



Section-by-Section

COMMITTEE ON EDUCATION & LABOR

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The Hon. Robert C. "Bobby" Scott • Chairman

Child Care for Working Families Act

Section 1 – Short Title

This Act is called the “Child Care for Working Families Act.”

TITLE I – Child Care and Development Assistance

Section 101 – Purposes

Amends section 658A of the “Child Care and Development Block Grant (CCDBG) Act of 1990” to add as purposes:

- Ensure no low- to moderate-income family pays more than seven percent of its household income on child care.
- Assist States in delivering high-quality and inclusive early childhood care and education, including before- and after-school and summer care, and increase the number of high-quality programs.
- Help child care programs meet evidence-based, national standards to improve program quality.
- Improve child care and development of participating children, including infants, toddlers, and children with disabilities.

Section 102– Authorization of Appropriations

Amends section 658B of CCDBG to strike previous appropriations levels and establish authorized appropriations levels beginning in FY2020 in the amounts of \$20 billion (FY20), \$30 billion (FY21), \$40 billion (FY22), and such sums as appropriate in FY2023 and all subsequent years.

Section 103 – Establishment of Program

Amends section 658C to authorize the Secretary to create a child care program under which families in each State are provided the opportunity to obtain child care for eligible children.

Section 104 – Lead Agency

Amends section 658D to direct the lead agency of a State to administer the financial assistance received by the State under this Act, including certifying the eligibility of children.

Section 105 – Application and Plan

Amends section 658E(c) to add the following requirements:

Reporting:

- Require each State to report to parents and the general public on the State’s:
 - Tiered and transparent system for measuring quality of child care providers, including its standards, payment rates, and the number and percentage of providers at each tier of quality.
 - Wage ladder and opportunities for providers to improve skills and credentials.

- Requires States to demonstrate how they facilitate participation of staff of eligible child care providers in organizations that foster the professional development and stakeholder engagement of the child care workforce.
- Amends section (c)(2)(O)(i) to ensure coordination with other programs operating at the federal, State, and local levels such as preschool programs, programs serving homeless children and children in foster care, and programs funded under IDEA.
- Requires States to give priority for services for children in underserved areas, children with disabilities, and infants and toddlers with disabilities.
- Ensures States will provide assistance only to providers that prohibit the use of suspension and expulsion and prohibit the use of aversive behavioral interventions.

Assurances:

- Ensures that child care providers do not charge the family of an eligible child more than the applicable copayment.
- Requires States to describe how eligible child care providers will prioritize children with disabilities and infants and toddlers with disabilities for slots in programs.

Tiered System for Measuring Program Quality:

- Requires States, in collaboration with stakeholders, to create a tiered and transparent system for measuring the quality of child care providers that:
 - Applies to all eligible child care providers (except family, friend, or neighbor care that elect to be covered under a separate clause).
 - Includes a set of standards for determining the tier of quality of a provider based on rigorous, evidence-based standards (which may be Head Start Performance Standards).
 - Includes indicators that are appropriate for different types of providers and different age groups and different standards for non-traditional hours
 - Provides sufficient resources to enable standards at the entry tier to increase in rigor over time.

Payment Rates:

- Requires the State to certify that payment rates for child care assistance:
 - Are based on a cost estimation model and approved by the Secretary of HHS.
 - Correspond to differences in quality based on a State's tiered and transparent system.
 - May include a bonus to providers serving children during nontraditional hours, and waiving a copayment for children identified as eligible for assistance from child protective services.

Cost Estimation Model:

- Requires the State to:
 - Develop a cost estimation model for providers at each tier of the State's tiered and transparent system and for providers of family, friend, and neighbor care.
 - Describe how its payment rates ensure that wages for staff of child care providers are:
 - Comparable to wages for elementary educators with similar credentials and experience.
 - Provide a living wage for all staff of child care providers.
 - Delink provider payment rates from children's occasional absences.

