (B) meets the requirements of regulations

17 issued under section 124.

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

1 er”, or a child who speaks a “language other than
2 English”.

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

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

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

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

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

24 (9) HEALTH.—The term “health”, when used
25 to refer to services or care provided to children en-

1 rolled in a child care and early learning program,
2 their parents, or their siblings, shall be interpreted
3 to refer to both physical and mental health.

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

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

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

13 (i) any tribe or band terminated since
14 1940; and

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

18 (B) a descendant, in the first or second de-
19 gree, of an individual described in subparagraph
20 (A);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (B) adjusted for family size.

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

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

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

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

7 (24) STATE.—The term “State” means—

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

10 (B) the Republic of Palau—

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

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

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

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

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

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

21 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS; APPRO-**
22 **PRIATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (c) PAYMENTS.—

15 (1) IN GENERAL.—

16 (A) AUTHORITY FOR PAYMENTS.—In ac-
17 cordance with this subsection, the Secretary
18 shall pay, from the allocation under subsection
19 (a)(1), the Federal share of the costs of pro-
20 viding child care and early learning programs,
21 in accordance with plans under sections 113
22 and 114 that have been approved as provided in
23 this title.

24 (B) MANNER AND TIMING FOR PAY-
25 MENTS.—The Secretary may make such finan-

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

8 (2) FEDERAL SHARE.—

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

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

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

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

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

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

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

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

3 (3) RATE ANALYSIS.—

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

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

20 (4) NON-FEDERAL SHARE.—

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

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

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

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

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

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

23 (a) AUTHORITY TO DESIGNATE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) ADDITIONAL APPROVAL PROCEDURES.—

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

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

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

20 (C) the locality is a—

21 (i) city;

22 (ii) county; or

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

1 tary and Secondary Education Act of 1965
2 (20 U.S.C. 7801).

3 (2) LOCALITIES WITH COMMON GEOGRAPHICAL
4 AREA.—In the event that the area under the juris-
5 diction of a unit of general local government de-
6 scribed in clause (i), (ii), (iii), or (iv) of paragraph
7 (1)(C) includes any common geographical area with
8 the geographical area covered by another such unit
9 of general local government, the Secretary shall des-
10 ignate to serve such common area the unit of gen-
11 eral local government that—

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

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

19 (3) LOCALITIES.—

20 (A) SUBMISSION BY COMBINATION.—In
21 the event that the Secretary determines that a
22 locality does not meet the requirements for des-
23 ignation as a prime sponsor under this section,
24 the Secretary shall take steps to encourage the
25 submission of a prime sponsorship plan, cov-

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

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

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

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

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

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

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

9 (D) demonstrates that the State can de-
10 liver a child care and early learning program
11 that ensures coverage of—

12 (i) the entire State; or

13 (ii) the portions of the State that are
14 not proposed to be covered by other enti-
15 ties submitting applications under sub-
16 section (a)(2); and

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

20 (6) TWO PHASES OF APPLICATION REVIEW.—

21 (A) IN GENERAL.—The Secretary shall es-
22 tablish two phases of review for applications in
23 the form of prime sponsorship plans. Entities
24 submitting such applications for the first phase

1 of review shall be given preference for designa-
2 tion under subsection (a).

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

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

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

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

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

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

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

17 (e) DESIGNATION RENEWAL.—

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

22 (2) SYSTEM FOR DESIGNATION RENEWAL.—
23 The Secretary shall develop a system for prime
24 sponsors to renew their designation, under which the
25 Secretary shall determine if a prime sponsor is deliv-

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

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

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

18 (2) EXCEPTION.—In a service area in which
19 there is no Indian tribe or tribal organization avail-
20 able for designation to carry out an child care and
21 early learning program on Indian land, an entity
22 that is not a tribal organization may receive a grant
23 to carry out an child care and early learning pro-
24 gram on Indian land, but only until such time as an
25 Indian tribe or tribal organization in such service

1 area becomes available and is designated pursuant
2 to this section.

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

5 (1) significantly involve parents, family mem-
6 bers, family child care home providers, child care
7 and early learning staff, labor unions, and commu-
8 nity residents in the service area for the program in-
9 volved, in the process for designation of prime spon-
10 sors; and

11 (2) ensure that the persons selected to be in-
12 volved in that process shall reflect the diversity of
13 the service area, with respect to income, culture,
14 race and ethnicity, language, and status as a mi-
15 grant or seasonal farmworker, Indian, or Native Ha-
16 waiian.

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

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

20 (1) the entity may receive and administer funds
21 under this title, funds and contributions from pri-
22 vate or local public sources that may be used in sup-
23 port of a child care and early learning program, and
24 funds under a Federal or State assistance program

1 related to the provision of child care and early learn-
2 ing services;

3 (2) the entity may transfer funds so received,
4 and delegate powers to other agencies, subject to the
5 powers of its governing board and its overall pro-
6 gram responsibilities;

7 (3) the entity's power to transfer funds and del-
8 egate powers shall include the power to make trans-
9 fers and delegations for services in all cases where
10 the transfers and delegations will contribute to effi-
11 ciency and effectiveness or otherwise further pro-
12 gram objectives; and

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

17 (b) COMPREHENSIVE CHILD CARE AND EARLY
18 LEARNING PLANS.—

19 (1) IN GENERAL.—Financial assistance under
20 this title may be provided by the Secretary to an en-
21 tity that is a prime sponsor designated pursuant to
22 section 113 only pursuant to an application in the
23 form of a comprehensive child care and early learn-
24 ing plan which was submitted annually by such enti-

1 ty and approved by the Secretary in accordance with
2 the provisions of this title.

3 (2) CONTENTS.—Any such plan shall set forth
4 a comprehensive proposal, for providing child care
5 and early learning services in the service area,
6 which—

7 (A) assesses all child care and early learn-
8 ing needs and goals within the area and the ap-
9 plicant’s proposal for addressing those needs;

10 (B) describes how the entity will provide
11 comprehensive health, mental health, education,
12 parental or family member involvement, nutri-
13 tional, social, and other services for the children
14 that need child care and early learning services,
15 including appropriate screening and referrals
16 for children with challenging behaviors and
17 other mental health needs;

18 (C) provides that services are full-working-
19 day and full calendar year long, and ensures
20 that the available hours of services are respon-
21 sive to the needs of families in the service area,
22 including, as appropriate, nonstandard hour
23 care;

24 (D) describes how the prime sponsor will
25 guarantee all children in the service area access

1 to the child care and early learning program
2 and use funds provided under section 112(a)(1)
3 for child care and early learning services;

4 (E) describes how the prime sponsor will
5 promote children’s mental health, social and
6 emotional well-being, and overall health, by pro-
7 viding supports for positive learning environ-
8 ments for the children, including—

9 (i) strategies for supporting children
10 with challenging behaviors and other so-
11 cial, emotional, and mental health con-
12 cerns; and

13 (ii) teacher training and mental health
14 consultations;

15 (F) includes a policy on suspension and ex-
16 pulsion that—

17 (i) prohibits or severely limits the use
18 of suspension due to a child’s behavior and
19 ensures suspensions are only temporary in
20 nature;

21 (ii) prohibits expelling or unenrolling
22 a child from the program because of the
23 child’s behavior; and

24 (iii) provides that, in the case of a
25 child exhibiting persistent and serious chal-

1 lenging behaviors, the program provider
2 will—

3 (I) explore all possible steps and
4 document all steps taken to address
5 such behaviors;

6 (II) make efforts to facilitate the
7 child’s safe participation in the pro-
8 gram; and

9 (III) after taking the steps de-
10 scribed in subclauses (I) and (II), if
11 the provider determines, in consulta-
12 tion with parents and other profes-
13 sionals, that the program is not the
14 most appropriate placement for the
15 child, work with the parents to di-
16 rectly facilitate the transition of the
17 child to a more appropriate place-
18 ment;

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

22 (H) describes how, in the case of a prime
23 sponsor located within or adjacent to a metro-
24 politan area, the prime sponsor will coordinate

1 activities with other prime sponsors located
2 within such metropolitan area;

3 (I) provides that, to the extent feasible, the
4 child care and early learning program will in-
5 clude children from a range of socioeconomic
6 backgrounds, and that children will have access
7 to all child care and early learning service pro-
8 viders in the service area, with priority given to
9 the provider preferences stated by the parents
10 and family members of low-income children;

11 (J) ensures that, where socioeconomic di-
12 versity of children among providers in the serv-
13 ice area cannot be achieved, the share of pro-
14 gram costs not covered through the Federal
15 share or program fees does not fall on a single
16 provider or a subset of providers within the
17 service area;

18 (K) provides that services will be cul-
19 turally, linguistically, and developmentally ap-
20 propriate;

