

Suspend the Rules and Pass the Bill, S. 1086, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

113TH CONGRESS
2D SESSION

S. 1086

AN ACT

To reauthorize and improve the Child Care and Development Block Grant Act of 1990, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Care and Devel-
5 opment Block Grant Act of 2014”.

6 **SEC. 2. SHORT TITLE AND PURPOSES.**

7 Section 658A of the Child Care and Development
8 Block Grant Act of 1990 (42 U.S.C. 9801 note) is amend-
9 ed to read as follows:

10 **“SEC. 658A. SHORT TITLE AND PURPOSES.**

11 “(a) **SHORT TITLE.**—This subchapter may be cited
12 as the ‘Child Care and Development Block Grant Act of
13 1990’.

14 “(b) **PURPOSES.**—The purposes of this subchapter
15 are—

1 “(1) to allow each State maximum flexibility in
2 developing child care programs and policies that best
3 suit the needs of children and parents within that
4 State;

5 “(2) to promote parental choice to empower
6 working parents to make their own decisions regard-
7 ing the child care services that best suit their fam-
8 ily’s needs;

9 “(3) to encourage States to provide consumer
10 education information to help parents make in-
11 formed choices about child care services and to pro-
12 mote involvement by parents and family members in
13 the development of their children in child care set-
14 tings;

15 “(4) to assist States in delivering high-quality,
16 coordinated early childhood care and education serv-
17 ices to maximize parents’ options and support par-
18 ents trying to achieve independence from public as-
19 sistance;

20 “(5) to assist States in improving the overall
21 quality of child care services and programs by imple-
22 menting the health, safety, licensing, training, and
23 oversight standards established in this subchapter
24 and in State law (including State regulations);

1 “(6) to improve child care and development of
2 participating children; and

3 “(7) to increase the number and percentage of
4 low-income children in high-quality child care set-
5 tings.”.

6 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 658B of the Child Care and Development
8 Block Grant Act of 1990 (42 U.S.C. 9858) is amended
9 by striking “subchapter” and all that follows through the
10 period at the end, and inserting “subchapter
11 \$2,360,000,000 for fiscal year 2015, \$2,478,000,000 for
12 fiscal year 2016, \$2,539,950,000 for fiscal year 2017,
13 \$2,603,448,750 for fiscal year 2018, \$2,668,534,969 for
14 fiscal year 2019, and \$2,748,591,018 for fiscal year
15 2020.”.

16 **SEC. 4. LEAD AGENCY.**

17 (a) DESIGNATION.—Section 658D(a) of the Child
18 Care and Development Block Grant Act of 1990 (42
19 U.S.C. 9858b(a)) is amended—

20 (1) by striking “chief executive officer” and in-
21 serting “Governor”; and

22 (2) by striking “designate” and all that follows
23 and inserting “designate an agency (which may be
24 an appropriate collaborative agency), or establish a
25 joint interagency office, that complies with the re-

1 requirements of subsection (b) to serve as the lead
2 agency for the State under this subchapter.”.

3 (b) COLLABORATION WITH TRIBES.—Section
4 658D(b)(1) of the Child Care and Development Block
5 Grant Act of 1990 (42 U.S.C. 9858b(b)(1)) is amended—

6 (1) in subparagraph (C), by striking “and” at
7 the end;

8 (2) in subparagraph (D), by striking the period
9 and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(E) at the option of an Indian tribe or
12 tribal organization in the State, collaborate and
13 coordinate with such Indian tribe or tribal orga-
14 nization in the development of the State plan in
15 a timely manner.”.

16 **SEC. 5. APPLICATION AND PLAN.**

17 (a) PERIOD.—Section 658E(b) of the Child Care and
18 Development Block Grant Act of 1990 (42 U.S.C.
19 9858c(b)) is amended by striking “2-year” and inserting
20 “3-year”.

21 (b) POLICIES AND PROCEDURES.—Section 658E(c)
22 of the Child Care and Development Block Grant Act of
23 1990 (42 U.S.C. 9858c(c)) is amended—

24 (1) in paragraph (1), by inserting “or estab-
25 lished” after “designated”;

1 (2) in paragraph (2)—

2 (A) in subparagraph (B), by inserting a
3 comma after “care of such providers”;

4 (B) by striking subparagraphs (D) through
5 (H); and

6 (C) by adding at the end the following:

7 “(D) MONITORING AND INSPECTION RE-
8 PORTS.—The plan shall include a certification
9 that the State, not later than 1 year after the
10 State has in effect the policies and practices de-
11 scribed in subparagraph (K)(i), will make public
12 by electronic means, in a consumer-friendly and
13 easily accessible format, organized by provider,
14 the results of monitoring and inspection re-
15 ports, including those due to major substan-
16 tiated complaints about failure to comply with
17 this subchapter and State child care policies, as
18 well as the number of deaths, serious injuries,
19 and instances of substantiated child abuse that
20 occurred in child care settings each year, for el-
21 igible child care providers within the State. The
22 results shall also include information on the
23 date of such an inspection, and, where applica-
24 ble, information on corrective action taken.

1 “(E) CONSUMER AND PROVIDER EDU-
2 CATION INFORMATION.—The plan shall include
3 a certification that the State will collect and
4 disseminate (which dissemination may be done,
5 except as otherwise specified in this subpara-
6 graph, through resource and referral organiza-
7 tions or other means as determined by the
8 State) to parents of eligible children, the gen-
9 eral public, and, where applicable, providers—

10 “(i) information about the availability
11 of the full diversity of child care services
12 that will promote informed child care
13 choices and that concerns—

14 “(I) the availability of child care
15 services provided through programs
16 authorized by this subchapter and, if
17 feasible, other child care services and
18 other programs provided in the State
19 for which the family may be eligible,
20 as well as the availability of financial
21 assistance to obtain child care services
22 in the State;

23 “(II) if available, information
24 about the quality of providers, as de-
25 termined by the State, that can be

1 provided through a Quality Rating
2 and Improvement System;

3 “(III) information, made avail-
4 able through a State Web site, de-
5 scribing the State process for licens-
6 ing child care providers, the State
7 processes for conducting background
8 checks, and monitoring and inspec-
9 tions, of child care providers, and the
10 offenses that prevent individuals and
11 entities from serving as child care
12 providers in the State;

13 “(IV) other programs for which
14 families that receive child care serv-
15 ices for which financial assistance is
16 provided under this subchapter may
17 be eligible, including the program of
18 block grants to States for temporary
19 assistance for needy families estab-
20 lished under part A of title IV of the
21 Social Security Act (42 U.S.C. 601 et
22 seq.), Head Start and Early Head
23 Start programs carried out under the
24 Head Start Act (42 U.S.C. 9831 et
25 seq.), the program carried out under

1 the Low-Income Home Energy Assist-
2 ance Act of 1981 (42 U.S.C. 8621 et
3 seq.), the supplemental nutrition as-
4 sistance program established under
5 the Food and Nutrition Act of 2008
6 (7 U.S.C. 2011 et seq.), the special
7 supplemental nutrition program for
8 women, infants, and children estab-
9 lished under section 17 of the Child
10 Nutrition Act of 1966 (42 U.S.C.
11 1786), the child and adult care food
12 program established under section 17
13 of the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1766),
15 and the Medicaid and State children’s
16 health insurance programs under ti-
17 tles XIX and XXI of the Social Secu-
18 rity Act (42 U.S.C. 1396 et seq.,
19 1397aa et seq.);

20 “(V) programs carried out under
21 section 619 and part C of the Individ-
22 uals with Disabilities Education Act
23 (20 U.S.C. 1419, 1431 et seq.);

24 “(VI) research and best practices
25 concerning children’s development, in-

1 including social and emotional develop-
2 ment, early childhood development,
3 and meaningful parent and family en-
4 gagement, and physical health and de-
5 velopment (particularly healthy eating
6 and physical activity); and

7 “(VII) the State policies regard-
8 ing the social-emotional behavioral
9 health of young children, which may
10 include positive behavioral interven-
11 tion and support models, and policies
12 on expulsion of preschool-aged chil-
13 dren, in early childhood programs re-
14 ceiving assistance under this sub-
15 chapter; and

16 “(ii) information on developmental
17 screenings, including—

18 “(I) information on existing (as
19 of the date of submission of the appli-
20 cation containing the plan) resources
21 and services the State can deploy, in-
22 cluding the coordinated use of the
23 Early and Periodic Screening, Diag-
24 nosis, and Treatment program under
25 the Medicaid program carried out

1 under title XIX of the Social Security
2 Act (42 U.S.C. 1396 et seq.) and de-
3 velopmental screening services avail-
4 able under section 619 and part C of
5 the Individuals with Disabilities Edu-
6 cation Act (20 U.S.C. 1419, 1431 et
7 seq.), in conducting developmental
8 screenings and providing referrals to
9 services, when appropriate, for chil-
10 dren who receive assistance under this
11 subchapter; and

12 “(II) a description of how a fam-
13 ily or eligible child care provider may
14 utilize the resources and services de-
15 scribed in subclause (I) to obtain de-
16 velopmental screenings for children
17 who receive assistance under this sub-
18 chapter who may be at risk for cog-
19 nitive or other developmental delays,
20 which may include social, emotional,
21 physical, or linguistic delays.

22 “(F) COMPLIANCE WITH STATE LICENSING
23 REQUIREMENTS.—

24 “(i) IN GENERAL.—The plan shall in-
25 clude a certification that the State involved

1 has in effect licensing requirements appli-
2 cable to child care services provided within
3 the State, and provide a detailed descrip-
4 tion of such requirements and of how such
5 requirements are effectively enforced.

6 “(ii) LICENSE EXEMPTION.—If the
7 State uses funds received under this sub-
8 chapter to support a child care provider
9 that is exempt from the corresponding li-
10 censing requirements described in clause
11 (i), the plan shall include a description
12 stating why such licensing exemption does
13 not endanger the health, safety, or develop-
14 ment of children who receive services from
15 child care providers who are exempt from
16 such requirements.

