

117TH CONGRESS
1ST SESSION

S. 1398

To establish universal child care and early learning programs.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2021

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

A BILL

To establish universal child care and early learning programs.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

9 The purposes of this title are—

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

1 tablishing and expanding programs, to create uni-
 2 versal, comprehensive child care and early learning
 3 programs that are available to all young children;

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

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

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

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

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

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

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

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

6 **SEC. 102. DEFINITIONS.**

7 For purposes of this title:

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

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

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

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

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

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

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

10 (A) is—

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

12 and

13 (ii) not yet required to attend school,

14 under the laws of compulsory school at-

15 tendance of the State in which the child re-

16 sides; and

17 (B) meets the requirements of regulations

18 issued under section 124.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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-

tion 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(20) POVERTY LINE.—The term “poverty line” means the official poverty line (as defined by the Office of Management and Budget) based on the most recent data available from the Bureau of the Census—

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

(B) adjusted for family size.

(21) PROFESSIONAL DEVELOPMENT.—The term “professional development” means the career-pathway aligned mechanisms that contribute to ensuring that a member of the early care and education workforce, in any setting, has or is working towards obtaining the degrees and other credentials needed to demonstrate the necessary knowledge and competencies for quality provision of child care and early learning services.

(22) SCIENTIFICALLY VALID RESEARCH.—The 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 2022
12 through 2026; 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 2022 through 2032.

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 2021, 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 ignated under section 113 for 100 percent of
8 the costs of providing child care and early
9 learning programs for covered children in In-
10 dian tribes and Native Hawaiian covered chil-
11 dren under this title.

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

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

3 (3) RATE ANALYSIS.—

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

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

20 (4) NON-FEDERAL SHARE.—

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

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

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

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

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

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

23 (a) AUTHORITY TO DESIGNATE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) ADDITIONAL APPROVAL PROCEDURES.—

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

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

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

20 (C) the locality is a—

21 (i) city;

22 (ii) county; or

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

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

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

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

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

(3) LOCALITIES.—

(A) SUBMISSION BY COMBINATION.—In
the event that the Secretary determines that a
locality does not meet the requirements for des-
ignation as a prime sponsor under this section,
the Secretary shall take steps to encourage the
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) EXCEPTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (B) describes the demographic and eco-
 21 nomic data and other criteria the prime sponsor
 22 proposes to use to determine whether a commu-
 23 nity is in particular need of child care;

24 (C) identifies specific communities deter-
 25 mined to be in particular need of child care,

1 where such communities are located, the size
2 and scope of such areas, and the age groups of
3 children in need of child care in such areas;

4 (D) describes how the prime sponsor will
5 increase the child care supply, quality, and af-
6 fordability for all families in communities of
7 particular need, which may include providing
8 start-up funding, technical assistance, training
9 and professional development for the child care
10 workforce, enhanced compensation, and other
11 activities;

12 (E) describes how the prime sponsor will
13 provide comprehensive health, mental health,
14 education, parental or family member involve-
15 ment, nutritional, social, and other services for
16 the children that need child care and early
17 learning services, including appropriate screen-
18 ing and referrals for children with challenging
19 behaviors and other mental health needs;

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

1 (G) describes how the prime sponsor will
2 guarantee all children in the service area access
3 to the child care and early learning program
4 and use funds provided under section 112(a)(1)
5 for child care and early learning services;

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

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

15 (ii) teacher training and mental health
16 consultations for both staff and children of
17 the child care and early learning program;

18 (I) includes a policy on suspension and ex-
19 pulsion that—

20 (i) prohibits or severely limits the use
21 of suspension due to a child's behavior and
22 ensures suspensions are only temporary in
23 nature;

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

4 (iii) provides that, in the case of a
5 child exhibiting persistent and serious chal-
6 lenging behaviors, the program provider
7 will—

8 (I) explore all possible steps and
9 document all steps taken to address
10 such behaviors;

11 (II) make efforts to facilitate the
12 child's safe participation in the pro-
13 gram; and

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

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

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

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

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

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

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

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

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

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

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

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

7 (T) provides for—

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

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

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

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

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

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

10 (X) provides for the regular and frequent
11 dissemination of information in the language of
12 those to be served, to assure that parents, fam-
13 ily members, and interested persons in the serv-
14 ice area are fully informed of services available
15 through the child care and early learning pro-
16 gram, and of the activities of the prime spon-
17 sor's Child Care and Early Learning Council;