21 (L) provides that services will take into ac-
22 count the unique needs of communities, fami-
23 lies, and children in the service area, including
24 low-income children, children with incarcerated

1 parents, homeless children, and children who
2 are dual language learners;

3 (M) describes a system for offering child
4 care and early learning options, for facilitating
5 the selection of such an option, and for enroll-
6 ment of children, which may include estab-
7 lishing and operating a website for families;

8 (N) describes how the prime sponsor will
9 conduct outreach to all families in the service
10 area and referrals, using the appropriate me-
11 dium for families who speak a language other
12 than English;

13 (O) provides equitably for the child care
14 and early learning needs of all covered children
15 within the service area, and promotes equity
16 and addresses disparities in the provision of
17 services, including equity and disparities related
18 to income, culture, race and ethnicity, language,
19 or status as a child of a migrant or seasonal
20 farmworker, as a child belonging to an Indian
21 tribe, or as a Native Hawaiian child;

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

25 (Q) provides for—

1 (i) direct participation of parents,
2 family members, and child care and early
3 learning program staff, including teachers
4 and paraprofessionals, in the conduct of
5 overall direction of, decisionmaking for,
6 and evaluation of the child care and early
7 learning program; and

8 (ii) sufficient support for the persons
9 described in clause (i) to participate in the
10 activities described in clause (i);

11 (R) provides to the extent feasible for the
12 employment as both professionals and para-
13 professionals of residents in the service area in
14 a way that takes into account the cultural, ra-
15 cial and ethnic, and linguistic diversity of the
16 families served;

17 (S) includes to the extent feasible a career
18 development plan for paraprofessional and pro-
19 fessional training, education, and advancement
20 on a career ladder;

21 (T) provides that, insofar as possible, per-
22 sons residing in the service area will receive
23 jobs, including in-home and part-time jobs, and
24 opportunities for training in programs under
25 sections 135 and 136, with special consideration

1 for career opportunities for low-income individ-
2 uals;

3 (U) provides for the regular and frequent
4 dissemination of information in the language of
5 those to be served, to assure that parents, fam-
6 ily members, and interested persons in the serv-
7 ice area are fully informed of services available
8 through the child care and early learning pro-
9 gram, and of the activities of the prime spon-
10 sor's Child Care and Early Learning Council;

11 (V) provides for coordination with adminis-
12 trators of programs and services that are re-
13 lated to child care and early learning programs
14 and services and that are not funded through
15 this title, including programs conducted under
16 the auspices of or with the support of business
17 or financial institutions or organizations, indus-
18 try, labor unions, employee or labor-manage-
19 ment organizations, or other community groups;

20 (W) as applicable, describes any arrange-
21 ments for the delegation, under the supervision
22 of the Child Care and Early Learning Council,
23 to public or private agencies or organizations,
24 of responsibilities for the delivery of child care
25 and early learning services for which financial

1 assistance is provided under this title or for
2 planning or evaluation services to be made
3 available with respect to a child care and early
4 learning program under this title;

5 (X) contains plans for regularly conducting
6 surveys and analyses of needs for the child care
7 and early learning program in the service area
8 and for submitting to the Secretary a com-
9 prehensive annual report and evaluation in such
10 form and containing such information as the
11 Secretary shall require by regulation;

12 (Y) provides that—

13 (i) services for children with disabil-
14 ities at the State, tribal, and local levels
15 will be available, in the child care and early
16 learning program approved under the plan;
17 and

18 (ii) formal linkages are in place be-
19 tween the program and providers of early
20 intervention services for infants and tod-
21 dlers with disabilities;

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

1 (AA) provides for such fiscal control, fiscal
2 staffing, and funding accounting procedures as
3 the Secretary may prescribe to assure proper
4 disbursement of and accounting for Federal
5 funds paid to the prime sponsor;

6 (BB) provides that the child care and early
7 learning program, or services within the pro-
8 gram, under this title shall be provided only for
9 children whose parents or legal guardians have
10 requested the services;

11 (CC) sets forth satisfactory provisions for
12 establishing, consistent with subsection (d)(1),
13 and maintaining a Child Care and Early Learn-
14 ing Council which meets the requirements of
15 subsection (d);

16 (DD) provides verification that the sponsor
17 and its delegate providers—

18 (i) will recognize and bargain with
19 labor unions representing family child care
20 home providers, teachers and other staff of
21 child care and early learning programs in
22 order to meet the requirements set forth in
23 section 136 and for other purposes; and

24 (ii) will not assist in, promote, or
25 deter labor union organizing;

1 (EE) provides an annual technical assist-
2 ance and training plan;

3 (FF) provides for collection and reporting
4 of program performance data in both an aggre-
5 gate form and disaggregated by family income,
6 culture, race and ethnicity, and primary lan-
7 guage;

8 (GG) documents a written affirmation,
9 signed by the appropriate officials from Indian
10 tribes or tribal organizations approved by the
11 tribes or Native Hawaiian groups, which recog-
12 nizes that the prime sponsor has engaged in
13 timely and meaningful consultation with the ap-
14 propriate officials from Indian tribes or tribal
15 organizations if—

16 (i) a program is being operated on or
17 near an Indian reservation, or if more than
18 15 percent of children enrolled in the pro-
19 gram are Indians or Native Hawaiians;
20 and

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

23 (HH) provides that services will be pro-
24 vided with a holistic and multi-generational ap-
25 proach that includes promoting the well-being

1 of pregnant women and engaging expectant
2 parents during prenatal and early months;

3 (II) describes how the sponsor will ensure
4 that key workplace protections and rights, simi-
5 lar to the protections and rights specified in the
6 National Labor Relations Act (29 U.S.C. 151
7 et seq.), are provided;

8 (JJ) describes how the sponsor will imple-
9 ment a process in which, through their labor
10 unions, family child care home providers and
11 child care and early learning center staff par-
12 ticipate in a collective process to set wages, ben-
13 efits, hours, and minimum standards for work-
14 ing conditions;

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

22 (LL) provides that the sponsor will provide
23 teachers and other staff with supports that are
24 high-quality, research-based, and rooted in
25 adult learning theory;

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

5 (NN) meets any other requirements or
6 provides any information the Secretary requires
7 by regulation.

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

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

21 (B) The prime sponsor shall—

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

1 (ii) implement intentional strategies to en-
2 gage parents in their children’s learning and de-
3 velopment and support parent-child relation-
4 ships.

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

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

17 (B) other activities designed to facilitate a
18 partnership in the program with parents in sup-
19 porting the development and early learning of
20 their child, including providing—

21 (i) training in basic child care and
22 early learning (including cognitive, social,
23 and emotional development);

24 (ii) assistance in developing adult or
25 family literacy and communication skills;

1 (iii) opportunities to share experiences
2 with other parents (including parent-men-
3 tor relationships);

4 (iv) health services, including informa-
5 tion on maternal depression;

6 (v) regular in-home visitation; or

7 (vi) family literacy services.

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

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

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

1 education of their children upon transition of their
2 children to school, by working with the local edu-
3 cational agency—

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

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

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

24 (iii) to prepare parents—

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

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

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

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

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

23 (7) Establish effective procedures—

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

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

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

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

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

1 (d) PROGRAM GOVERNANCE.—

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

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

15 (3) OVERALL COMPOSITION.—

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

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

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

1 (iii) other relevant stakeholders.

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

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

11 (5) CONFLICT OF INTEREST.—

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

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

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

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

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

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

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

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

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

1 (e) PROGRAM GOVERNANCE ADMINISTRATION.—

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

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

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

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

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

10 (2) Coordinate activities and collaborate with
11 entities (including providers) carrying out programs
12 under the Child Care and Development Block Grant
13 Act of 1990 (42 U.S.C. 9858 et seq.), section 106
14 of the Child Abuse Prevention and Treatment Act
15 (42 U.S.C. 5106a), parts B and E of title IV of the
16 Social Security Act (42 U.S.C. 621 et seq., 670 et
17 seq.), subtitle B of title VII of the McKinney-Vento
18 Homeless Assistance Act (42 U.S.C. 11431 et seq.),
19 section 619 and part C of the Individuals with Dis-
20 abilities Education Act (20 U.S.C. 1419, 1431 et
21 seq.), or the Head Start Act (42 U.S.C. 9831 et
22 seq.), and other entities providing early childhood
23 education and development programs or services.

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

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

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

9 (IV) service areas;

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

15 (VI) program technical assistance;

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

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

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

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

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

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

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

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

20 On receiving designation as a prime sponsor, the prime
21 sponsor shall ensure that the child care and early learning
22 program will—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (j) SLIDING FEE SCALE.—

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

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

23 (B) may charge a fee with respect to any
24 child who is not a low-income child, in accord-

1 ance with the sliding fee scale described in
2 paragraph (2) and subject to paragraph (3).