17 “(G) TRAINING AND PROFESSIONAL DE-
18 VELOPMENT REQUIREMENTS.—

19 “(i) IN GENERAL.—The plan shall de-
20 scribe the training and professional devel-
21 opment requirements that are in effect
22 within the State designed to enable child
23 care providers to promote the social, emo-
24 tional, physical, and cognitive development
25 of children and to improve the knowledge

1 and skills of the child care workforce. Such
2 requirements shall be applicable to child
3 care providers that provide services for
4 which assistance is provided in accordance
5 with this subchapter.

6 “(ii) REQUIREMENTS.—The plan shall
7 provide an assurance that such training
8 and professional development—

9 “(I) shall be conducted on an on-
10 going basis, provide for a progression
11 of professional development (which
12 may include encouraging the pursuit
13 of postsecondary education), reflect
14 current research and best practices re-
15 lating to the skills necessary for the
16 child care workforce to meet the de-
17 velopmental needs of participating
18 children, and improve the quality of,
19 and stability within, the child care
20 workforce;

21 “(II) shall be developed in con-
22 sultation with the State Advisory
23 Council on Early Childhood Education
24 and Care (designated or established
25 pursuant to section 642B(b)(1)(A)(i)

1 of the Head Start Act (42 U.S.C.
2 9837b(b)(1)(A)(i))), and may engage
3 training providers in aligning training
4 opportunities with the State’s training
5 framework;

6 “(III) incorporates knowledge
7 and application of the State’s early
8 learning and developmental guidelines
9 (where applicable), the State’s health
10 and safety standards, and incor-
11 porates social-emotional behavior
12 intervention models, which may in-
13 clude positive behavior intervention
14 and support models;

15 “(IV) shall be accessible to pro-
16 viders supported through Indian
17 tribes or tribal organizations that re-
18 ceive assistance under this sub-
19 chapter; and

20 “(V) to the extent practicable,
21 are appropriate for a population of
22 children that includes—

23 “(aa) different age groups;

24 “(bb) English learners;

1 “(cc) children with disabili-
2 ties; and

3 “(dd) Native Americans, in-
4 cluding Indians, as the term is
5 defined in section 4 of the Indian
6 Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C.
8 450b) (including Alaska Natives
9 within the meaning of that term),
10 and Native Hawaiians (as de-
11 fined in section 7207 of the Ele-
12 mentary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C.
14 7517)).

15 “(iii) INFORMATION.—The plan shall
16 include the number of hours of training re-
17 quired for eligible providers and caregivers
18 to engage in annually, as determined by
19 the State.

20 “(iv) CONSTRUCTION.—The Secretary
21 shall not require an individual or entity
22 that provides child care services for which
23 assistance is provided in accordance with
24 this subchapter to acquire a credential to
25 provide such services. Nothing in this sec-

1 tion shall be construed to prohibit a State
2 from requiring a credential.

3 “(H) CHILD-TO-PROVIDER RATIO STAND-
4 ARDS.—

5 “(i) STANDARDS.—The plan shall de-
6 scribe child care standards for child care
7 services for which assistance is made avail-
8 able in accordance with this subchapter,
9 appropriate to the type of child care set-
10 ting involved, to provide for the safety and
11 developmental needs of the children served,
12 that address—

13 “(I) group size limits for specific
14 age populations, as determined by the
15 State;

16 “(II) the appropriate ratio be-
17 tween the number of children and the
18 number of providers, in terms of the
19 age of the children in child care, as
20 determined by the State; and

21 “(III) required qualifications for
22 such providers, as determined by the
23 State.

24 “(ii) CONSTRUCTION.—The Secretary
25 may offer guidance to States on child-to-

1 provider ratios described in clause (i) ac-
2 cording to setting and age group, but shall
3 not require that the State maintain specific
4 group size limits for specific age popu-
5 lations or child-to-provider ratios for pro-
6 viders who receive assistance in accordance
7 with subchapter.

8 “(I) HEALTH AND SAFETY REQUIRE-
9 MENTS.—The plan shall include a certification
10 that there are in effect within the State, under
11 State or local law, requirements designed to
12 protect the health and safety of children that
13 are applicable to child care providers that pro-
14 vide services for which assistance is made avail-
15 able in accordance with this subchapter. Such
16 requirements—

17 “(i) shall relate to matters including
18 health and safety topics consisting of—

19 “(I) the prevention and control of
20 infectious diseases (including immuni-
21 zation) and the establishment of a
22 grace period that allows homeless chil-
23 dren and children in foster care to re-
24 ceive services under this subchapter
25 while their families (including foster

1 families) are taking any necessary ac-
2 tion to comply with immunization and
3 other health and safety requirements;

4 “(II) prevention of sudden infant
5 death syndrome and use of safe sleep-
6 ing practices;

7 “(III) the administration of
8 medication, consistent with standards
9 for parental consent;

10 “(IV) the prevention of and re-
11 sponse to emergencies due to food and
12 allergic reactions;

13 “(V) building and physical prem-
14 ises safety, including identification of
15 and protection from hazards that can
16 cause bodily injury such as electrical
17 hazards, bodies of water, and vehic-
18 ular traffic;

19 “(VI) prevention of shaken baby
20 syndrome and abusive head trauma;

21 “(VII) emergency preparedness
22 and response planning for emer-
23 gencies resulting from a natural dis-
24 aster, or a man-caused event (such as
25 violence at a child care facility), with-

1 in the meaning of those terms under
2 section 602(a)(1) of the Robert T.
3 Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C.
5 5195a(a)(1));

6 “(VIII) the handling and storage
7 of hazardous materials and the appro-
8 priate disposal of biocontaminants;

9 “(IX) for providers that offer
10 transportation, if applicable, appro-
11 priate precautions in transporting
12 children;

13 “(X) first aid and
14 cardiopulmonary resuscitation; and

15 “(XI) minimum health and safety
16 training, to be completed pre-service
17 or during an orientation period in ad-
18 dition to ongoing training, appropriate
19 to the provider setting involved that
20 addresses each of the requirements re-
21 lating to matters described in sub-
22 clauses (I) through (X); and

23 “(ii) may include requirements relat-
24 ing to nutrition, access to physical activity,
25 or any other subject area determined by

1 the State to be necessary to promote child
2 development or to protect children's health
3 and safety.

4 “(J) COMPLIANCE WITH STATE AND LOCAL
5 HEALTH AND SAFETY REQUIREMENTS.—The
6 plan shall include a certification that proce-
7 dures are in effect to ensure that child care
8 providers within the State, that provide services
9 for which assistance is made available in ac-
10 cordance with this subchapter, comply with all
11 applicable State and local health and safety re-
12 quirements as described in subparagraph (I).

13 “(K) ENFORCEMENT OF LICENSING AND
14 OTHER REGULATORY REQUIREMENTS.—

15 “(i) CERTIFICATION.—The plan shall
16 include a certification that the State, not
17 later than 2 years after the date of enact-
18 ment of the Child Care and Development
19 Block Grant Act of 2014, shall have in ef-
20 fect policies and practices, applicable to li-
21 censing or regulating child care providers
22 that provide services for which assistance
23 is made available in accordance with this
24 subchapter and the facilities of those pro-
25 viders, that—

1 “(I) ensure that individuals who
2 are hired as licensing inspectors in the
3 State are qualified to inspect those
4 child care providers and facilities and
5 have received training in related
6 health and safety requirements, and
7 are trained in all aspects of the
8 State’s licensure requirements;

9 “(II) require licensing inspectors
10 (or qualified inspectors designated by
11 the lead agency) of those child care
12 providers and facilities to perform in-
13 spections, with—

14 “(aa) not less than 1
15 prelicensure inspection, for com-
16 pliance with health, safety, and
17 fire standards, of each such child
18 care provider and facility in the
19 State; and

20 “(bb) not less than annually,
21 an inspection (which shall be un-
22 announced) of each such child
23 care provider and facility in the
24 State for compliance with all
25 child care licensing standards,

1 which shall include an inspection
2 for compliance with health, safe-
3 ty, and fire standards (inspectors
4 may inspect for compliance with
5 all 3 standards at the same
6 time);

7 “(III) require the ratio of licens-
8 ing inspectors to such child care pro-
9 viders and facilities in the State to be
10 maintained at a level sufficient to en-
11 able the State to conduct inspections
12 of such child care providers and facili-
13 ties on a timely basis in accordance
14 with Federal, State, and local law;
15 and

16 “(IV) require licensing inspectors
17 (or qualified inspectors designated by
18 the lead agency) of child care pro-
19 viders and facilities to perform an an-
20 nual inspection of each license-exempt
21 provider in the State receiving funds
22 under this subchapter (unless the pro-
23 vider is an eligible child care provider
24 as described in section 658P(6)(B))
25 for compliance with health, safety,

1 and fire standards, at a time to be de-
2 termined by the State.

3 “(ii) CONSTRUCTION.—The Secretary
4 may offer guidance to a State, if requested
5 by the State, on a research-based min-
6 imum standard regarding ratios described
7 in clause (i)(III) and provide technical as-
8 sistance to the State on meeting the min-
9 imum standard within a reasonable time
10 period, but shall not prescribe a particular
11 ratio.

12 “(L) COMPLIANCE WITH CHILD ABUSE RE-
13 PORTING REQUIREMENTS.—The plan shall in-
14 clude a certification that child care providers
15 within the State will comply with the child
16 abuse reporting requirements of section
17 106(b)(2)(B)(i) of the Child Abuse Prevention
18 and Treatment Act (42 U.S.C.
19 5106a(b)(2)(B)(i)).

20 “(M) MEETING THE NEEDS OF CERTAIN
21 POPULATIONS.—The plan shall describe how
22 the State will develop and implement strategies
23 (which may include alternative reimbursement
24 rates to child care providers, the provision of di-
25 rect contracts or grants to community-based or-

ganizations, offering child care certificates to parents, or other means determined by the State) to increase the supply and improve the quality of child care services for—

“(i) children in underserved areas;

“(ii) infants and toddlers;

“(iii) children with disabilities, as defined by the State; and

“(iv) children who receive care during nontraditional hours.