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

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

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

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

(BB) provides that—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 gram are Indians or Native Hawaiians;
2 and

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

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

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

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

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

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

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

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

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

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

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

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

4 (B) The prime sponsor shall—

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

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

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

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

(B) other activities designed to facilitate a partnership in the program with parents in supporting the development and early learning of their child, including providing—

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

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

(iii) opportunities to share experiences with other parents (including parent-mentor relationships);

(iv) health services, including information on maternal depression and mental health;

(v) regular in-home or virtual visitation; or

(vi) family literacy services.

(3) Provide, with respect to each participating family, a family needs assessment that includes consultation with the parents (including, in this paragraph, foster parents, grandparents, and kinship caregivers, where applicable) in the family's preferred language or through an interpreter, to the extent practicable, and ensure parents have the oppor-

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

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

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

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

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

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

10 (iii) to prepare parents—

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

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

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

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

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

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

9 (7) Establish effective procedures—

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

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

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

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

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

13 (d) PROGRAM GOVERNANCE.—

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

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

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

3 (3) OVERALL COMPOSITION.—

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

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

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

14 (iii) other relevant stakeholders.

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

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

24 (5) CONFLICT OF INTEREST.—

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

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

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

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

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

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

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

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

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

15 (e) PROGRAM GOVERNANCE ADMINISTRATION.—

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

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

1 (3) TRAINING AND TECHNICAL ASSISTANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (IV) service areas;

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

6 (VI) program technical assistance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (j) SLIDING FEE SCALE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **Subtitle B—Standards**

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

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

15 (1) ISSUANCE.—

16 (A) NATIONAL PROGRAM STANDARDS.—

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

learning services with financial assistance under this title, to be known as the “Federal Standards for Child Care and Early Learning Services”.

(B) BASELINE FOR KNOWLEDGE, SKILLS, AND COMPETENCIES.—The standards shall establish a baseline threshold for knowledge, skills, and competencies for child care and early learning teachers and staff that—

(i) shall be aligned with compensation levels;

(ii) shall be phased in; and

(iii) shall be determined by the Secretary to be in alignment with the knowledge, skills, and competency expectations of the child care and early learning, or early childhood education, profession.

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

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

3 (3) SPECIAL COMMITTEE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (iii) mathematics knowledge and
 16 skills;

17 (iv) science knowledge and skills;

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

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

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

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

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

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

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

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

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

22 (B) take into consideration—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (6) ADEQUATE TIME TO MEET STANDARDS.—

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

11 (b) UNIFORM CODE FOR FACILITIES.—

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

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

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

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

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

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

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

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

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

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

8 (c) MEASURES.—

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

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

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

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

5 (C) program evaluation; and

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

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

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

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

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

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

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

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

(G) be high-quality research-based measures that have been demonstrated to assist with the purposes for which the measures were devised; and

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

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

(A) USE.—The measures shall be designed, as appropriate, for the purpose of—

(i) helping to develop the skills, knowledge, abilities, and development described in subsection (a)(4)(A)(ii) of children participating in child care and early learning programs, with an emphasis on measuring skills that scientifically valid research has demonstrated are related to children's school readiness and later success in school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (4) CONFIDENTIALITY.—

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

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

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

15 (5) SPECIAL RULE.—

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

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

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

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

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

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

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

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

6 (e) CORRECTIVE ACTION FOR PRIME SPONSORS.—

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

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

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

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

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

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

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

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

(2) QUALITY IMPROVEMENT PLAN.—

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

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

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

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

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

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

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

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

1 (3) TRAINING AND TECHNICAL ASSISTANCE.—

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

9 (f) SUMMARIES OF MONITORING OUTCOMES.—

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

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

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

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

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

25 (B) the public through means such as—

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

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

5 (C) Indian tribes and tribal organizations.