Sliding Scale:

- Requires the State to ensure that:
 - Families receiving assistance under this subchapter will pay the appropriate copayment, or another entity will pay the copayment on behalf of the family, voluntarily or in accordance with the law.
 - Copayments will be based on a sliding scale providing that a family with a family income:
 - Of no more than 75 percent of the State median income will not pay a copayment.
 - Between 75-100 percent of State median income will pay a copayment between 0-2 percent of the family's income.
 - Between 100-125 percent of State median income will pay a copayment between 2-4 percent of the family's income.
 - Between 125-150 percent of State median income will pay a copayment between 4-7 percent of the family's income.
 - A family with a child that is eligible for Head Start does not have to pay a copayment.

Section 106 – Limitations

Amends section 658F by making conforming edits.

Section 107 – Activities to Improve the Quality of Child Care

Amends section 658G to make the following changes to the quality set aside.

In General:

- During fiscal years 2020 through 2022, a State may use 50 percent of its allotment for quality improvement activities, during which time it may use quality improvement funds for:
 - Remodeling, renovation, repair, or construction, with priority given to providers of high-quality and inclusive care for children with disabilities, care during non-traditional hours, providers in rural areas, and providers in underserved areas or areas of concentrated poverty.
- For fiscal year 2023 and each subsequent year, a State will receive an amount equal to 10 percent of its allotment (paid out quarterly) for quality improvement activities.

Quality Improvement Grants:

- A State shall use quality child care amounts to make two types of grants:
 - Startup grants for providers who cannot yet participate in the State's tiered system for measuring program quality.
 - Improvement grants to help all child care providers move up in the tiered and transparent system.

Activities to Assist Homeless Children and Children in Foster Care:

- Requires States to use quality child care amounts to improve access to child care services for homeless children and children in foster care, including by ensuring immediate enrollment, training on identifying and supporting children and families, and specific outreach.

Training and Professional Development:

- Expands the list of allowable training and professional development activities to include:

- Implementing effective behavior management strategies (and related training), including multi-tiered systems of support such as positive behavior interventions and supports, and trauma informed care, that:
 - Promote positive social and emotional development;
 - Prevent and reduce challenging behaviors, including by setting consistent expectations for all students; and
 - Eliminate suspensions, expulsions, and aversive behavioral interventions.
- Connecting staff members of child care providers with available Federal and State financial aid, or other resources, to assist in pursuing postsecondary training and creating or expanding Statewide scholarship programs to obtain credentials related to child care; developing apprenticeship programs; and supporting articulation agreements between public institutions of higher education that offer 2-year programs and public institutions of higher education that offer 4-year programs.
- Undertaking efforts to improve staff diversity of eligible providers and recruit a more diverse workforce.

Programs and Services for Infants and Toddlers:

- Maintains allowable infant and toddler quality improvement activities, including activities to improve the quality of infant and toddler care and health and safety, cognitive and physical development, well-being, or social and emotional development, including providing health and safety training for providers and caregivers.

Inclusive Care for Children with Disabilities and Infants and Toddlers with Disabilities:

- Requires States to use quality child care amounts to improve the supply of eligible child care providers that provide high-quality and inclusive care for children with disabilities and infants and toddlers with disabilities, which shall include:
 - Offering training, professional development, or coaching opportunities that relate to the use of evidence-based, developmentally, and age-appropriate strategies.
 - Improving the ability of parents to access transparent and easy-to-understand consumer information.
 - Promoting and expanding child care providers' ability to provide developmentally appropriate services for infants and toddlers with disabilities through improved coordination of systems, services, and other activities.

Other Activities:

- Permits States to spend quality child care amounts to:
 - Develop, implement, or enhance the State's tiered and transparent system for measuring the quality of child care providers.
 - Support eligible child care providers to eliminate suspensions, expulsions, and aversive behavioral interventions.
 - Establish or expand high-quality, inclusive school-age child care standards for before- and after-school care and summer care and inclusive community or neighborhood-based family and child development centers.
 - Support child care providers in providing accessible comprehensive services for children and their families, including screenings of vision, hearing, health (including mental health), dental health, and development (including early literacy and math skill development) support services, such as parent education, home visiting, family literacy

services, and regular, age-appropriate, nutrition education for children and their families.

Section 109 – Payments to States

Amends section 658J to define the terms “FMAP”, and “infant or toddler.”