“(N) PROTECTION FOR WORKING PARENTS.—

“(i) MINIMUM PERIOD.—

“(I) 12-MONTH PERIOD.—The plan shall demonstrate that each child who receives assistance under this subchapter in the State will be considered to meet all eligibility requirements for such assistance and will receive such assistance, for not less than 12 months before the State or designated local entity redetermines the eligibility of the child under this subchapter, regardless of a temporary change in the ongoing status of the

1 child's parent as working or attending
2 a job training or educational program
3 or a change in family income for the
4 child's family, if that family income
5 does not exceed 85 percent of the
6 State median income for a family of
7 the same size.

8 “(II) FLUCTUATIONS IN EARN-
9 INGS.—The plan shall demonstrate
10 how the State's or designated local
11 entity's processes for initial deter-
12 mination and redetermination of such
13 eligibility take into account irregular
14 fluctuations in earnings.

15 “(ii) REDETERMINATION PROCESS.—
16 The plan shall describe the procedures and
17 policies that are in place to ensure that
18 working parents (especially parents in fam-
19 ilies receiving assistance under the pro-
20 gram of block grants to States for tem-
21 porary assistance for needy families under
22 part A of title IV of the Social Security
23 Act (42 U.S.C. 601 et seq.)) are not re-
24 quired to unduly disrupt their employment
25 in order to comply with the State's or des-

1 ignated local entity’s requirements for re-
2 determination of eligibility for assistance
3 provided in accordance with this sub-
4 chapter.

5 “(iii) PERIOD BEFORE TERMI-
6 NATION.—At the option of the State, the
7 plan shall demonstrate that the State will
8 not terminate assistance provided to carry
9 out this subchapter based on a factor con-
10 sisting of a parent’s loss of work or ces-
11 sation of attendance at a job training or
12 educational program for which the family
13 was receiving the assistance, without con-
14 tinuing the assistance for a reasonable pe-
15 riod of time, of not less than 3 months,
16 after such loss or cessation in order for the
17 parent to engage in a job search and re-
18 sume work, or resume attendance at a job
19 training or educational program, as soon
20 as possible.

21 “(iv) GRADUATED PHASEOUT OF
22 CARE.—The plan shall describe the policies
23 and procedures that are in place to allow
24 for provision of continued assistance to
25 carry out this subchapter, at the beginning

1 of a new eligibility period under clause
2 (i)(I), for children of parents who are
3 working or attending a job training or edu-
4 cational program and whose family income
5 exceeds the State's income limit to initially
6 qualify for such assistance, if the family
7 income for the family involved does not ex-
8 ceed 85 percent of the State median in-
9 come for a family of the same size.

10 “(O) COORDINATION WITH OTHER PRO-
11 GRAMS.—

12 “(i) IN GENERAL.—The plan shall de-
13 scribe how the State, in order to expand
14 accessibility and continuity of care, and as-
15 sist children enrolled in early childhood
16 programs to receive full-day services, will
17 efficiently, and to the extent practicable,
18 coordinate the services supported to carry
19 out this subchapter with programs oper-
20 ating at the Federal, State, and local levels
21 for children in preschool programs, tribal
22 early childhood programs, and other early
23 childhood programs, including those serv-
24 ing infants and toddlers with disabilities,

1 homeless children, and children in foster
2 care.

3 “(ii) OPTIONAL USE OF COMBINED
4 FUNDS.—If the State elects to combine
5 funding for the services supported to carry
6 out this subchapter with funding for any
7 program described in clause (i), the plan
8 shall describe how the State will combine
9 the multiple sets of funding and use the
10 combined funding.

11 “(iii) RULE OF CONSTRUCTION.—
12 Nothing in clause (i) shall be construed to
13 affect the priority of children described in
14 clause (i) to receive full-day prekindergarten or Head Start program services.

15 “(P) PUBLIC-PRIVATE PARTNERSHIPS.—
16 The plan shall demonstrate how the State encourages
17 partnerships among State agencies,
18 other public agencies, Indian tribes and tribal
19 organizations, and private entities, including
20 faith-based and community-based organizations,
21 to leverage existing service delivery systems (as
22 of the date of the submission of the application
23 containing the plan) for child care and development
24 services and to increase the supply and
25

1 quality of child care services for children who
2 are less than 13 years of age, such as by imple-
3 menting voluntary shared services alliance mod-
4 els.

5 “(Q) PRIORITY FOR LOW-INCOME POPU-
6 LATIONS.—The plan shall describe the process
7 the State proposes to use, with respect to in-
8 vestments made to increase access to programs
9 providing high-quality child care and develop-
10 ment services, to give priority for those invest-
11 ments to children of families in areas that have
12 significant concentrations of poverty and unem-
13 ployment and that do not have such programs.

14 “(R) CONSULTATION.—The plan shall in-
15 clude a certification that the State has devel-
16 oped the plan in consultation with the State
17 Advisory Council on Early Childhood Education
18 and Care designated or established pursuant to
19 section 642B(b)(1)(A)(i) of the Head Start Act
20 (42 U.S.C. 9837b(b)(1)(A)(i)).

21 “(S) PAYMENT PRACTICES.—The plan
22 shall include—

23 “(i) a certification that the payment
24 practices of child care providers in the
25 State that serve children who receive as-

1 assistance under this subchapter reflect gen-
2 erally accepted payment practices of child
3 care providers in the State that serve chil-
4 dren who do not receive assistance under
5 this subchapter, so as to provide stability
6 of funding and encourage more child care
7 providers to serve children who receive as-
8 sistance under this subchapter; and

9 “(ii) an assurance that the State will,
10 to the extent practicable, implement enroll-
11 ment and eligibility policies that support
12 the fixed costs of providing child care serv-
13 ices by delinking provider reimbursement
14 rates from an eligible child’s occasional ab-
15 sences due to holidays or unforeseen cir-
16 cumstances such as illness.

17 “(T) EARLY LEARNING AND DEVELOP-
18 MENTAL GUIDELINES.—

19 “(i) IN GENERAL.—The plan shall in-
20 clude an assurance that the State will
21 maintain or implement early learning and
22 developmental guidelines (or develop such
23 guidelines if the State does not have such
24 guidelines as of the date of enactment of
25 the Child Care and Development Block

1 Grant Act of 2014) that are appropriate
2 for children from birth to kindergarten
3 entry, describing what such children should
4 know and be able to do, and covering the
5 essential domains of early childhood devel-
6 opment for use statewide by child care pro-
7 viders. Such guidelines shall—

8 “(I) be research-based, develop-
9 mentally appropriate, and aligned
10 with entry to kindergarten;

11 “(II) be implemented in consulta-
12 tion with the state educational agency
13 and the State Advisory Council on
14 Early Childhood Education and Care
15 (designated or established pursuant to
16 section 642B(b)(I)(A)(i) of the Head
17 Start Act (42 U.S.C.
18 9837b(b)(1)(A)(i)); and

19 “(III) be updated as determined
20 by the State.

21 “(ii) PROHIBITION ON USE OF
22 FUNDS.—The plan shall include an assur-
23 ance that funds received by the State to
24 carry out this subchapter will not be used

1 to develop or implement an assessment for
2 children that—

3 “(I) will be the sole basis for a
4 child care provider being determined
5 to be ineligible to participate in the
6 program carried out under this sub-
7 chapter;

8 “(II) will be used as the primary
9 or sole basis to provide a reward or
10 sanction for an individual provider;

11 “(III) will be used as the primary
12 or sole method for assessing program
13 effectiveness; or

14 “(IV) will be used to deny chil-
15 dren eligibility to participate in the
16 program carried out under this sub-
17 chapter.

18 “(iii) EXCEPTIONS.—Nothing in this
19 subchapter shall preclude the State from
20 using a single assessment as determined by
21 the State for children for—

22 “(I) supporting learning or im-
23 proving a classroom environment;

24 “(II) targeting professional devel-
25 opment to a provider;

1 “(III) determining the need for
2 health, mental health, disability, de-
3 velopmental delay, or family support
4 services;

5 “(IV) obtaining information for
6 the quality improvement process at
7 the State level; or

8 “(V) conducting a program eval-
9 uation for the purposes of providing
10 program improvement and parent in-
11 formation.

12 “(iv) NO FEDERAL CONTROL.—Noth-
13 ing in this section shall be construed to au-
14 thorize an officer or employee of the Fed-
15 eral Government to—

16 “(I) mandate, direct, control, or
17 place conditions (outside of what is
18 required by this subchapter) around
19 adopting a State’s early learning and
20 developmental guidelines developed in
21 accordance with this section;

22 “(II) establish any criterion that
23 specifies, defines, prescribes, or places
24 conditions (outside of what is required
25 by this subchapter) on a State adopt-

1 ing standards or measures that a
2 State uses to establish, implement, or
3 improve such guidelines, related ac-
4 countability systems, or alignment of
5 such guidelines with education stand-
6 ards; or

7 “(III) require a State to submit
8 such guidelines for review.

9 “(U) DISASTER PREPAREDNESS.—

10 “(i) IN GENERAL.—The plan shall
11 demonstrate the manner in which the
12 State will address the needs of children in
13 child care services provided through pro-
14 grams authorized under this subchapter,
15 including the need for safe child care, for
16 the period before, during, and after a state
17 of emergency declared by the Governor or
18 a major disaster or emergency (as such
19 terms are defined in section 102 of the
20 Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C.
22 5122)).

23 “(ii) STATEWIDE CHILD CARE DIS-
24 ASTER PLAN.—Such plan shall include a
25 statewide child care disaster plan for co-

1 ordination of activities and collaboration,
2 in the event of an emergency or disaster
3 described in clause (i), among the State
4 agency with jurisdiction over human serv-
5 ices, the agency with jurisdiction over
6 State emergency planning, the State lead
7 agency, the State agency with jurisdiction
8 over licensing of child care providers, the
9 local resource and referral organizations,
10 the State resource and referral system, and
11 the State Advisory Council on Early Child-
12 hood Education and Care as provided for
13 under section 642B(b) of the Head Start
14 Act (42 U.S.C. 9837b(b)).