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

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

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

13 (g) SELF-ASSESSMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) DISSEMINATION AND TECHNICAL ASSISTANCE.—

2 The Secretary shall—

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

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

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

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

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

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

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

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

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

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

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

23 **Subtitle C—Administration**

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

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

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

5 (b) COORDINATION OF CHILD CARE PROGRAMS.—

6 (1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

14 (a) REQUIREMENTS AND STANDARDS.—

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

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

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

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

12 (b) FACILITIES.—

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

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

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

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

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

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

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

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

23 (c) CAPITAL EXPENDITURES.—

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

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

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

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

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

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

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

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

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

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

4 (b) WITHHOLDING OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

22 (c) PRIME SPONSOR FINANCIAL ASSISTANCE.—

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

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

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

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

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

23 (1) Early childhood development.

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

1 (3) Child abuse prevention and detection.

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

4 (e) WORKFORCE DEVELOPMENT AND DIVERSITY.—

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

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

13 (A) IN GENERAL.—From amounts allo-
14 cated under section 103(b), the Secretary is au-
15 thorized to award grants, for a period of not
16 less than 5 years, to institutions of higher edu-
17 cation, with priority for part B institutions,
18 Hispanic-serving institutions, and Tribal Col-
19 leges and Universities (as the 3 types of institu-
20 tions are defined in clauses (i) through (iii) of
21 section 241(1)(A) of the Higher Education Act
22 of 1965 (20 U.S.C. 1033(1)(A))).

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

25 (i) use the grant funds—

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

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

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

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

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

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

previous postsecondary early childhood coursework and degrees as well as for demonstrated competency through—

(aa) prior work experience;

and

(bb) apprenticeships that

lead to credentials, or associate

or baccalaureate degrees; and

(ii) make a portion of the grant funds

available for students training to become

staff of child care and early learning programs,

to cover the corresponding tuition

and other costs of attendance.

SEC. 136. STAFF QUALIFICATIONS AND DEVELOPMENT.

(a) QUALIFICATION AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, after consultation with other Federal agencies and on the

basis of the recommendations of the Committee established pursuant to section 121(a)(3), shall establish staff qualification and development requirements

based on such requirements described in section

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

based on such requirements being implemented by

the military child care program (including certifi-

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

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

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

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

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

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

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

3 (b) PAY.—

4 (1) COMPETITIVE RATES OF COMPENSATION.—

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

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

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

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

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

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

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

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

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

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

7 (c) CURRICULUM SUPPORT.—

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

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

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

18 (B) shall include—

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

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

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

15 **SEC. 137. RESEARCH, DEMONSTRATIONS, AND EVALUA-**
 16 **TION.**

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

- 20 (1) focus national research efforts to attain a
- 21 fuller understanding of the processes of child devel-
- 22 opment and early learning outcomes and the effects
- 23 of programs on those processes and outcomes;
- 24 (2) foster continuous improvement in the qual-
- 25 ity of the child care and early learning programs

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

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

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

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

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

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

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

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

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

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

15 (B) with other appropriate control groups;

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

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

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

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

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

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

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

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

4 (11) carry out—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) COORDINATION OF RESEARCH.—

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

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

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

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

14 (B) consult with—

15 (i) individuals from relevant academic
16 disciplines;

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

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

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

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

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

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

22 (3) COUNCIL.—

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

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

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

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

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

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

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

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

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

8 (1) summarizing—

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

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

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

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

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

1 **SEC. 138. REPORTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (B) a description of the types and condi-
12 tion of facilities in which such programs are lo-
13 cated; and

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

16 (10) a description of the types of services pro-
17 vided through the programs to children and their
18 families, both on site and through referrals, includ-
19 ing services related to health, mental health, dental
20 care, vision care, parenting education, physical fit-
21 ness, and literacy training;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **Subtitle D—Special Programs**

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

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

17 (1) demonstrate barriers—

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

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

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

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

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

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

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

13 (4) meeting accreditation requirements;

14 (5) providing supports to enable family child
15 care home providers to participate as providers with-
16 in the child care and early learning program carried
17 out by the prime sponsor involved and to enable the
18 prime sponsor to meet the national program stand-
19 ards;

20 (6) securing materials and resources for profes-
21 sional learning opportunities; and

22 (7) other activities related to the establishment,
23 expansion, and scaling of services and processes
24 needed to fully implement the prime sponsor's child
25 care and early learning program and enable the

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

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

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

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

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

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

21 (2) furnishing child care providers with start-up
 22 funding and technical assistance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **TITLE II—RELATED PROGRAMS**

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

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

10 “(d) MAINTENANCE OF EFFORT.—

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

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

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

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

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

○