Payments to States

- Requires the Secretary to:
 - Pay each State with an application approved under section 658E an amount for each quarter equal to the FMAP of expenditures in the quarter for child care assistance under the plan for eligible children, other than such children who are infants or toddlers, and for children who are infants and toddlers, an amount for each quarter equal to 90 percent of expenditures in the quarter for child care assistance under the plan for eligible children.
 - Pay each State with such an approved application an amount for each quarter equal to 50 percent of expenditures in the quarter for administrative costs.
- State Entitlement — This subchapter constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for payments to States under this section from amounts provided under section 658B(a).

Section 110 – Reports and Audits

Amends section 658K to add reporting on whether children receiving assistance are children with disabilities or infants and toddlers with disabilities.

Section 111 – Reports, Hotline, and Web Site

Amends section 658L to requires the State’s Web site to provide directly or through linkages to State databases, at a minimum:

- Provider-specific information from a tiered and transparent system for measuring the quality of child care providers.
- Information about high-quality and inclusive care for children with disabilities and infants and toddlers with disabilities, including child care with early intervention services.

Section 112 – Nondiscrimination

Amends section 658N to prohibit discrimination on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, or disability under any program or activity under this subchapter.

- Clarify that nothing in this subchapter shall be construed to invalidate or limit rights, remedies, procedures, or legal standards available to victims of discrimination in employment or in provision of programs and activities under any other Federal law or law of a State or political subdivision of a State

Section 113– Indian Tribes and National Activities

Amends section 658O to:

- Require the Secretary to reserve a portion of the amount appropriated in each fiscal year for payments to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands in accordance with the respective needs of those territories, the population of eligible children, the population of eligible children from low-income families, to be served by the territory involved, and the cost of child care in the territory.

- Require the Secretary to reserve the remainder of the amount appropriated under in each fiscal year for payments to Indian tribes and tribal organizations with approved applications based on the population of Indian or Native Hawaiian eligible children, the cost of child care in the area, and whether awarding a grant or contract will increase the number of programs that meet the State’s quality standards.

Section 114– Definitions

Amends section 658P to define the terms “eligible child”, “foster care”, “gender identity”, “high-quality and inclusive care”, “homeless child”, “infant or toddler with a disability”, “sex”, and “sexual orientation”.

TITLE II – High-Quality Preschool

Section 201 – Formula Grants to States to Establish Voluntary High-Quality Preschool Programs

Definitions:

- Defines the terms “child with a disability”, “dual language learner”, “eligible child”, “eligible provider”, “foster care”, “governor”, “high-need local educational agency”, “homeless child”, “infant or toddler with a disability”, “low-income child”, “outlying areas”, “poverty line”, “specialized instructional support personnel”, “and State”.

Allotments to States:

- Requires the Secretary of HHS to reserve:
 - Not less than 1 and not more than 2 percent for Indian tribes and tribal organizations.
 - ½ of 1 percent for the outlying areas.
 - ½ of 1 percent of eligible local entities that serve children in families engaged in migrant or seasonal agricultural labor.
 - 5 percent for State leadership activities.

Allotment Formula:

- Requires the Secretary of HHS, in collaboration with the Secretary of Education, to allot to each State with an approved application an amount that bears the same ratio of low-income children under 6 in the State to the total number of children under 6.

State Reservation:

- Requires the State to use its reservation for:
 - Ongoing professional development opportunities for school principals, school superintendents, teachers, specialized instructional support personnel, and teacher assistants to improve their practices.
 - Grants to improve equitable access to high-quality preschool programs, including conducting a preschool equity review that includes data on the percentage of children participating in preschool programs disaggregated by:
 - Children with disabilities.
 - Low-income children.
 - Children from major ethnic and racial groups.
 - Dual language learners.

State Application:

- Requires the Governor of a State to submit an application that includes:
 - A description of how the State will provide access to high-quality preschool during the school day for eligible children in the State within 3 years.
 - How the State will improve transitions from early childhood education to elementary school.
 - How the State plans to increase the number of children in the State who are enrolled in full-day kindergarten programs, if applicable.
 - An assurance that preschool programs funded under this title will:
 - Meet Head Start’s duration requirements.
 - Provide expedited enrollment to homeless children, children in foster care, and migratory children.
 - Conduct outreach to families of homeless children, dual language learners, children in foster care, children and infants and toddlers with disabilities, and migratory children.
 - Provide salaries to staff that are on the same pay scale as elementary school educators with similar credentials and experience.
 - Require high staff qualifications for teachers, including, at a minimum, meeting the staff qualifications included in the quality standards of the National Institute for Early Education Research that are in effect on the date of enactment of this Act by not later than 4 years after the date the State first receives an allotment under this section.
 - An assurance that the State will provide assistance under this section only to eligible providers that prohibit the use of suspension, expulsion, and aversive behavioral interventions.