15 “(iii) DISASTER PLAN COMPO-
16 NENTS.—The components of the disaster
17 plan, for such an emergency or disaster,
18 shall include—

19 “(I) evacuation, relocation, shel-
20 ter-in-place, and lock-down proce-
21 dures, and procedures for communica-
22 tion and reunification with families,
23 continuity of operations, and accom-
24 modation of infants and toddlers, chil-

1 dren with disabilities, and children
2 with chronic medical conditions;

3 “(II) guidelines for the continu-
4 ation of child care services in the pe-
5 riod following the emergency or dis-
6 aster, which may include the provision
7 of emergency and temporary child
8 care services, and temporary oper-
9 ating standards for child care pro-
10 viders during that period; and

11 “(III) procedures for staff and
12 volunteer emergency preparedness
13 training and practice drills.

14 “(V) BUSINESS TECHNICAL ASSISTANCE.—
15 The plan shall describe how the State will de-
16 velop and implement strategies to strengthen
17 the business practices of child care providers to
18 expand the supply, and improve the quality of,
19 child care services.”;

20 (3) in paragraph (3)—

21 (A) in subparagraph (A), by striking “as
22 required under” and inserting “in accordance
23 with”;

24 (B) in subparagraph (B)—

1 (i) by striking “The State” and in-
2 serting the following:

3 “(i) IN GENERAL.—The State”;

4 (ii) by striking “and any other activity
5 that the State deems appropriate to realize
6 any of the goals specified in paragraphs
7 (2) through (5) of section 658A(b)” and
8 inserting “activities that improve access to
9 child care services, including the use of
10 procedures to permit enrollment (after an
11 initial eligibility determination) of homeless
12 children while required documentation is
13 obtained, training and technical assistance
14 on identifying and serving homeless chil-
15 dren and their families, and specific out-
16 reach to homeless families, and any other
17 activity that the State determines to be ap-
18 propriate to meet the purposes of this sub-
19 chapter (which may include an activity de-
20 scribed in clause (ii))”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(ii) REPORT BY THE ASSISTANT SEC-
24 RETARY FOR CHILDREN AND FAMILIES.—

1 “(I) IN GENERAL.—Not later
2 than September 30 of the first full fis-
3 cal year after the date of enactment of
4 the Child Care and Development
5 Block Grant Act of 2014, and Sep-
6 tember 30 of each fiscal year there-
7 after, the Secretary (acting through
8 the Assistant Secretary for Children
9 and Families of the Department of
10 Health and Human Services) shall
11 prepare a report that contains a de-
12 termination about whether each State
13 uses amounts provided to such State
14 for the fiscal year involved under this
15 subchapter in accordance with the pri-
16 ority for services described in clause
17 (i).

18 “(II) PENALTY FOR NONCOMPLI-
19 ANCE.—For any fiscal year that the
20 report of the Secretary described in
21 subclause (I) indicates that a State
22 has failed to give priority for services
23 in accordance with clause (i), the Sec-
24 retary shall—

1 “(aa) inform the State that
2 the State has until the date that
3 is 6 months after the Secretary
4 has issued such report to fully
5 comply with clause (i);

6 “(bb) provide the State an
7 opportunity to modify the State
8 plan of such State, to make the
9 plan consistent with the require-
10 ments of clause (i), and resubmit
11 such State plan to the Secretary
12 not later than the date described
13 in item (aa); and

14 “(cc) if the State does not
15 fully comply with clause (i) and
16 item (bb), by the date described
17 in item (aa), withhold 5 percent
18 of the funds that would otherwise
19 be allocated to that State in ac-
20 cordance with this subchapter for
21 the first full fiscal year after that
22 date.

23 “(III) WAIVER FOR EXTRAOR-
24 DINARY CIRCUMSTANCES.—Notwith-
25 standing subclause (II) the Secretary

1 may grant a waiver to a State for one
2 year to the penalty applied in sub-
3 clause (II) if the Secretary determines
4 there are extraordinary circumstances,
5 such as a natural disaster, that pre-
6 vent the State from complying with
7 clause (i). If the Secretary does grant
8 a waiver to a State under this section,
9 the Secretary shall, within 30 days of
10 granting such waiver, submit a report
11 to the appropriate congressional com-
12 mittees on the circumstances of the
13 waiver including the stated reason
14 from the State on the need for a waiv-
15 er, the expected impact of the waiver
16 on children served under this pro-
17 gram, and any such other relevant in-
18 formation the Secretary deems nec-
19 essary.

20 “(iii) CHILD CARE RESOURCE AND
21 REFERRAL SYSTEM.—

22 “(I) IN GENERAL.—A State may
23 use amounts described in clause (i) to
24 establish or support a system of local
25 or regional child care resource and re-

1 ferral organizations that is coordi-
2 nated, to the extent determined appro-
3 priate by the State, by a statewide
4 public or private nonprofit, commu-
5 nity-based or regionally based, lead
6 child care resource and referral orga-
7 nization.

8 “(II) LOCAL OR REGIONAL ORGA-
9 NIZATIONS.—The local or regional
10 child care resource and referral orga-
11 nizations supported as described in
12 subclause (I) shall—

13 “(aa) provide parents in the
14 State with consumer education
15 information referred to in para-
16 graph (2)(E) (except as otherwise
17 provided in that paragraph), con-
18 cerning the full range of child
19 care options (including faith-
20 based and community-based child
21 care providers), analyzed by pro-
22 vider, including child care pro-
23 vided during nontraditional hours
24 and through emergency child

1 care centers, in their political
2 subdivisions or regions;

3 “(bb) to the extent prac-
4 ticable, work directly with fami-
5 lies who receive assistance under
6 this subchapter to offer the fami-
7 lies support and assistance, using
8 information described in item
9 (aa), to make an informed deci-
10 sion about which child care pro-
11 viders they will use, in an effort
12 to ensure that the families are
13 enrolling their children in the
14 most appropriate child care set-
15 ting to suit their needs and one
16 that is of high quality (as deter-
17 mined by the State);

18 “(cc) collect data and pro-
19 vide information on the coordina-
20 tion of services and supports, in-
21 cluding services under section
22 619 and part C of the Individuals
23 with Disabilities Education Act
24 (20 U.S.C. 1431, et seq.), for
25 children with disabilities (as de-

1 fined in section 602 of such Act
2 (20 U.S.C. 1401));

3 “(dd) collect data and pro-
4 vide information on the supply of
5 and demand for child care serv-
6 ices in political subdivisions or
7 regions within the State and sub-
8 mit such information to the
9 State;

10 “(ee) work to establish part-
11 nerships with public agencies and
12 private entities, including faith-
13 based and community-based child
14 care providers, to increase the
15 supply and quality of child care
16 services in the State; and

17 “(ff) as appropriate, coordi-
18 nate their activities with the ac-
19 tivities of the State lead agency
20 and local agencies that admin-
21 ister funds made available in ac-
22 cordance with this subchapter.”;

23 (C) in subparagraph (D)—

24 (i) by striking “1997 through 2002)”

25 and inserting “2015 through 2020”; and

1 (ii) by striking “other than families
2 described in paragraph (2)(H)” and insert-
3 ing “including or in addition to families
4 with children described in clause (i), (ii),
5 (iii), or (iv) of paragraph (2)(M)”;

6 (D) by adding at the end the following:

7 “(E) DIRECT SERVICES.—From amounts
8 provided to a State for a fiscal year to carry
9 out this subchapter, the State shall—

10 “(i) reserve the minimum amount re-
11 quired to be reserved under section 658G,
12 and the funds for costs described in sub-
13 paragraph (C); and

14 “(ii) from the remainder, use not less
15 than 70 percent to fund direct services
16 (provided by the State) in accordance with
17 paragraph (2)(A).”;

18 (4) by striking paragraph (4) and inserting the
19 following:

20 “(4) PAYMENT RATES.—

21 “(A) IN GENERAL.—The State plan shall
22 certify that payment rates for the provision of
23 child care services for which assistance is pro-
24 vided in accordance with this subchapter are
25 sufficient to ensure equal access for eligible

1 children to child care services that are com-
2 parable to child care services in the State or
3 substate area involved that are provided to chil-
4 dren whose parents are not eligible to receive
5 assistance under this subchapter or to receive
6 child care assistance under any other Federal
7 or State program, and shall provide a summary
8 of the facts relied on by the State to determine
9 that such rates are sufficient to ensure such ac-
10 cess.

11 “(B) SURVEY.—The State plan shall—

12 “(i) demonstrate that the State has,
13 after consulting with the State Advisory
14 Council on Early Childhood Education and
15 Care designated or established in section
16 642B(b)(1)(A)(i) of the Head Start Act
17 (42 U.S.C. 9837b(b)(1)(A)(i)), local child
18 care program administrators, local child
19 care resource and referral agencies, and
20 other appropriate entities, developed and
21 conducted (not earlier than 2 years before
22 the date of the submission of the applica-
23 tion containing the State plan) a statis-
24 tically valid and reliable survey of the mar-
25 ket rates for child care services in the

1 State (that reflects variations in the cost of
2 child care services by geographic area, type
3 of provider, and age of child) or an alter-
4 native methodology, such as a cost esti-
5 mation model, that has been developed by
6 the State lead agency;

7 “(ii) demonstrate that the State pre-
8 pared a detailed report containing the re-
9 sults of the State market rates survey or
10 alternative methodology conducted pursu-
11 ant to clause (i), and made the results of
12 the survey or alternative methodology
13 widely available (not later than 30 days
14 after the completion of such survey or al-
15 ternative methodology) through periodic
16 means, including posting the results on the
17 Internet;

18 “(iii) describe how the State will set
19 payment rates for child care services, for
20 which assistance is provided in accordance
21 with this subchapter—

22 “(I) in accordance with the re-
23 sults of the market rates survey or al-
24 ternative methodology conducted pur-
25 suant to clause (i);

1 “(II) taking into consideration
2 the cost of providing higher quality
3 child care services than were provided
4 under this subchapter before the date
5 of enactment of the Child Care and
6 Development Block Grant Act of
7 2014; and

8 “(III) without, to the extent
9 practicable, reducing the number of
10 families in the State receiving such
11 assistance to carry out this sub-
12 chapter, relative to the number of
13 such families on the date of enact-
14 ment of that Act; and

15 “(iv) describe how the State will pro-
16 vide for timely payment for child care serv-
17 ices provided under this subchapter.