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

6 (A) With respect to a child who is in a
7 family with a family income that is more than
8 200 percent of the poverty line but not more
9 than 250 percent of the poverty line, the fee
10 under this subsection shall not exceed 1 percent
11 of the family income.

12 (B) With respect to a child who is in a
13 family with a family income that is more than
14 250 percent of the poverty line but not more
15 than 300 percent of the poverty line, the fee
16 under this subsection shall not exceed 2 percent
17 of the family income.

18 (C) With respect to a child who is in a
19 family with a family income that is more than
20 300 percent of the poverty line but not more
21 than 350 percent of the poverty line, the fee
22 under this subsection shall not exceed 3 percent
23 of the family income.

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

1 350 percent of the poverty line but not more
2 than 400 percent of the poverty line, the fee
3 under this subsection shall not exceed 4 percent
4 of the family income.

5 (E) With respect to a child who is in a
6 family with a family income that is more than
7 400 percent of the poverty line but not more
8 than 450 percent of the poverty line, the fee
9 under this subsection shall not exceed 5 percent
10 of the family income.

11 (F) With respect to a child who is in a
12 family with a family income that is more than
13 450 percent of the poverty line but not more
14 than 500 percent of the poverty line, the fee
15 under this subsection shall not exceed 6 percent
16 of the family income.

17 (G) With respect to a child who is in a
18 family with a family income that is more than
19 500 percent of the poverty line, the fee under
20 this subsection shall not exceed 7 percent of the
21 family income.

22 (3) FEE PERCENTAGE APPLICABLE REGARD-
23 LESS OF NUMBER OF CHILDREN SERVED.—The total
24 fee for a family that is subject to the fee under this

1 subsection and has more than 1 child served through
2 the program—

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

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

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

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

1 **SEC. 115. DELEGATE PROVIDERS.**

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

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

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

23 (2) that the entity will provide for such fiscal
24 control and fund accounting procedures as the Sec-
25 retary shall prescribe to assure proper disbursement
26 of and accounting for Federal funds.

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

10 (d) FAMILY AND COMMUNITY INVOLVEMENT.—
11 Prime sponsors shall involve parents, family members, and
12 community members in the selection process of delegate
13 providers.

14 **Subtitle B—Standards**

15 **SEC. 121. NATIONAL PROGRAM STANDARDS, MONITORING** 16 **OF CHILD CARE AND EARLY LEARNING PRO-** 17 **GRAMS.**

18 (a) STANDARDS FOR CHILD CARE AND EARLY
19 LEARNING SERVICES.—

20 (1) ISSUANCE.—

21 (A) NATIONAL PROGRAM STANDARDS.—

22 Within 18 months after the date of enactment
23 of this Act, the Secretary shall, after consulta-
24 tion with other Federal agencies, and on the
25 basis of the recommendations of the Committee

1 established pursuant to paragraph (3), issue a
2 common set of national program standards
3 which shall be applicable to all prime sponsors,
4 with respect to their child care and early learn-
5 ing programs providing child care and early
6 learning services with financial assistance under
7 this title, to be known as the “Federal Stand-
8 ards for Child Care and Early Learning Serv-
9 ices”.

10 (B) BASELINE FOR KNOWLEDGE, SKILLS,
11 AND COMPETENCIES.—The standards shall es-
12 tablish a baseline threshold for knowledge,
13 skills, and competencies for child care and early
14 learning teachers and staff that—

15 (i) shall be aligned with compensation
16 levels;

17 (ii) shall be phased in; and

18 (iii) shall be determined by the Sec-
19 retary to be in alignment with the knowl-
20 edge, skills, and competency expectations
21 of the child care and early learning, or
22 early childhood education, profession.

23 (2) COMPREHENSIVENESS.—As appropriate
24 and practicable, the Secretary shall make efforts to
25 ensure that the Federal Standards for Child Care

1 and Early Learning Services are as comprehensive
2 than the Head Start program performance stand-
3 ards in section 641A(a) of the Head Start Act (42
4 U.S.C. 9836a(a)), and the performance standards
5 for providers and programs issued under the mili-
6 tary child care program.

7 (3) SPECIAL COMMITTEE.—

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

13 (B) COMPOSITION.—The Committee shall
14 include—

15 (i) parents or legal guardians of chil-
16 dren participating in child care and early
17 learning programs;

18 (ii) representatives of prime sponsors
19 carrying out child care and early learning
20 programs;

21 (iii) representatives of staff of child
22 care and early learning programs, includ-
23 ing teachers;

24 (iv) representatives of tribes and trib-
25 al organizations carrying out child care

1 and early learning programs on Indian
2 land;

3 (v) representatives of family child care
4 home providers, staff and employers for
5 center-based child care and early learning
6 programs, and family child care home pro-
7 viders in child care and early learning pro-
8 grams; and

9 (vi) specialists covering the areas of
10 child care and early learning quality, work-
11 force preparation, working conditions, and
12 wages, and early childhood development.

13 (C) DIVERSITY.—The Secretary shall en-
14 sure that the membership of the Committee is
15 diverse with regard to culture, race and eth-
16 nicity, and language.

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

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

23 (A) performance standards with respect to
24 services required to be provided, including
25 health, nutritional, and social services, and

1 other services, including parental and family
2 member involvement services and transition ac-
3 tivities described in section 122;

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

11 (i) language knowledge and skills, in-
12 cluding oral language and listening com-
13 prehension;

14 (ii) literacy knowledge and skills, in-
15 cluding phonological awareness, print
16 awareness and skills, and alphabetic knowl-
17 edge;

18 (iii) mathematics knowledge and
19 skills;

20 (iv) science knowledge and skills;

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

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

1 (vii) social and emotional development
2 sufficient to be a foundation for early
3 learning, school success, and social prob-
4 lem-solving;

5 (viii) creative arts expression;

6 (ix) physical development; and

7 (x) in the case of dual language learn-
8 er children, progress toward language
9 knowledge and development, including
10 progress made through the use of cul-
11 turally and linguistically appropriate in-
12 structional services;

13 (C) administrative and financial manage-
14 ment standards;

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

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

1 (ii) shall be accessible by State and
2 local authorities for purposes of monitoring
3 and ensuring compliance, unless State or
4 local laws prohibit such access;

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

10 (F) such other standards as the Secretary
11 finds to be appropriate.

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

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

24 (B) take into consideration—

1 (i) past experience with use of the
2 standards in effect under the Head Start
3 Act (42 U.S.C. 9831 et seq.) on the date
4 of enactment of the Improving Head Start
5 for School Readiness Act of 2007;

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

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

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

22 (v) guidelines and standards that pro-
23 mote child health and physical develop-
24 ment, including participation in outdoor

1 activity that supports children’s motor de-
2 velopment and overall health and nutrition;

3 (vi) changes in the characteristics of
4 the population of children who are access-
5 ing child care and early learning programs,
6 including country of origin, language back-
7 ground, and family structure of such chil-
8 dren, and changes in the population and
9 number of such children who are in foster
10 care or are homeless children;

11 (vii) mechanisms to ensure that chil-
12 dren participating in child care and early
13 learning programs make a successful tran-
14 sition to the schools that the children will
15 be attending;

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

22 (ix) the unique challenges faced by in-
23 dividual programs, including those pro-
24 grams that are seasonal or short-term and

1 those programs that serve rural popu-
2 lations;

3 (x) the degree to which standards are
4 streamlined and minimize administrative
5 burdens on child care and early learning
6 program providers;

7 (xi) the depth of demonstrated skills,
8 experiences, and linguistic, cultural, and
9 racial and ethnic, diversity of providers for
10 child care and early learning programs;
11 and

12 (xii) the input of parents and family
13 members;

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

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

24 (D) consult with appropriate officials from
25 Indian tribes and tribal organizations, experts

1 in Indian or Native Hawaiian early childhood
2 education and development, linguists, and asso-
3 ciations related to child care and early learning
4 programs providing services for children belong-
5 ing to Indian tribes or Native Hawaiian chil-
6 dren, on the review and promulgation of stand-
7 ards under paragraph (1) (including standards
8 for Indian or Native Hawaiian, as the case may
9 be, language acquisition and school readiness).

10 (6) ADEQUATE TIME TO MEET STANDARDS.—

11 The Secretary shall establish an effective date for
12 the standards that allows adequate time for prime
13 sponsors to meet the standards after they have been
14 issued.

15 (b) UNIFORM CODE FOR FACILITIES.—

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

1 and Early Learning Services under subsection
2 (a)(1). In recommending the provisions of the code,
3 the Secretary shall take into consideration the dif-
4 ferences between child care centers and family child
5 care homes.