Uses of Funds: Requires the State to use funds to carry out the activities described in its application.

Match Required: Requires States to provide a 10 percent match.

Reporting:

- Requires States to submit an annual report that includes, at a minimum:
 - A description of how the State used its funds.
 - A summary of the State’s progress towards universal preschool.
 - An evaluation of the State’s progress towards equitable access to preschool, as described in the Preschool Equity review.
 - The number and percentage of children participating in preschool programs, disaggregated by race, ethnicity, family income, child age, disability, and whether the children are homeless children, children in foster care, or dual language learners.
 - the number and percentage of children in the State participating in public kindergarten programs, disaggregated by race, family income, child age, disability, and whether the children are homeless children, children in foster care, or dual language learners.

Maintenance of Effort: Requires the State to maintain its effort year to year and provides for a waiver of extenuating circumstances.

Supplement Not Supplant: Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended on early childhood education programs in the State.

Authorization of Appropriations: Authorizes and appropriates \$8 billion for each of the fiscal years 2020-2030.

TITLE III–Head Start Duration

Section 301 – Extended Duration

In General:

- Amends the Head Start Act to authorize the Secretary to make grants to Head Start (including Early Head Start) agencies to enable such agencies to:
 - Provide access to a full school year and full school day of services;
 - In the case of a Head Start agency that already meets full school year, full school day service needs within the community, make quality improvements; and
 - In the case of a Migrant and Seasonal Head Start agency, provide additional service hours.

Application:

- Requires a Head Start agency wanting a grant to submit an application that includes:
 - The number of currently funded slots and slots that meet duration requirements.
 - A description of the agency’s approach to transition all slots to meet duration requirements.
 - A budget justification that estimates the funding necessary to meet duration requirements.
- Provides for an exception for migrant and seasonal Head Start agencies and priority for migrant and seasonal Head Start agencies that operate fewer than 8 months per year.
- Provides for an exception for Head Start agencies that already meet full school year, full school day service needs within the community.

Uses of Funds:

- Allows a Head Start agency to use funds to cover the costs associated with extending hours of service for the current enrollment, such as costs for:
 - The purchase, rental, renovation, and maintenance of additional facilities;
 - Ongoing purchases of classroom supplies;
 - Staff providing services during the extended hours; and
 - Professional development to staff transitioning to providing services during the extended hours.
- Allows a Head Start agency that already meets full school year, full school day service needs within the community to use funds for quality improvement activities.

Reservations:

- Requires the Secretary to reserve \$4.0 billion for the costs of facilities and additional funds for other supports described in subsection (c).
- Requires the Secretary to reserve 4.5 percent for migrant or seasonal Head Start programs for the activities described in subsection (c).

Authorization of Appropriations: Authorizes \$3.876 billion for FY20, \$648 million for FY21, and \$1.019 billion for FY22.

Definitions: Defines “full school day”, “full school year”, and “migrant and seasonal Head Start agency.”

Conforming Amendments: Makes other conforming amendments to the Head Start Act.

TITLE IV – Appropriations for Supports and Services For Inclusive Child Care For Infants, Toddlers, And Children With Disabilities

Section 401 - Appropriations for Supports and Services for Inclusive Child Care for Infants, Toddlers, and Children with Disabilities

Authorizes and appropriates an amount that is equal to 5 percent of the payment to each State under section 658J to the State’s lead agencies that administer the Individuals with Disabilities Education Act to provide early intervention and other services and supports to infants, toddlers, and children with disabilities and their families in settings that provide high-quality inclusive care.

Title V – Maternal, Infant, And Early Childhood Home (Miecvh) Visiting Program

Section 501 – Sense of Senate

Adds a Sense of the Senate that Congress should increase its investment in the Maternal, Infant, and Early Childhood Home Visiting Program to support the work of States to help additional at-risk families access voluntary home visiting services.