18 “(C) CONSTRUCTION.—

19 “(i) NO PRIVATE RIGHT OF ACTION.—
20 Nothing in this paragraph shall be con-
21 strued to create a private right of action if
22 the State acted in accordance with this
23 paragraph.

24 “(ii) NO PROHIBITION OF CERTAIN
25 DIFFERENT RATES.—Nothing in this sub-

1 chapter shall be construed to prevent a
2 State from differentiating the payment
3 rates described in subparagraph (B)(iii) on
4 the basis of such factors as—

5 “(I) geographic location of child
6 care providers (such as location in an
7 urban or rural area);

8 “(II) the age or particular needs
9 of children (such as the needs of chil-
10 dren with disabilities and children
11 served by child protective services);

12 “(III) whether the providers pro-
13 vide child care services during week-
14 end and other nontraditional hours; or

15 “(IV) the State’s determination
16 that such differentiated payment rates
17 may enable a parent to choose high-
18 quality child care that best fits the
19 parent’s needs.”; and

20 (5) in paragraph (5), by inserting “(that is not
21 a barrier to families receiving assistance under this
22 subchapter)” after “cost sharing”.

23 (c) TECHNICAL AMENDMENT.—Section 658F(b)(2)
24 of the Child Care and Development Block Grant Act of
25 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking

1 “section 658E(c)(2)(F)” and inserting “section
2 658E(c)(2)(I)”.

3 **SEC. 6. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
4 **CARE.**

5 Section 658G of the Child Care and Development
6 Block Grant Act of 1990 (42 U.S.C. 9858e) is amended
7 to read as follows:

8 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**
9 **CHILD CARE.**

10 “(a) RESERVATION.—

11 “(1) RESERVATION FOR ACTIVITIES RELATING
12 TO THE QUALITY OF CHILD CARE SERVICES.—A
13 State that receives funds to carry out this sub-
14 chapter for a fiscal year referred to in paragraph (2)
15 shall reserve and use a portion of such funds, in ac-
16 cordance with paragraph (2), for activities provided
17 directly, or through grants or contracts with local
18 child care resource and referral organizations or
19 other appropriate entities, that are designed to im-
20 prove the quality of child care services and increase
21 parental options for, and access to, high-quality
22 child care, and is in alignment with a Statewide as-
23 sessment of the State’s needs to carry out such serv-
24 ices and care, provided in accordance with this sub-
25 chapter.

1 “(2) AMOUNT OF RESERVATIONS.—Such State
2 shall reserve and use—

3 “(A) to carry out the activities described in
4 paragraph (1), not less than—

5 “(i) 7 percent of the funds described
6 in paragraph (1), for the first and second
7 full fiscal years after the date of enactment
8 of the Child Care and Development Block
9 Grant Act of 2014;

10 “(ii) 8 percent of such funds for the
11 third and fourth full fiscal years after the
12 date of enactment; and

13 “(iii) 9 percent of such funds for the
14 fifth and each succeeding full fiscal year
15 after the date of enactment; and

16 “(B) in addition to the funds reserved
17 under subparagraph (A), 3 percent of the funds
18 described in paragraph (1) received not later
19 than the second full fiscal year after the date
20 of enactment and received for each succeeding
21 full fiscal year, to carry out the activities de-
22 scribed in paragraph (1) and subsection (b)(4),
23 as such activities relate to the quality of care
24 for infants and toddlers.

1 “(3) STATE RESERVATION AMOUNT.—Nothing
2 in this subsection shall preclude the State from re-
3 serving a larger percentage of funds to carry out the
4 activities described in paragraph (1) and subsection
5 (b).

6 “(b) ACTIVITIES.—Funds reserved under subsection
7 (a) shall be used to carry out no fewer than one of the
8 following activities that will improve the quality of child
9 care services provided in the State:

10 “(1) Supporting the training and professional
11 development of the child care workforce through ac-
12 tivities such as those included under section
13 658E(c)(2)(G), in addition to—

14 “(A) offering training and professional de-
15 velopment opportunities for child care providers
16 that relate to the use of scientifically-based, de-
17 velopmentally-appropriate and age-appropriate
18 strategies to promote the social, emotional,
19 physical, and cognitive development of children,
20 including those related to nutrition and physical
21 activity, and offering specialized training for
22 child care providers caring for those populations
23 prioritized in section 658E(c)(2)(Q), and chil-
24 dren with disabilities;

1 “(B) incorporating the effective use of data
2 to guide program improvement;

3 “(C) including effective behavior manage-
4 ment strategies and training, including positive
5 behavior interventions and support models, that
6 promote positive social and emotional develop-
7 ment and reduce challenging behaviors, includ-
8 ing reducing expulsions of preschool-aged chil-
9 dren for such behaviors;

10 “(E) providing training and outreach on
11 engaging parents and families in culturally and
12 linguistically appropriate ways to expand their
13 knowledge, skills, and capacity to become mean-
14 ingful partners in supporting their children’s
15 positive development;

16 “(F) providing training corresponding to
17 the nutritional and physical activity needs of
18 children to promote healthy development;

19 “(G) providing training or professional de-
20 velopment for child care providers regarding the
21 early neurological development of children; and

22 “(H) connecting child care staff members
23 of child care providers with available Federal
24 and State financial aid, or other resources, that

1 would assist child care staff members in pur-
2 suing relevant postsecondary training.

3 “(2) Improving upon the development or imple-
4 mentation of the early learning and developmental
5 guidelines described in section 658E(c)(2)(T) by
6 providing technical assistance to eligible child care
7 providers that enhances the cognitive, physical, so-
8 cial and emotional development, including early
9 childhood development, of participating preschool
10 and school-aged children and supports their overall
11 well-being.

12 “(3) Developing, implementing, or enhancing a
13 tiered quality rating system for child care providers
14 and services, which may—

15 “(A) support and assess the quality of
16 child care providers in the State;

17 “(B) build on State licensing standards
18 and other State regulatory standards for such
19 providers;

20 “(C) be designed to improve the quality of
21 different types of child care providers and serv-
22 ices;

23 “(D) describe the safety of child care fa-
24 cilities;

1 “(E) build the capacity of State early
2 childhood programs and communities to pro-
3 mote parents’ and families’ understanding of
4 the State’s early childhood system and the rat-
5 ings of the programs in which the child is en-
6 rolled;

7 “(F) provide, to the maximum extent prac-
8 ticable, financial incentives and other supports
9 designed to expand the full diversity of child
10 care options and help child care providers im-
11 prove the quality of services; and

12 “(G) accommodate a variety of distinctive
13 approaches to early childhood education and
14 care, including but not limited to, those prac-
15 ticed in faith-based settings, community-based
16 settings, child-centered settings, or similar set-
17 tings that offer a distinctive approach to early
18 childhood development.

19 “(4) Improving the supply and quality of child
20 care programs and services for infants and toddlers
21 through activities, which may include—

22 “(A) establishing or expanding high-quality
23 community or neighborhood-based family and
24 child development centers, which may serve as
25 resources to child care providers in order to im-

1 prove the quality of early childhood services
2 provided to infants and toddlers from low-in-
3 come families and to help eligible child care
4 providers improve their capacity to offer high-
5 quality, age-appropriate care to infants and tod-
6 dlers from low-income families;

7 “(B) establishing or expanding the oper-
8 ation of community or neighborhood-based fam-
9 ily child care networks;

10 “(C) promoting and expanding child care
11 providers’ ability to provide developmentally ap-
12 propriate services for infants and toddlers
13 through training and professional development;
14 coaching and technical assistance on this age
15 group’s unique needs from statewide networks
16 of qualified infant-toddler specialists; and im-
17 proved coordination with early intervention spe-
18 cialists who provide services for infants and tod-
19 dlers with disabilities under part C of the Indi-
20 viduals with Disabilities Education Act (20
21 U.S.C. 1431 et seq.);

22 “(D) if applicable, developing infant and
23 toddler components within the State’s quality
24 rating system described in paragraph (3) for
25 child care providers for infants and toddlers, or

1 the development of infant and toddler compo-
2 nents in a State's child care licensing regula-
3 tions or early learning and development guide-
4 lines;

5 “(E) improving the ability of parents to
6 access transparent and easy to understand con-
7 sumer information about high-quality infant
8 and toddler care; and

9 “(F) carrying out other activities deter-
10 mined by the State to improve the quality of in-
11 fant and toddler care provided in the State, and
12 for which there is evidence that the activities
13 will lead to improved infant and toddler health
14 and safety, infant and toddler cognitive and
15 physical development, or infant and toddler
16 well-being, including providing health and safe-
17 ty training (including training in safe sleep
18 practices, first aid, and cardiopulmonary resus-
19 citation) for providers and caregivers.

20 “(5) Establishing or expanding a statewide sys-
21 tem of child care resource and referral services.

22 “(6) Facilitating compliance with State require-
23 ments for inspection, monitoring, training, and
24 health and safety, and with State licensing stand-
25 ards.

1 “(7) Evaluating and assessing the quality and
2 effectiveness of child care programs and services of-
3 fered in the State, including evaluating how such
4 programs positively impact children.

5 “(8) Supporting child care providers in the vol-
6 untary pursuit of accreditation by a national accred-
7 iting body with demonstrated, valid, and reliable
8 program standards of high quality.

9 “(9) Supporting State or local efforts to develop
10 or adopt high-quality program standards relating to
11 health, mental health, nutrition, physical activity,
12 and physical development.