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

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

23 (A) shall develop standards for a proposed
24 uniform code for facilities in which child care
25 and early learning services are provided; and

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

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

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

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

12 (c) MEASURES.—

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

1 guidance to prime sponsors for utilizing, scientif-
2 ically-based measures that support, as appropriate—

3 (A) classroom instructional practices and,
4 for infants and toddlers, responsive caregiving
5 practices that support early learning and devel-
6 opment;

7 (B) identification of children with special
8 needs;

9 (C) program evaluation; and

10 (D) administrative and financial manage-
11 ment practices.

12 (2) CHARACTERISTICS OF MEASURES.—The
13 measures under this subsection shall—

14 (A) be developmentally, linguistically, and
15 culturally appropriate for the population served;

16 (B) be reviewed periodically, based on ad-
17 vances in the science of early childhood develop-
18 ment;

19 (C) be consistent with relevant, nationally
20 recognized professional and technical standards
21 related to the assessment of young children;

22 (D) be valid and reliable in the language in
23 which the measures are administered;

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

1 (F) provide for appropriate accommoda-
2 tions for children with disabilities and dual lan-
3 guage learner children;

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

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

12 (3) USE OF MEASURES; LIMITATIONS ON
13 USE.—

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

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

1 (ii) improving classroom practices, in-
2 cluding reviewing children's strengths and
3 weaknesses and individualizing instruction
4 to better meet the needs of the children in-
5 volved and, for infants and toddlers, ensur-
6 ing the opportunity for one-on-one inter-
7 action that facilitates early learning and
8 development;

9 (iii) identifying the special needs of
10 children; and

11 (iv) improving overall program per-
12 formance in order to help prime sponsors
13 identify problem areas that may require
14 additional training and technical assistance
15 resources.

16 (B) LIMITATIONS.—Such measures shall
17 not be used for an assessment for children
18 that—

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

1 (ii) will be used as the primary or sole
2 basis for providing a reward or sanction
3 for an individual provider;

4 (iii) will be used as the primary or
5 sole basis for assessing program effective-
6 ness; or

7 (iv) will be used to deny children eligi-
8 bility to participate in the program carried
9 out under this title.

10 (C) EXCEPTIONS.—Nothing in this sub-
11 chapter shall preclude a State from using a sin-
12 gle assessment (as determined by the State) for
13 children for—

14 (i) supporting learning or improving a
15 classroom environment;

16 (ii) targeting professional development
17 to a provider;

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

21 (iv) obtaining information for the
22 quality improvement process at the State
23 level; or

1 (v) conducting a program evaluation
2 for the purposes of improving the program
3 and providing information to parents.

4 (4) CONFIDENTIALITY.—

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

16 (B) RULE OF CONSTRUCTION ON NATION-
17 WIDE DATABASE.—Nothing in this subsection
18 shall be construed to authorize the development
19 of a nationwide database of personally identifi-
20 able data, information, or records on children
21 resulting from the use of measures under this
22 subsection.

23 (5) SPECIAL RULE.—

24 (A) PROHIBITION.—The use of assessment
25 items and data on any assessment authorized

1 under this title by any agent of the Federal
2 Government is prohibited for the purposes of—

3 (i) ranking, comparing, or otherwise
4 evaluating individual children for purposes
5 other than research, training, or technical
6 assistance; and

7 (ii) providing rewards or sanctions for
8 individual children or teachers.

9 (B) RESULTS.—The Secretary shall not
10 use the results of a single such assessment as
11 the sole method for assessing program effective-
12 ness or making agency funding determinations
13 at the national, regional, or local level under
14 this title.

15 (d) MONITORING OF LOCAL PRIME SPONSORS AND
16 CHILD CARE AND EARLY LEARNING PROGRAMS.—The
17 Secretary, in consultation with representatives of child
18 care and early learning programs, Indian tribes and tribal
19 organizations, parents and family members of children in
20 such programs, teachers and other staff in such programs,
21 and with experts in the fields of early childhood education
22 and development, family services, and program manage-
23 ment, shall establish and implement monitoring proce-
24 dures for prime sponsors and their child care and early
25 learning programs (which may be based on the Head Start

1 program monitoring procedures described in section
2 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)), and
3 the monitoring procedures being implemented for the mili-
4 tary child care program)—

5 (1) to determine whether prime sponsors meet
6 standards described in subsection (a)(1) established
7 under this title with respect to program, administra-
8 tive, financial management, and other requirements;
9 and

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

13 (e) CORRECTIVE ACTION FOR PRIME SPONSORS.—

14 (1) DETERMINATION.—If the Secretary deter-
15 mines, on the basis of a review pursuant to sub-
16 section (d), that a prime sponsor designated pursu-
17 ant to this title fails to meet the standards described
18 in subsection (a)(1), the Secretary shall—

19 (A) inform the prime sponsor of the defi-
20 ciencies that shall be corrected and identify the
21 assistance to be provided consistent with para-
22 graph (3);

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

1 (i) to correct the deficiency imme-
2 diately, if the Secretary finds that the defi-
3 ciency threatens the health or safety of
4 staff or program participants or poses a
5 threat to the integrity of Federal funds;

6 (ii) to correct the deficiency not later
7 than 90 days after the identification of the
8 deficiency if the Secretary finds, in the dis-
9 cretion of the Secretary, that such a 90-
10 day period is reasonable, in light of the na-
11 ture and magnitude of the deficiency; or

12 (iii) in the discretion of the Secretary
13 (taking into consideration the seriousness
14 of the deficiency and the time reasonably
15 required to correct the deficiency), to com-
16 ply with the requirements of paragraph (2)
17 concerning a quality improvement plan;
18 and

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

22 (2) QUALITY IMPROVEMENT PLAN.—

23 (A) PRIME SPONSOR AND PROGRAM RE-
24 SPONSIBILITIES.—To retain a designation as a
25 prime sponsor under this title, a prime sponsor

1 that is the subject of a determination described
2 in paragraph (1) (excluding a prime sponsor re-
3 quired to correct a deficiency immediately or
4 during a 90-day period under clause (i) or (ii)
5 of paragraph (1)(B)) shall—

6 (i) develop in a timely manner, a qual-
7 ity improvement plan that shall be subject
8 to the approval of the Secretary, and that
9 shall specify—

10 (I) the deficiencies to be cor-
11 rected;

12 (II) the actions to be taken to
13 correct such deficiencies; and

14 (III) the timetable for accom-
15 plishment of the corrective actions
16 specified; and

17 (ii) correct each deficiency identified,
18 not later than the date for correction of
19 such deficiency specified in such plan
20 (which shall not be later than 1 year after
21 the date the prime sponsor that is deter-
22 mined to have a deficiency received notice
23 of the determination and of the specific de-
24 ficiency to be corrected).

1 (B) SECRETARIAL RESPONSIBILITY.—Not
2 later than 30 days after receiving from a prime
3 sponsor a proposed quality improvement plan
4 pursuant to subparagraph (A), the Secretary
5 shall either approve such proposed plan or
6 specify the reasons why the proposed plan can-
7 not be approved.

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

16 (f) SUMMARIES OF MONITORING OUTCOMES.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the end of each fiscal year, the Secretary shall
19 publish a summary report on the findings of reviews
20 conducted under subsection (d) and on the outcomes
21 of quality improvement plans implemented under
22 subsection (e), during such fiscal year.

23 (2) REPORT AVAILABILITY.—Such report shall
24 be made widely available to—

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

3 (i) in an understandable and uniform
4 format; and

5 (ii) to the extent practicable, in a lan-
6 guage that the parents and family mem-
7 bers understand;

8 (B) the public through means such as—

9 (i) distribution through public agen-
10 cies; and

11 (ii) posting such information on the
12 Internet; and

13 (C) Indian tribes and tribal organizations.

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

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

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

21 (g) SELF-ASSESSMENT.—

22 (1) IN GENERAL.—Not less frequently than
23 once each program year, with the consultation and
24 participation of the Child Care and Early Learning
25 Council and, as appropriate, other interested persons

1 in the service area, each prime sponsor that receives
2 financial assistance under this title shall conduct a
3 comprehensive self-assessment of its effectiveness
4 and progress in meeting program goals and objec-
5 tives and in implementing and complying with stand-
6 ards described in subsection (a)(1).

7 (2) ONGOING MONITORING.—Each prime spon-
8 sor shall establish and implement procedures for the
9 ongoing monitoring of its child care and early learn-
10 ing program, to ensure that the operations of the
11 program work toward meeting program goals and
12 objectives and implementing and complying with
13 standards described in subsection (a)(1).