13 “(10) Carrying out other activities determined
14 by the State to improve the quality of child care
15 services provided in the State, and for which meas-
16 urement of outcomes relating to improved provider
17 preparedness, child safety, child well-being, or entry
18 to kindergarten is possible.

19 “(c) CERTIFICATION.—Beginning with fiscal year
20 2016, at the beginning of each fiscal year, the State shall
21 annually submit to the Secretary a certification containing
22 an assurance that the State was in compliance with sub-
23 section (a) during the preceding fiscal year and a descrip-
24 tion of how the State used funds received under this sub-

1 chapter to comply with subsection (a) during that pre-
2 ceding fiscal year.

3 “(d) REPORTING REQUIREMENTS.—Each State re-
4 ceiving funds under this subchapter shall prepare and sub-
5 mit an annual report to the Secretary, which shall include
6 information about—

7 “(1) the amount of funds that are reserved
8 under subsection (a);

9 “(2) the activities carried out under this sec-
10 tion; and

11 “(3) the measures that the State will use to
12 evaluate the State’s progress in improving the qual-
13 ity of child care programs and services in the State.

14 “(e) TECHNICAL ASSISTANCE.—The Secretary shall
15 offer technical assistance, in accordance with section
16 658I(a)(3), which may include technical assistance
17 through the use of grants or cooperative agreements, to
18 States for the activities described in subsection (b) at the
19 request of the State.

20 “(f) CONSTRUCTION.—Nothing in this section shall
21 be construed as providing the Secretary the authority to
22 regulate, direct, dictate, or place conditions (outside of
23 what is required by this subchapter) on a State adopting
24 specific State child care quality activities or progress in
25 implementing those activities.”.

1 **SEC. 7. CRIMINAL BACKGROUND CHECKS.**

2 The Child Care and Development Block Grant Act
3 of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting
4 after section 658G the following:

5 **“SEC. 658H. CRIMINAL BACKGROUND CHECKS.**

6 “(a) IN GENERAL.—A State that receives funds to
7 carry out this subchapter shall have in effect—

8 “(1) requirements, policies, and procedures to
9 require and conduct criminal background checks for
10 child care staff members (including prospective child
11 care staff members) of child care providers described
12 in subsection (c)(1); and

13 “(2) licensing, regulation, and registration re-
14 quirements, as applicable, that prohibit the employ-
15 ment of child care staff members as described in
16 subsection (c).

17 “(b) REQUIREMENTS.—A criminal background check
18 for a child care staff member under subsection (a) shall
19 include—

20 “(1) a search of the State criminal and sex of-
21 fender registry or repository in the State where the
22 child care staff member resides, and each State
23 where such staff member resided during the pre-
24 ceding 5 years;

25 “(2) a search of State-based child abuse and
26 neglect registries and databases in the State where

1 the child care staff member resides, and each State
2 where such staff member resided during the pre-
3 ceding 5 years;

4 “(3) a search of the National Crime Informa-
5 tion Center;

6 “(4) a Federal Bureau of Investigation finger-
7 print check using the Integrated Automated Finger-
8 print Identification System; and

9 “(5) a search of the National Sex Offender
10 Registry established under the Adam Walsh Child
11 Protection and Safety Act of 2006 (42 U.S.C.
12 16901 et seq.).

13 “(c) PROHIBITIONS.—

14 “(1) CHILD CARE STAFF MEMBERS.—A child
15 care staff member shall be ineligible for employment
16 by a child care provider that is receiving assistance
17 under this subchapter if such individual—

18 “(A) refuses to consent to the criminal
19 background check described in subsection (b);

20 “(B) knowingly makes a materially false
21 statement in connection with such criminal
22 background check;

23 “(C) is registered, or is required to be reg-
24 istered, on a State sex offender registry or re-
25 pository or the National Sex Offender Registry

1 established under the Adam Walsh Child Pro-
2 tection and Safety Act of 2006 (42 U.S.C.
3 16901 et seq.); or

4 “(D) has been convicted of a felony con-
5 sisting of—

6 “(i) murder, as described in section
7 1111 of title 18, United States Code;

8 “(ii) child abuse or neglect;

9 “(iii) a crime against children, includ-
10 ing child pornography;

11 “(iv) spousal abuse;

12 “(v) a crime involving rape or sexual
13 assault;

14 “(vi) kidnapping;

15 “(vii) arson;

16 “(viii) physical assault or battery; or

17 “(ix) subject to subsection (e)(4), a
18 drug-related offense committed during the
19 preceding 5 years; or

20 “(E) has been convicted of a violent mis-
21 demeanor committed as an adult against a
22 child, including the following crimes: child
23 abuse, child endangerment, sexual assault, or of
24 a misdemeanor involving child pornography.

1 “(2) CHILD CARE PROVIDERS.—A child care
2 provider described in subsection (i)(1) shall be ineli-
3 gible for assistance provided in accordance with this
4 subchapter if the provider employs a staff member
5 who is ineligible for employment under paragraph
6 (1).

7 “(d) SUBMISSION OF REQUESTS FOR BACKGROUND
8 CHECKS.—

9 “(1) IN GENERAL.—A child care provider cov-
10 ered by subsection (c) shall submit a request, to the
11 appropriate State agency designated by a State, for
12 a criminal background check described in subsection
13 (b), for each child care staff member (including pro-
14 spective child care staff members) of the provider.

15 “(2) STAFF MEMBERS.—Subject to paragraph
16 (4), in the case of an individual who became a child
17 care staff member before the date of enactment of
18 the Child Care and Development Block Grant Act of
19 2014, the provider shall submit such a request—

20 “(A) prior to the last day described in sub-
21 section (j)(1); and

22 “(B) not less often than once during each
23 5-year period following the first submission date
24 under this paragraph for that staff member.

1 “(3) PROSPECTIVE STAFF MEMBERS.—Subject
2 to paragraph (4), in the case of an individual who
3 is a prospective child care staff member on or after
4 that date of enactment, the provider shall submit
5 such a request—

6 “(A) prior to the date the individual be-
7 comes a child care staff member of the pro-
8 vider; and

9 “(B) not less than once during each 5-year
10 period following the first submission date under
11 this paragraph for that staff member.

12 “(4) BACKGROUND CHECK FOR ANOTHER
13 CHILD CARE PROVIDER.—A child care provider shall
14 not be required to submit a request under paragraph
15 (2) or (3) for a child care staff member if—

16 “(A) the staff member received a back-
17 ground check described in subsection (b)—

18 “(i) within 5 years before the latest
19 date on which such a submission may be
20 made; and

21 “(ii) while employed by or seeking em-
22 ployment by another child care provider
23 within the State;

24 “(B) the State provided to the first pro-
25 vider a qualifying background check result, con-

1 sistent with this subchapter, for the staff mem-
2 ber; and

3 “(C) the staff member is employed by a
4 child care provider within the State, or has
5 been separated from employment from a child
6 care provider within the State for a period of
7 not more than 180 consecutive days.

8 “(e) BACKGROUND CHECK RESULTS AND AP-
9 PEALS.—

10 “(1) BACKGROUND CHECK RESULTS.—The
11 State shall carry out the request of a child care pro-
12 vider for a criminal background check as expedi-
13 tiously as possible, but not to exceed 45 days after
14 the date on which such request was submitted, and
15 shall provide the results of the criminal background
16 check to such provider and to the current or pro-
17 spective staff member.

18 “(2) PRIVACY.—

19 “(A) IN GENERAL.—The State shall pro-
20 vide the results of the criminal background
21 check to the provider in a statement that indi-
22 cates whether a child care staff member (in-
23 cluding a prospective child care staff member)
24 is eligible or ineligible for employment described
25 in subsection (c), without revealing any dis-

1 qualifying crime or other related information
2 regarding the individual.

3 “(B) INELIGIBLE STAFF MEMBER.—If the
4 child care staff member is ineligible for such
5 employment due to the background check, the
6 State will, when providing the results of the
7 background check, include information related
8 to each disqualifying crime, in a report to the
9 staff member or prospective staff member.

10 “(C) PUBLIC RELEASE OF RESULTS.—No
11 State shall publicly release or share the results
12 of individual background checks, except States
13 may release aggregated data by crime as listed
14 under subsection (c)(1)(D) from background
15 check results, as long as such data is not per-
16 sonally identifiable information.

17 “(3) APPEALS.—

18 “(A) IN GENERAL.—The State shall pro-
19 vide for a process by which a child care staff
20 member (including a prospective child care staff
21 member) may appeal the results of a criminal
22 background check conducted under this section
23 to challenge the accuracy or completeness of the
24 information contained in such member’s crimi-
25 nal background report.

1 “(B) APPEALS PROCESS.—The State shall
2 ensure that—

3 “(i) each child care staff member shall
4 be given notice of the opportunity to ap-
5 peal;

6 “(ii) a child care staff member will re-
7 ceive instructions about how to complete
8 the appeals process if the child care staff
9 member wishes to challenge the accuracy
10 or completeness of the information con-
11 tained in such member’s criminal back-
12 ground report; and

13 “(iii) the appeals process is completed
14 in a timely manner for each child care
15 staff member.

16 “(4) REVIEW.—The State may allow for a re-
17 view process through which the State may determine
18 that a child care staff member (including a prospec-
19 tive child care staff member) disqualified for a crime
20 specified in subsection (c)(1)(D)(ix) is eligible for
21 employment described in subsection (c)(1), notwith-
22 standing subsection (c). The review process shall be
23 consistent with title VII of the Civil Rights Act of
24 1964 (42 U.S.C. 2000e et seq.).

1 “(5) NO PRIVATE RIGHT OF ACTION.—Nothing
2 in this section shall be construed to create a private
3 right of action if a provider has acted in accordance
4 with this section.

5 “(f) FEES FOR BACKGROUND CHECKS.—Fees that a
6 State may charge for the costs of processing applications
7 and administering a criminal background check as re-
8 quired by this section shall not exceed the actual costs to
9 the State for the processing and administration.