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

21 **SEC. 122. PRIME SPONSOR ALIGNMENT WITH K-12 EDU-**
22 **CATION.**

23 (a) IN GENERAL.—Each prime sponsor shall take
24 steps to coordinate with the local educational agency serv-
25 ing the service area and with schools in which children

1 participating in a child care and early learning program
2 will enroll following such program to promote continuity
3 of services and effective transitions, including—

4 (1) developing and implementing a systematic
5 procedure for transferring, with parental consent,
6 child care and early learning program records for
7 each participating child to the school in which such
8 child will enroll;

9 (2) establishing ongoing channels of commu-
10 nication between child care and early learning pro-
11 gram staff and their counterparts in the schools (in-
12 cluding teachers, social workers, local educational
13 agency liaisons designated under section
14 722(g)(1)(J)(ii) of the McKinney-Vento Homeless
15 Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and
16 health staff) to facilitate coordination of programs;

17 (3) establishing ongoing communications be-
18 tween the prime sponsor and local educational agen-
19 cy for developing continuity of developmentally ap-
20 propriate curricular objectives and for shared expec-
21 tations for children's learning and development as
22 the children transition to school;

23 (4) organizing and participating in joint train-
24 ing, including transition-related training for school

1 staff and child care and early learning program
2 staff;

3 (5) establishing comprehensive transition poli-
4 cies and procedures that support children
5 transitioning to school, including by engaging the
6 local educational agency in the establishment of such
7 policies;

8 (6) conducting outreach to parents and elemen-
9 tary school (such as kindergarten) teachers to dis-
10 cuss the educational, developmental, and other needs
11 of individual children;

12 (7) helping parents of dual language learner
13 children understand—

14 (A) the instructional and other services
15 provided by the school in which such child will
16 enroll after participation in the child care and
17 early learning program; and

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

23 (8) developing and implementing a family out-
24 reach and support program, in cooperation with en-
25 tities carrying out parent and family engagement ef-

1 forts under title I of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 6301 et seq.),
3 and family outreach and support efforts under sub-
4 title B of title VII of the McKinney-Vento Homeless
5 Assistance Act (42 U.S.C. 11431 et seq.), taking
6 into consideration the language needs of parents of
7 dual language learner children;

8 (9) assisting families, administrators, and
9 teachers in enhancing educational and developmental
10 continuity and continuity of parental involvement in
11 activities between child care and early learning serv-
12 ices and elementary school classes;

13 (10) linking the services provided in such child
14 care and early learning program with educational
15 services, including services relating to language, lit-
16 eracy, and numeracy, provided by such local edu-
17 cational agency;

18 (11) helping parents (including in this para-
19 graph grandparents and kinship caregivers, as ap-
20 propriate) to understand the importance of parental
21 involvement in a child's academic success while
22 teaching the parents strategies for maintaining pa-
23 rental involvement as their child moves from a child
24 care and early learning program to elementary
25 school;

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

5 (13) developing and implementing a system to
6 increase child care and early learning program par-
7 ticipation of underserved populations of eligible chil-
8 dren.

9 (b) **DISSEMINATION AND TECHNICAL ASSISTANCE.**—

10 The Secretary shall—

11 (1) disseminate to prime sponsors information
12 on effective policies and activities relating to the
13 transition of children from child care and early
14 learning programs to public schools; and

15 (2) provide technical assistance to such prime
16 sponsors to promote and assist such prime sponsors
17 to adopt and implement such effective policies and
18 activities.

19 **SEC. 123. ADEQUATE NUTRITION SERVICES.**

20 In accordance with the purposes of this title, the Sec-
21 retary shall establish procedures to assure that adequate
22 nutrition services will be provided in child care and early
23 learning programs under this title. In assuring the provi-
24 sion of those services, the Secretary may enter into an ar-
25 rangement with the Secretary of Agriculture to make use

1 of the summer food service program and the child and
2 adult care food program carried out under sections 13 and
3 17 of the Richard B. Russell National School Lunch Act
4 (42 U.S.C. 1761, 1766) and relevant programs under the
5 Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), to
6 the fullest extent appropriate and consistent with the pro-
7 visions of such Acts.

8 **SEC. 124. PARTICIPATION IN CHILD CARE AND EARLY**
9 **LEARNING PROGRAMS.**

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

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

19 (c) PRIME SPONSOR ELIGIBILITY DETERMINATION
20 RESPONSIBILITIES.—A prime sponsor shall—

21 (1) determine eligibility under this title based
22 on standards prescribed by the Secretary under sub-
23 section (a);

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

4 (3) serve all families that request child care and
5 early learning services through the prime sponsor's
6 program.

7 **Subtitle C—Administration**

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

9 (a) PRINCIPAL AGENCY.—The Office of Child Care
10 of the Department of Health and Human Services shall
11 be the principal agency of the Department for the admin-
12 istration of this title and for the coordination of child care
13 and early learning programs and other activities relating
14 to child care and early learning.

15 (b) COORDINATION OF CHILD CARE PROGRAMS.—

16 (1) IN GENERAL.—

17 (A) DEPARTMENT OF HEALTH AND
18 HUMAN SERVICES.—The Secretary shall take all
19 necessary action to coordinate child care and
20 early learning programs under the Secretary's
21 jurisdiction, including with the Office of Head
22 Start.

23 (B) DEPARTMENT OF EDUCATION.—The
24 Secretary shall take all necessary action to co-

1 ordinate such programs with the Department of
2 Education.

3 (2) REGULATIONS.—The Secretary shall pro-
4 mulgate regulations to assure that entities that are
5 funded by the Department of Health and Human
6 Services to carry out activities relating to child care
7 and early learning will coordinate the activities with
8 the programs carried out under this title.

9 (3) TECHNICAL ASSISTANCE.—The Secretary
10 shall ensure that joint technical assistance efforts
11 will result in the development of coordinated ef-
12 forts—

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

15 (B) between the Department of Health and
16 Human Services and other Federal agencies, in-
17 cluding the Department of Education, that
18 carry out those activities.

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

22 **SEC. 132. ADMINISTRATIVE REQUIREMENTS AND STAND-**
23 **ARDS.**

24 (a) REQUIREMENTS AND STANDARDS.—

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

10 (2) ADJUSTMENTS.—The Secretary may make
11 such adjustments to the requirements, standards,
12 qualifications, development activities, and limitations
13 specified in paragraph (1) and sections 133(a), 134,
14 136(a), 139, and 141, as may be necessary to ensure
15 effective administration of this title.

16 (3) ADMINISTRATIVE CONTROLS.—The Sec-
17 retary shall prescribe regulations to assure that pro-
18 grams under this title have adequate internal admin-
19 istrative controls, accounting requirements, per-
20 sonnel standards, evaluation procedures, and other
21 policies as may be necessary to promote the effective
22 use of funds.

23 (b) FACILITIES.—

24 (1) OWNED OR LEASED BY FEDERAL AGEN-
25 CIES.—The Secretary, after consultation with other

1 appropriate officials of the Federal Government,
2 shall within 16 months after the date of enactment
3 of this Act prepare and submit to Congress a report
4 that—

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

14 (B) the Secretary's recommendations (in-
15 cluding recommendations for changes through
16 legislation) or proposed actions for such use.

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

18 The Secretary shall require, as a condition for the
19 receipt of financial assistance under this title, that
20 any prime sponsor under this title agree to conduct
21 a review and prepare and submit to the Secretary a
22 report that—

23 (A) describes the extent to which facilities
24 owned or leased by such prime sponsor, or by
25 other organizations in the service area, could be

1 made available, through appropriate arrange-
2 ments, for use as facilities for child care and
3 early learning programs under this title during
4 times and periods when the owned or leased fa-
5 cilities are not utilized fully for their usual pur-
6 poses; and

7 (B) the prime sponsor's proposed actions
8 for such use.

9 (c) CAPITAL EXPENDITURES.—

10 (1) CONSTRUCTION.—Upon a determination by
11 the Secretary that suitable facilities (including public
12 school facilities) are not otherwise available to prime
13 sponsors to carry out child care and early learning
14 programs, that the lack of suitable facilities will in-
15 hibit the operation of such programs, and that con-
16 struction of such facilities is more cost effective than
17 purchase of available facilities or renovation, the
18 Secretary, in the discretion of the Secretary, may
19 authorize the use of financial assistance under this
20 title to make payments for capital expenditures re-
21 lated to construction of facilities that will be used to
22 carry out such programs. The Secretary shall estab-
23 lish uniform procedures for prime sponsors to re-
24 quest approval for such payments, and shall pro-
25 mote, to the extent practicable, the collocation of

1 child care and early learning programs with other
2 programs serving children and families.

3 (2) CONSTRUCTION, RENOVATION, VEHICLE
4 PURCHASE.—Such payments may be used for capital
5 expenditures (including paying the cost of amor-
6 tizing the principal, and paying interest on, loans)
7 such as expenditures for—

8 (A) construction of facilities that are not
9 in existence on the date of the determination, if
10 such construction is more cost effective than
11 purchase or renovation;

12 (B) major renovation of facilities in exist-
13 ence on such date, if major renovation is more
14 cost effective than purchase, construction, or
15 minor renovation; and

16 (C) purchase of vehicles used for programs
17 conducted at child care and early learning pro-
18 gram facilities eligible for a payment under this
19 subsection.