10 “(g) TRANSPARENCY.—The State must ensure that
11 the policies and procedures under section 658H are pub-
12 lished on the Web site (or otherwise publicly available
13 venue in the absence of a Web site) of the State and the
14 Web sites of local lead agencies.

15 “(h) CONSTRUCTION.—

16 “(1) DISQUALIFICATION FOR OTHER CRIMES.—
17 Nothing in this section shall be construed to prevent
18 a State from disqualifying individuals as child care
19 staff members based on their conviction for crimes
20 not specifically listed in this section that bear upon
21 the fitness of an individual to provide care for and
22 have responsibility for the safety and well-being of
23 children.

24 “(2) RIGHTS AND REMEDIES.—Nothing in this
25 section shall be construed to alter or otherwise affect

1 the rights and remedies provided for child care staff
2 members residing in a State that disqualifies individ-
3 uals as child care staff members for crimes not spe-
4 cifically provided for under this section.

5 “(i) DEFINITIONS.—In this section—

6 “(1) the term ‘child care provider’ means a cen-
7 ter-based child care provider, a family child care
8 provider, or another provider of child care services
9 for compensation and on a regular basis that—

10 “(A) is not an individual who is related to
11 all children for whom child care services are
12 provided; and

13 “(B) is licensed, regulated, or registered
14 under State law or receives assistance provided
15 under this subchapter; and

16 “(2) the term ‘child care staff member’ means
17 an individual (other than an individual who is re-
18 lated to all children for whom child care services are
19 provided)—

20 “(A) who is employed by a child care pro-
21 vider for compensation; or

22 “(B) whose activities involve the care or
23 supervision of children for a child care provider
24 or unsupervised access to children who are
25 cared for or supervised by a child care provider.

1 “(j) EFFECTIVE DATE.—

2 “(1) IN GENERAL.—A State that receives funds
3 under this subchapter shall meet the requirements of
4 this section for the provision of criminal background
5 checks for child care staff members described in sub-
6 section (d)(1) not later than the last day of the sec-
7 ond full fiscal year after the date of enactment of
8 the Child Care and Development Block Grant Act of
9 2014.

10 “(2) EXTENSION.—The Secretary may grant a
11 State an extension of time, of not more than 1 fiscal
12 year, to meet the requirements of this section if the
13 State demonstrates a good faith effort to comply
14 with the requirements of this section.

15 “(3) PENALTY FOR NONCOMPLIANCE.—Except
16 as provided in paragraphs (1) and (2), for any fiscal
17 year that a State fails to comply substantially with
18 the requirements of this section, the Secretary shall
19 withhold 5 percent of the funds that would otherwise
20 be allocated to that State in accordance with this
21 subchapter for the following fiscal year.”.

22 **SEC. 8. REPORTS AND INFORMATION.**

23 (a) ADMINISTRATION.—Section 658I(a) of the Child
24 Care and Development Block Grant Act of 1990 (42
25 U.S.C. 9858g(a)) is amended—

1 (1) in paragraph (2)—

2 (A) by inserting a comma after “publish”;

3 and

4 (B) by striking “and” at the end;

5 (2) by striking paragraph (3) and inserting the
6 following:

7 “(3) provide technical assistance, such as busi-
8 ness technical assistance, as described in section
9 658E(c)(2)(V), to States (which may include pro-
10 viding assistance on a reimbursable basis) which
11 shall be provided by qualified experts on practices
12 grounded in scientifically valid research, where ap-
13 propriate, to carry out this subchapter;” and

14 (3) by adding at the end the following:

15 “(4) disseminate, for voluntary informational
16 purposes, information on practices that scientifically
17 valid research indicates are most successful in im-
18 proving the quality of programs that receive assist-
19 ance with this subchapter; and

20 “(5) after consultation with the heads of any
21 other Federal agencies involved, issue guidance and
22 disseminate information on best practices regarding
23 the use of funding combined by States as described
24 in section 658E(c)(2)(O)(ii), consistent with laws
25 other than this subchapter.”.

1 (b) REQUEST FOR RELIEF.—Section 658I of the
2 Child Care and Development Block Grant Act of 1990 (42
3 U.S.C. 9858g), as amended by subsection (a), is further
4 amended by adding at the end of the following:

5 “(c) REQUEST FOR RELIEF.—

6 “(1) IN GENERAL.—The Secretary may waive
7 for a period of not more than three years any provi-
8 sion under this subchapter or sanctions imposed
9 upon a State in accordance with subsection (b)(2)
10 upon the State’s request for such a waiver if the
11 Secretary finds that—

12 “(A) the request describes one or more
13 conflicting or duplicative requirements pre-
14 venting the effective delivery of child care serv-
15 ices to justify a waiver, extraordinary cir-
16 cumstances, such as natural disaster or finan-
17 cial crisis, or an extended period of time for a
18 State legislature to enact legislation to imple-
19 ment the provisions of this subchapter;

20 “(B) such circumstances included in the
21 request prevent the State from complying with
22 any statutory or regulatory requirements of this
23 subchapter;

1 “(C) the waiver will, by itself, contribute to
2 or enhance the State’s ability to carry out the
3 purposes of this subchapter; and,

4 “(D) the waiver will not contribute to in-
5 consistency with the objectives of this law.

6 “(2) CONTENTS.—Such request shall be pro-
7 vided to the Secretary in writing and will—

8 “(A) detail each sanction or provision with-
9 in this subchapter that the State seeks relief
10 from;

11 “(B) describe how a waiver from that
12 sanction or provision of this subchapter will, by
13 itself, improve delivery of child care services for
14 children in the State; and

15 “(C) certify that the health, safety, and
16 well-being of children served through assistance
17 received under this subchapter will not be com-
18 promised as a result of the waiver.

19 “(3) APPROVAL.—Within 90 days after the re-
20 ceipt of a State’s request under this subsection, the
21 Secretary shall inform the State of approval or dis-
22 approval of the request. If the plan is disapproved,
23 the Secretary shall, at this time, inform the State,
24 the Committee on Education and the Workforce of
25 the House of Representatives, and the Committee on

1 Health, Education, Labor, and Pensions of the Sen-
2 ate of the reasons for the disapproval and give the
3 State the opportunity to amend the request. In the
4 case of approval, the Secretary shall, within 30 days
5 of granting such waiver, notify and submit a report
6 to the Committee on Education and the Workforce
7 of the House of Representatives and the Committee
8 on Health, Education, Labor, and Pensions of the
9 Senate on the circumstances of the waiver including
10 each specific sanction or provision waived, the rea-
11 son as given by the State of the need for a waiver,
12 and the expected impact of the waiver on children
13 served under this program.

14 “(4) EXTERNAL CONDITIONS.—The Secretary
15 shall not require or impose any new or additional re-
16 quirements in exchange for receipt of a waiver if
17 such requirements are not specified in this sub-
18 chapter.

19 “(5) DURATION.—The Secretary may approve a
20 request under this subsection for a period not to ex-
21 ceed three years, unless a renewal is granted under
22 paragraph (7).

23 “(6) TERMINATION.—The Secretary shall ter-
24minate approval of a request for a waiver authorized
25 under this subsection if the Secretary determines,

1 after notice and opportunity for a hearing, that the
2 performance of a State granted relief under this
3 subsection has been inadequate, or if such relief is
4 no longer necessary to achieve its original purposes.

5 “(7) RENEWAL.—The Secretary may approve
6 or disapprove a request from a State for renewal of
7 an existing waiver under this subchapter for a period
8 no longer than one year. A State seeking to renew
9 their waiver approval must inform the Secretary of
10 this intent no later than 30 days prior to the expira-
11 tion date of the waiver. The State shall re-certify in
12 its extension request the provisions in paragraph (2)
13 of this subchapter, and shall also explain the need
14 for additional time of relief from such sanction(s) or
15 provisions approved under this law as provided in
16 this subchapter.

17 “(8) RESTRICTIONS.—Nothing in this sub-
18 chapter shall be construed as providing the Sec-
19 retary the authority to permit States to alter the eli-
20 gibility requirements for eligible children, including
21 work requirements, job training, or educational pro-
22 gram participation, that apply to the parents of eli-
23 gible children under this subchapter. Nothing in this
24 subsection shall be construed to allow the Secretary

1 to waive anything related to his or her authority
2 under this subchapter.”.

3 (c) REPORTS.—Section 658K(a) of the Child Care
4 and Development Block Grant Act of 1990 (42 U.S.C.
5 9858i(a)) is amended—

6 (1) in paragraph (1)(B)—

7 (A) in clause (ix), by striking “and” at the
8 end;

9 (B) in clause (x), by striking the semicolon
10 at the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(xi) whether the children receiving
13 assistance under this subchapter are home-
14 less children;”; and

15 (2) in paragraph (2)—

16 (A) in the matter preceding subparagraph
17 (A), by striking “December 31, 1997” and all
18 that follows through “thereafter”, and inserting
19 “1 year after the date of the enactment of the
20 Child Care and Development Block Grant Act
21 of 2014, and annually thereafter,”;

22 (B) in subparagraph (A), by striking “sec-
23 tion 658P(5)” and inserting “section 658P(6)”;

24 (C) in subparagraph (E) by striking the
25 period at the end and inserting “; and”; and

1 (D) by adding at the end the following:

2 “(F) the number of child fatalities occur-
3 ring among children while in the care and facil-
4 ity of child care providers receiving assistance
5 under this subchapter, listed by type of child
6 care provider and indicating whether the pro-
7 viders (excluding child care providers described
8 in section 658P(6)(B)) are licensed or license-
9 exempt.”.