20 (3) WAGES FOR CONSTRUCTION OR RENOVA-
21 TION.—All laborers and mechanics employed by con-
22 tractors or subcontractors in the construction or ren-
23 ovation of facilities to be used to carry out child care
24 and early learning programs under this title shall be
25 paid wages that are not less than the wages pre-

1 vailing on similar construction or renovation in the
2 service area, as determined by the Secretary of
3 Labor in accordance with subchapter IV of chapter
4 31 of title 40, United States Code (commonly known
5 as the “Davis-Bacon Act”).

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

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

15 (b) WITHHOLDING OF FUNDS.—

16 (1) IN GENERAL.—The Secretary shall take the
17 action described in paragraph (2) whenever the Sec-
18 retary, after reasonable notice and opportunity for a
19 hearing for any prime sponsor (including a delegate
20 provider), finds—

21 (A) that the prime sponsor has failed to
22 comply substantially with any requirement set
23 forth in the plan of the prime sponsor approved
24 under section 113 or 114;

1 (B) that the delegate provider has failed to
2 comply substantially with any requirement set
3 forth in the application of the provider ap-
4 proved pursuant to section 115(c); or

5 (C) that in the operation of any program
6 (or services) carried out by any such prime
7 sponsor (or delegate provider) under this title
8 the prime sponsor (or delegate provider) has
9 failed to comply substantially with any applica-
10 ble provision of this title, including a regulation
11 promulgated under this title.

12 (2) ACTION.—On making a finding under para-
13 graph (1), the Secretary shall notify the prime spon-
14 sor or delegate provider involved of the findings and
15 that no further payments may be made to such
16 prime sponsor or delegate provider under this title
17 (or in the Secretary's discretion that any such prime
18 sponsor shall not make further payments under this
19 title to specified delegate providers affected by the
20 failure) until the Secretary is satisfied that there is
21 no longer any such failure to comply, or the non-
22 compliance will be promptly corrected. The Secretary
23 may authorize the continuation of payments with re-
24 spect to any program or service assisted under this
25 title which is being carried out pursuant to the cor-

1 responding plan or application referred to in para-
2 graph (1) and which is not involved in the non-
3 compliance.

4 **SEC. 134. RECORDS AND AUDITS.**

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

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

13 (a) **PRESERVICE AND INSERVICE TRAINING.**—The
14 Secretary is authorized to make payments to provide fi-
15 nancial assistance to enable individuals employed or pre-
16 paring for employment in child care and early learning
17 programs assisted under this title, including volunteers,
18 to participate in programs of preservice or inservice train-
19 ing for professional or nonprofessional personnel, to be
20 conducted by any prime sponsor carrying out a child care
21 and early learning program, or any institution of higher
22 education, including a community college, or by any com-
23 bination of those prime sponsors or institutions. The fi-
24 nancial assistance shall include scholarships and funding
25 for books, transportation, and other comprehensive needs.

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

8 (c) PRIME SPONSOR FINANCIAL ASSISTANCE.—

9 (1) IN GENERAL.—Prime sponsors shall carry
10 out training and quality improvement activities, in-
11 cluding—

12 (A) activities that support child care and
13 early learning programs (including providers) in
14 meeting national program standards; and

15 (B) supporting staff in meeting qualifica-
16 tions described in section 136, including pro-
17 viding paid release time to staff, to engage in
18 activities that enable the staff to meet the
19 qualifications.

20 (2) FINANCIAL ASSISTANCE.—The Secretary is
21 authorized to make financial assistance available to
22 prime sponsors to carry out such training and qual-
23 ity improvement activities.

24 (d) STAFF TRAINING.—The Secretary shall prescribe
25 regulations implementing a training program for staff of

1 child care and early learning programs assisted under this
2 title, based on the training program of the military child
3 care program. Satisfactory completion of the training pro-
4 gram shall be a condition of employment of any person
5 as a member of the staff of such a child care and early
6 learning program. The training program established under
7 this subsection shall cover, at a minimum, training in each
8 of the following:

9 (1) Early childhood development.

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

12 (3) Child abuse prevention and detection.

13 (4) Cardiopulmonary resuscitation and other
14 emergency medical procedures.

15 (e) WORKFORCE DEVELOPMENT AND DIVERSITY.—

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

22 (2) GRANTS TO INSTITUTIONS OF HIGHER EDU-
23 CATION.—

24 (A) IN GENERAL.—From amounts allo-
25 cated under section 103(b), the Secretary is au-

1 forms of student financial aid to stu-
2 dents pursuing early childhood
3 coursework and degrees in order to re-
4 duce or eliminate the need for such
5 students to take out loans for the re-
6 lated costs of attendance;

7 (V) to create seamless, articu-
8 lated, teacher preparation pathways;

9 (VI) to develop institutional poli-
10 cies that award credit for students'
11 previous postsecondary early child-
12 hood coursework and degrees as well
13 as for demonstrated competency
14 through—

15 (aa) prior work experience;

16 and

17 (bb) apprenticeships that
18 lead to credentials, or associate
19 or baccalaureate degrees; and

20 (ii) make a portion of the grant funds
21 available for students training to become
22 staff of child care and early learning pro-
23 grams, to cover the corresponding tuition
24 and other costs of attendance.

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

2 (a) **QUALIFICATION AND DEVELOPMENT.**—

3 (1) **IN GENERAL.**—The Secretary, after con-
4 sultation with other Federal agencies and on the
5 basis of the recommendations of the Committee es-
6 tablished pursuant to section 121(a)(3), shall estab-
7 lish staff qualification and development requirements
8 based on such requirements described in section
9 648A of the Head Start Act (42 U.S.C. 9843a),
10 based on such requirements being implemented by
11 the military child care program (including certifi-
12 cation of family child care home providers), and in-
13 cluding a requirement to satisfactorily complete
14 training under section 135(d). The established re-
15 quirements shall include the requirements described
16 in subsection (b) (relating to compensation). The es-
17 tablished requirements shall apply to the child care
18 and early learning programs carried out under this
19 title, and the prime sponsors carrying out such pro-
20 grams, as the case may be.

21 (2) **OBJECTIVES.**—The established require-
22 ments shall be designed to—

23 (A)(i) lead to high-quality child care and
24 early learning service delivery, including the use
25 of targeted strategies and resources provided by
26 prime sponsors to ensure the diverse, incumbent

1 child care and early learning workforce retains
2 access to employment in such programs; and

3 (ii) take into account workforce recruit-
4 ment challenges and the need for a diverse
5 workforce;

6 (B) create a pathway for members of the
7 child care and early learning service workforce
8 to build on their credentials; and

9 (C) provide enough time (which shall be
10 not less than 6 years after the date of that es-
11 tablishment) for staff to meet any educational
12 requirements in the established requirements.

13 (b) PAY.—

14 (1) COMPETITIVE RATES OF COMPENSATION.—

15 For the purpose of providing child care and early
16 learning programs with a qualified and stable work-
17 force, each prime sponsor shall ensure that employ-
18 ees (including employees of a delegate provider) at
19 a child care and early learning center and teachers
20 and other staff of family child care home providers
21 shall be paid under a pay scale that provides for
22 rates of compensation that—

23 (A)(i) except as provided in clause (ii), are
24 comparable with the rates of compensation paid
25 to employees of the corresponding local edu-

1 cational agency with similar training, seniority,
2 and experience; or

3 (ii) for a position not typically found at the
4 corresponding local educational agency, are the
5 rates specified in the pay scale for the military
6 child care program; and

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

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

20 (3) LIMITATION.—Notwithstanding any other
21 provision of law, no Federal funds may be used to
22 pay any part of the compensation of an employee,
23 teacher, or staff member described in paragraph (1)
24 to carry out a child care and early learning program,
25 if such compensation, including non-Federal funds,

1 exceeds a rate equal to the rate payable for level II
2 of the Executive Schedule under section 5313 of title
3 5, United States Code.

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

6 (A) includes salary, bonuses, periodic pay-
7 ments, severance pay, the value of any vacation
8 time, the value of a compensatory or paid leave
9 benefit, and the fair market value of any em-
10 ployee perquisite or benefit; and

11 (B) includes any prime sponsor expendi-
12 ture for a health, medical, life insurance, dis-
13 ability, retirement, or any other employee wel-
14 fare or pension benefit.

15 (c) CURRICULUM SUPPORT.—

16 (1) IN GENERAL.—Prime sponsors shall estab-
17 lish and implement a plan to ensure all teachers in
18 a child care and early learning program, including
19 family child care home providers, have curriculum
20 support.

21 (2) CURRICULUM SUPPORT.—That curriculum
22 support—

23 (A) may include the use of curriculum spe-
24 cialists, as in the military child care program;
25 and

1 (B) shall include—

2 (i) special teaching activities at loca-
3 tions that are easily accessible by the
4 teachers;

5 (ii) daily oversight and instruction of
6 employees providing child care and early
7 learning services;

8 (iii) daily assistance in the prepara-
9 tion of lesson plans, provided through indi-
10 vidual specialists or resources for staff that
11 allow teachers to engage in professional re-
12 sponsibilities such as daily lesson planning;

13 (iv) assistance with child abuse pre-
14 vention and detection;

15 (v) assistance with activities to pro-
16 mote children’s cognitive development, be-
17 havior management, and mental health;
18 and

19 (vi) assistance with improving the de-
20 livery of instruction and with measuring
21 and tracking children’s outcomes.

1 **SEC. 137. RESEARCH, DEMONSTRATIONS, AND EVALUA-**
2 **TION.**

3 (a) **GENERAL OBJECTIVES.**—The Secretary shall
4 carry out a continuing program of research, demonstra-
5 tion, and evaluation activities, in order to—

6 (1) focus national research efforts to attain a
7 fuller understanding of the processes of child devel-
8 opment and early learning outcomes and the effects
9 of programs on those processes and outcomes;

10 (2) foster continuous improvement in the qual-
11 ity of the child care and early learning programs
12 carried out under this title and in their effectiveness
13 in enabling participating children and their families
14 to succeed in school and otherwise;

15 (3) ensure that the results of research and re-
16 lated development efforts are reflected in the con-
17 duct of programs affecting children through the im-
18 provement and expansion of child care and early
19 learning programs; and

20 (4) develop, test, and disseminate information
21 on new ideas for addressing the needs of low-income
22 and underserved children (including children with
23 disabilities, homeless children, children who have
24 been abused or neglected, and children in foster
25 care) and their families and communities, and fur-
26 thering in other ways the purposes of this title.

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

4 (1) permit ongoing assessment of the quality
5 and effectiveness of the child care and early learning
6 programs under this title;

7 (2) contribute to developing knowledge con-
8 cerning factors associated with the quality and effec-
9 tiveness of child care and early learning programs
10 and in identifying ways in which services provided
11 under this title may be improved;

12 (3) assist in developing knowledge concerning
13 the factors that promote or inhibit healthy develop-
14 ment and effective functioning of children and their
15 families, including physical, mental, vision, and oral
16 health, both during and following participation in a
17 child care and early learning program;

18 (4) permit comparisons of children and families
19 participating in child care and early learning pro-
20 grams—

21 (A) with children and families receiving
22 other child care, or early childhood education
23 and development, services or programs; and

24 (B) with other appropriate control groups;

1 (5) contribute to understanding the characteris-
2 tics and needs of population groups eligible for serv-
3 ices provided under this title and the impact of such
4 services on the individuals served and the service
5 areas in which such services are provided;

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

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

12 (8)(A) contribute to understanding the impact
13 of child care and early learning services delivered in
14 classrooms that include both children with disabil-
15 ities and children who are not children with disabil-
16 ities, on both types of children; and

17 (B) disseminate promising practices for increas-
18 ing the availability and quality of child care and
19 early learning services that are so delivered and
20 classrooms described in subparagraph (A);

21 (9) contribute to understanding the impact of
22 different child care and early learning models, in-
23 cluding those with varying teacher compensation,
24 preparation, and workplace supports, in addressing
25 educational disparities and inequalities, including

1 disparities and inequalities based on income, and
2 disparities and inequalities based on culture, and
3 race and ethnicity;

4 (10) contribute to the understanding of pro-
5 viding effective child care and early learning pro-
6 grams to dual language learner children, children
7 with disabilities, culturally diverse families, racially
8 and ethnically diverse families, children belonging to
9 an Indian tribe, Native Hawaiian children, and chil-
10 dren of migrant and seasonal farmworkers, and to
11 service areas with many low-income children; and

12 (11) carry out—

13 (A) research to determine the nature of
14 child development processes and the impact of
15 various influences upon those processes, includ-
16 ing workplace conditions and supports, to de-
17 velop techniques to measure and evaluate child
18 development, to develop standards to evaluate
19 professional and paraprofessional child develop-
20 ment personnel, and to determine how child
21 care and early learning and related programs
22 conducted in either family child care homes or
23 centers affect child development processes;

24 (B) research to test alternative methods of
25 providing child development and related serv-

1 ices, and to develop and test innovative ap-
2 proaches to achieve maximum development of
3 children;

4 (C) evaluation of findings from research
5 conducted under this paragraph and the devel-
6 opment of and effective application of those
7 findings;

8 (D) dissemination and application of re-
9 sults from research and related development ef-
10 forts and demonstration projects to child care
11 and early learning programs, related programs,
12 and early childhood education;

13 (E) production of informational systems
14 and other resources necessary to support the
15 activities authorized under this paragraph; and

16 (F) integration of national child develop-
17 ment research efforts under this title into a fo-
18 cused national research program, including the
19 coordination of research and development con-
20 ducted by entities under this section with re-
21 search and development conducted by other
22 agencies, organizations, and individuals.

23 (c) CONDUCT OF RESEARCH, DEMONSTRATION, AND
24 EVALUATION ACTIVITIES.—The Secretary, in order to

1 conduct research, demonstration, and evaluation activities
2 under this section—

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

6 (2) shall, to the extent appropriate, undertake
7 such activities in collaboration with Federal agencies
8 (other than the Department of Health and Human
9 Services), and with non-Federal agencies, Indian
10 tribes, and tribal organizations, conducting similar
11 activities;

12 (3) shall ensure that evaluation of such activi-
13 ties in a specific program is conducted by persons
14 not directly involved in the operation of such pro-
15 gram;

16 (4) may require prime sponsors to provide for
17 independent evaluations;

18 (5) may approve, in appropriate cases, commu-
19 nity-based cooperative research and evaluation ef-
20 forts to enable prime sponsors to collaborate with
21 qualified researchers not directly involved in pro-
22 gram administration or operation of a program
23 funded under this title; and

1 (6) may collaborate with organizations with ex-
2 pertise in inclusive educational strategies for pre-
3 schoolers who are children with disabilities.

4 (d) COORDINATION OF RESEARCH.—

5 (1) TRANSFERS.—Funds available to any Fed-
6 eral agency (including a department) for the pur-
7 poses stated in subsection (a) or the activities stated
8 in subsection (b) shall be available for transfer, with
9 the approval of the head of the agency involved, in
10 whole or in part, to the Secretary for such use as
11 is consistent with the purposes for which such funds
12 were appropriated, and the funds so transferred
13 shall be expendable by the Secretary for the pur-
14 poses for which the transfer was made.

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

17 (A) coordinate, through the Office of Child
18 Care and Early Learning, established under
19 section 131, all child development research,
20 training, and related development efforts con-
21 ducted by the Department of Health and
22 Human Services and, to the extent feasible, by
23 other agencies, organizations, and individuals;

24 (B) consult with—

1 (i) individuals from relevant academic
2 disciplines;

3 (ii) individuals who are involved in the
4 operation of child care and early learning
5 programs and individuals who are involved
6 in the operation of other child and family
7 service programs;

8 (iii) appropriate officials from Indian
9 tribes and tribal organizations; and

10 (iv) individuals from organizations in-
11 volved with, and academic disciplines re-
12 lated to, children and families, ensuring
13 that the individuals consulted under this
14 subparagraph reflect the multicultural na-
15 ture of the children and families served by
16 the child care and early learning programs
17 and the multidisciplinary nature of the
18 programs;

19 (C) whenever feasible and appropriate, ob-
20 tain the views of persons participating in and
21 served by programs assisted under this title
22 with respect to activities under this section; and

23 (D) establish, to the extent appropriate,
24 working relationships with faculty members of
25 institutions of higher education, as defined in

1 section 101 of the Higher Education Act of
2 1965 (20 U.S.C. 1001), located in the area in
3 which any evaluation under this section is being
4 conducted, to participate in such evaluation, un-
5 less there is no such institution of higher edu-
6 cation willing and able to participate in such
7 evaluation.

8 (3) COUNCIL.—

9 (A) IN GENERAL.—There is established a
10 Child Development Research Council, consisting
11 of—

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

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

18 (B) MEETINGS.—The Council shall meet
19 at least annually and at such more frequent
20 times as the Council may determine to be nec-
21 essary.

22 (C) DUTIES.—The Council shall assure co-
23 ordination of child care and early learning serv-
24 ices under the jurisdiction of the agencies and

1 offices represented on the Council and carry out
2 the provisions of this section so as to assure—

3 (i) maximum utilization of available
4 resources through the prevention of dupli-
5 cation of activities;

6 (ii) a division of labor, insofar as is
7 compatible with the purposes of each of
8 the agencies or offices represented on the
9 Council, among those agencies and offices
10 to assure maximum progress toward the
11 achievement of the purposes of this sec-
12 tion; and

13 (iii) recommendation of priorities for
14 federally funded research and related de-
15 velopment that are related to the purposes
16 of this section and those stated in section
17 101.

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

20 (1) summarizing—

21 (A) the Secretary's activities and accom-
22 plishments during the preceding year under this
23 section; and

1 (B) the grants, contracts, or other ar-
2 rangements entered into during the preceding
3 year under this section; and

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

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

9 (g) OWNERSHIP OF RESULTS.—The Secretary shall
10 take necessary steps to ensure that all studies, reports,
11 proposals, and data produced or developed with Federal
12 funds under this title shall become the property of the
13 United States.

14 **SEC. 138. REPORTS.**

15 (a) IN GENERAL.—At least once during every 2-year
16 period, the Secretary shall prepare a report concerning the
17 status of children (including low-income children, children
18 with disabilities, dual language learner children, homeless
19 children, children in foster care, children participating in
20 child care and early learning programs on Indian land,
21 and children participating in migrant or seasonal child
22 care and early learning programs) participating in child
23 care and early learning programs, including the number
24 of participating children and the services being provided
25 to such children.

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

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

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

8 (B) the amount of funds received, by prime
9 sponsors that are newly designated under sec-
10 tion 113, to provide such services in such fiscal
11 year;

12 (2) a description of the distribution of child
13 care and early learning services relative to the dis-
14 tribution of children who are in need of child care
15 and early learning programs, including geographic
16 distribution within States, and information on the
17 number of children receiving those services;

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

21 (4) a statement specifying the amount of funds
22 provided as the non-Federal share of the costs of
23 child care and early learning programs, and the
24 source of such funding;

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

4 (6) a description of the level and nature of par-
5 ticipation of parents and family members in child
6 care and early learning programs as volunteers and
7 in other capacities;

8 (7) information concerning child care and early
9 learning center staff, including salaries, education,
10 training, experience, and staff turnover;

11 (8) information concerning children partici-
12 pating in child care and early learning programs, in-
13 cluding information on family income, cultural back-
14 ground, racial and ethnic background, homelessness,
15 whether such a child is in foster care or was referred
16 by a child welfare agency, disability, and whether the
17 child's family receives benefits under part A of title
18 IV of the Social Security Act (42 U.S.C. 601 et
19 seq.);

20 (9) using data from the monitoring conducted
21 under section 121—

22 (A) a description of the extent to which
23 programs funded under this title comply with
24 program standards and regulations in effect
25 under this title;

1 (B) a description of the types and condi-
2 tion of facilities in which such programs are lo-
3 cated; and

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

6 (10) a description of the types of services pro-
7 vided through the programs to children and their
8 families, both on site and through referrals, includ-
9 ing services related to health, mental health, dental
10 care, vision care, parenting education, physical fit-
11 ness, and literacy training;

12 (11) information from a study of the delivery of
13 child care and early learning programs to Indian
14 children, to Native Hawaiian children, and to chil-
15 dren of migrant or seasonal farmworker families;

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

18 (A) determine whether child care and early
19 learning programs are making timely referrals
20 to the State or local agency responsible for pro-
21 viding services under section 619 or part C of
22 the Individuals with Disabilities Education Act
23 (20 U.S.C. 1419, 1431 et seq.);

24 (B) identify barriers to timely evaluations
25 and eligibility determinations by the State or

1 local agency responsible for providing services
2 under section 619 or part C of the Individuals
3 with Disabilities Education Act; and

4 (C) determine under what circumstances
5 and for what length of time child care and early
6 learning programs are providing disability-re-
7 lated services for children who have not been
8 determined under the Individuals with Disabil-
9 ities Education Act (20 U.S.C. 1400 et seq.) to
10 be children with disabilities; and

11 (13) information on how child care and early
12 learning programs serve populations of low-income
13 children, minority children, and dual language learn-
14 er children, the extent to which disparities exist in
15 early learning outcomes of participants in such pro-
16 grams, and how such programs address disparities
17 in early learning outcomes.

18 (c) SUBMISSION.—The Secretary shall submit each
19 report prepared under subsection (a) to the Committee on
20 Health, Education, Labor, and Pensions of the Senate and
21 the Committee on Education and Labor of the House of
22 Representatives.

23 **SEC. 139. NONDISCRIMINATION PROVISIONS.**

24 The Secretary shall establish nondiscrimination re-
25 quirements consistent with the requirements described in

1 section 654 of the Head Start Act (42 U.S.C. 9849). The
2 established requirements shall apply to the child care and
3 early learning programs carried out under this title, and
4 the prime sponsors carrying out such programs, as the
5 case may be.

6 **SEC. 140. ADVANCE FUNDING.**

7 For the purpose of affording adequate notice of fund-
8 ing available under this title, appropriations for carrying
9 out this title are authorized to be included in an appro-
10 priation Act for the fiscal year preceding the fiscal year
11 for which the appropriations are available for obligation.

12 **SEC. 141. PARENTAL CONSENT REQUIREMENT FOR NON-**
13 **EMERGENCY INTRUSIVE PHYSICAL EXAMINA-**
14 **TIONS.**

15 The Secretary shall establish a parental consent re-
16 quirement consistent with the requirement described in
17 section 657A of the Head Start Act (42 U.S.C. 9852a).
18 The established requirement shall apply to the child care
19 and early learning programs carried out under this title,
20 and the prime sponsors carrying out such programs, as
21 the case may be.

22 **Subtitle D—Special Programs**

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

24 (a) IN GENERAL.—The Secretary is authorized to
25 provide supplemental financial assistance for the activities

1 described in subsection (b) or the purposes described in
2 subsection (c), to prime sponsors, who—

3 (1) demonstrate barriers—

4 (A) to scaling the services and processes
5 needed to fully implement the prime sponsors'
6 child care and early learning programs; and

7 (B) to meeting the national program
8 standards; and

9 (2) need financial assistance, as determined by
10 the Secretary, for those activities or purposes, re-
11 spectively.

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

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

16 (2) establishing coordination arrangements and
17 processes with other entities, including local edu-
18 cational agencies and related entities, organizations
19 delivering health and social services in the service
20 area involved, and the State;

21 (3) establishing training and professional devel-
22 opment protocols and processes under sections 135
23 and 136;

24 (4) meeting accreditation requirements;

1 (5) providing supports to enable family child
2 care home providers to participate as providers with-
3 in the child care and early learning program carried
4 out by the prime sponsor involved and to enable the
5 prime sponsor to meet the national program stand-
6 ards;

7 (6) securing materials and resources for profes-
8 sional learning opportunities; and

9 (7) other activities related to the establishment,
10 expansion, and scaling of services and processes
11 needed to fully implement the prime sponsor's child
12 care and early learning program and enable the
13 prime sponsor to meet the national program stand-
14 ards.

15 (c) PURPOSES.—The Secretary may provide the sup-
16 plemental financial assistance to a prime sponsor that
17 meets the requirements of subsection (a) and has difficulty
18 in providing a non-Federal share because the prime spon-
19 sor serves an area with a high concentration of families
20 with a family income of not more than, or slightly above,
21 200 percent of the poverty line, for the purposes of in-
22 creasing the Federal share of the costs described in section
23 121(c)(2)(A).

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

2 (a) GRANTS.—On approving an application submitted
3 by any State, the Secretary is authorized to provide a
4 grant to the State for carrying out activities described in
5 subsection (b).

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

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

10 (2) 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 (3) 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 (4) encouraging the full utilization of resources
23 and facilities for child care and early learning pro-
24 grams within the State;

25 (5) disseminating the results of research on
26 child care and early learning programs;

1 (6) conducting programs for the exchange of
2 personnel involved in child care and early learning
3 programs within the State;

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

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

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

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

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

22 (c) MAINTENANCE OF EFFORT.—No State or com-
23 munity shall reduce its expenditures for child care and
24 early learning programs (including home-based child care

1 and early learning programs) because of financial assist-
2 ance provided under this section.

3 **TITLE II—RELATED PROGRAMS**

4 **SEC. 201. MAINTENANCE OF EFFORT.**

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

9 “(d) MAINTENANCE OF EFFORT.—

10 “(1) IN GENERAL.—No State shall receive such
11 a payment for a fiscal year if the State reduces its
12 total State expenditures for child care services for
13 the prior fiscal year below such expenditures for fis-
14 cal year 2019.

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

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

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