10 (d) REPORT BY SECRETARY.—Section 658L of the
11 Child Care and Development Block Grant Act of 1990 (42
12 U.S.C. 9858j) is amended—

13 (1) by striking the section heading and insert-
14 ing the following:

15 **“SEC. 658L. REPORTS, HOTLINE, AND WEB SITE.”;**

16 (2) by striking “Not later” and inserting the
17 following:

18 “(a) REPORT BY SECRETARY.—Not later”;

19 (3) by striking “1998” and inserting “2016”;

20 (4) by striking “to the Committee” and all that
21 follows through “of the Senate” and inserting “to
22 the Committee on Education and the Workforce of
23 the House of Representatives and the Committee on
24 Health, Education, Labor, and Pensions of the Sen-
25 ate”;

1 (5) by inserting after “States.” the following:

2 “Such report shall contain a determination around wheth-
3 er each State that uses amounts provided under this sub-
4 chapter has complied with the priority for services de-
5 scribed in sections 658E(c)(2)(Q) and 658E(c)(3)(B).”;
6 and

7 (6) by adding at the end the following:

8 “(b) NATIONAL TOLL-FREE HOTLINE AND WEB
9 SITE.—

10 “(1) IN GENERAL.—The Secretary shall oper-
11 ate, directly or through the use of grants or con-
12 tracts, a national toll-free hotline and Web site, to—

13 “(A) develop and disseminate publicly
14 available child care consumer education infor-
15 mation for parents and help parents access safe
16 and quality child care services in their commu-
17 nity, with a range of price options, that best
18 suits their family’s needs; and

19 “(B) to allow persons to report (anony-
20 mously if desired) suspected child abuse or ne-
21 glect, or violations of health and safety require-
22 ments, by an eligible child care provider that re-
23 ceives assistance under this subchapter or a
24 member of the provider’s staff.

1 “(2) REQUIREMENTS.—The Secretary shall en-
2 sure that the hotline and Web site meet the fol-
3 lowing requirements:

4 “(A) REFERRAL TO LOCAL CHILD CARE
5 PROVIDERS.—The Web site shall be hosted by
6 ‘childcare.gov’. The Web site shall enable a
7 child care consumer to enter a zip code and ob-
8 tain a referral to local child care providers de-
9 scribed in subparagraph (B) within a specified
10 search radius.

11 “(B) INFORMATION.—The Web site shall
12 provide to consumers, directly or through link-
13 ages to State databases, at a minimum—

14 “(i) a localized list of all eligible child
15 care providers, differentiating between li-
16 censed and license-exempt providers;

17 “(ii) any provider-specific information
18 from a Quality Rating and Improvement
19 System or information about other quality
20 indicators, to the extent the information is
21 publicly available and to the extent prac-
22 ticable;

23 “(iii) any other provider-specific infor-
24 mation about compliance with licensing,
25 and health and safety requirements to the

1 extent the information is publicly available
2 and to the extent practicable;

3 “(iv) referrals to local resource and
4 referral organizations from which con-
5 sumers can find more information about
6 child care providers; and

7 “(v) State information about child
8 care subsidy programs and other financial
9 supports available to families.

10 “(C) NATIONWIDE CAPACITY.—The Web
11 site and hotline shall have the capacity to help
12 families in every State and community in the
13 Nation.

14 “(D) INFORMATION AT ALL HOURS.—The
15 Web site shall provide, to parents and families,
16 access to information about child care services
17 24 hours a day.

18 “(E) SERVICES IN DIFFERENT LAN-
19 GUAGES.—The Web site and hotline shall en-
20 sure the widest possible access to services for
21 families who speak languages other than
22 English.

23 “(F) HIGH-QUALITY CONSUMER EDU-
24 CATION AND REFERRAL.—The Web site and
25 hotline shall ensure that families have access to

1 easy-to-understand child care consumer edu-
2 cation and referral services.

3 “(3) PROHIBITION.—Nothing in this subsection
4 shall be construed to allow the Secretary to compel
5 States to provide additional data and information
6 that is currently (as of the date of enactment of the
7 Child Care and Development Block Grant Act of
8 2014) not publicly available, or is not required by
9 this subchapter, unless such additional data are re-
10 lated to the purposes and scope of this subchapter,
11 and are subject to a notice and comment period of
12 no less than 90 days.”.

13 (e) PROTECTION OF INFORMATION.—Section
14 658K(a)(1) of the Child Care and Development Block
15 Grant Act of 1990 (42 U.S.C. 9858i(a)(1)) is amended
16 by adding at the end the following:

17 “(E) PROHIBITION.—Reports submitted to
18 the Secretary under subparagraph (C) shall not
19 contain personally identifiable information.”.

1 **SEC. 9. RESERVATION FOR TOLL-FREE HOTLINE AND WEB**
2 **SITE; PAYMENTS TO BENEFIT INDIAN CHIL-**
3 **DREN; TECHNICAL ASSISTANCE AND EVALUA-**
4 **TION.**

5 Section 658O of the Child Care and Development
6 Block Grant Act of 1990 (42 U.S.C. 9858m) is amend-
7 ed—

8 (1) in subsection (a)—

9 (A) in paragraph (2)—

10 (i) by striking “The Secretary” and
11 inserting the following:

12 “(A) IN GENERAL.—The Secretary”;

13 (ii) by striking “1 percent, and not
14 more than 2 percent,” and inserting “2
15 percent”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(B) LIMITATIONS.—Notwithstanding sub-
19 paragraph (A), the Secretary shall only reserve
20 an amount that is greater than 2 percent of the
21 amount appropriated under section 658B, for
22 payments described in subparagraph (A), for a
23 fiscal year (referred to in this subparagraph as
24 the ‘reservation year’) if —

25 “(i) the amount appropriated under
26 section 658B for the reservation year is

1 greater than the amount appropriated
2 under section 658B for fiscal year 2014;
3 and

4 “(ii) the Secretary ensures that the
5 amount allotted to States under subsection
6 (b) for the reservation year is not less than
7 the amount allotted to States under sub-
8 section (b) for fiscal year 2014.”; and
9 (B) by adding at the end the following:

10 “(3) NATIONAL TOLL-FREE HOTLINE AND WEB
11 SITE.—The Secretary shall reserve up to \$1,500,000
12 of the amount appropriated under this subchapter
13 for each fiscal year for the operation of a national
14 toll-free hotline and Web site, under section
15 658L(b).

16 “(4) TECHNICAL ASSISTANCE.—The Secretary
17 shall reserve up to $\frac{1}{2}$ of 1 percent of the amount ap-
18 propriated under this subchapter for each fiscal year
19 to support technical assistance and dissemination ac-
20 tivities under paragraphs (3) and (4) of section
21 658I(a).

22 “(5) RESEARCH, DEMONSTRATION, AND EVAL-
23 UATION.—The Secretary may reserve $\frac{1}{2}$ of 1 per-
24 cent of the amount appropriated under this sub-
25 chapter for each fiscal year to conduct research and

1 demonstration activities, as well as periodic external,
2 independent evaluations of the impact of the pro-
3 gram described by this subchapter on increasing ac-
4 cess to child care services and improving the safety
5 and quality of child care services, using scientifically
6 valid research methodologies, and to disseminate the
7 key findings of those evaluations widely and on a
8 timely basis.”; and

9 (2) in subsection (c)—

10 (A) in paragraph (2), by adding at the end
11 the following:

12 “(D) LICENSING AND STANDARDS.—In
13 lieu of any licensing and regulatory require-
14 ments applicable under State or local law, the
15 Secretary, in consultation with Indian tribes
16 and tribal organizations, shall develop minimum
17 child care standards that shall be applicable to
18 Indian tribes and tribal organizations receiving
19 assistance under this subchapter. Such stand-
20 ards shall appropriately reflect Indian tribe and
21 tribal organization needs and available re-
22 sources, and shall include standards requiring a
23 publicly available application, health and safety
24 standards, and standards requiring a reserva-
25 tion of funds for activities to improve the qual-

1 ity of child care services provided to Indian chil-
2 dren.”; and

3 (B) in paragraph (6), by striking subpara-
4 graph (C) and inserting the following:

5 “(C) LIMITATION.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in clause (ii), the Secretary may not
8 permit an Indian tribe or tribal organiza-
9 tion to use amounts provided under this
10 subsection for construction or renovation if
11 the use will result in a decrease in the level
12 of child care services provided by the In-
13 dian tribe or tribal organization as com-
14 pared to the level of child care services
15 provided by the Indian tribe or tribal orga-
16 nization in the fiscal year preceding the
17 year for which the determination under
18 subparagraph (B) is being made.

19 “(ii) WAIVER.—The Secretary shall
20 waive the limitation described in clause (i)
21 if—

22 “(I) the Secretary determines
23 that the decrease in the level of child
24 care services provided by the Indian

1 tribe or tribal organization is tem-
2 porary; and

3 “(II) the Indian tribe or tribal
4 organization submits to the Secretary
5 a plan that demonstrates that after
6 the date on which the construction or
7 renovation is completed—

8 “(aa) the level of child care
9 services will increase; or

10 “(bb) the quality of child
11 care services will improve.”.

12 **SEC. 10. DEFINITIONS.**

13 Section 658P of the Child Care and Development
14 Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

15 (1) by striking paragraph (4) and inserting the
16 following:

17 “(3) CHILD WITH A DISABILITY.—The term
18 ‘child with a disability’ means—

19 “(A) a child with a disability, as defined in
20 section 602 of the Individuals with Disabilities
21 Education Act (20 U.S.C. 1401);

22 “(B) a child who is eligible for early inter-
23 vention services under part C of the Individuals
24 with Disabilities Education Act (20 U.S.C.
25 1431 et seq.);

1 “(C) a child who is less than 13 years of
2 age and who is eligible for services under sec-
3 tion 504 of the Rehabilitation Act of 1973 (29
4 U.S.C. 794); and

5 “(D) a child with a disability, as defined
6 by the State involved.

7 “(4) ELIGIBLE CHILD.—The term ‘eligible
8 child’ means an individual—

9 “(A) who is less than 13 years of age;

10 “(B) whose family income does not exceed
11 85 percent of the State median income for a
12 family of the same size, and whose family assets
13 do not exceed \$1,000,000 (as certified by a
14 member of such family); and

15 “(C) who—

16 “(i) resides with a parent or parents
17 who are working or attending a job train-
18 ing or educational program; or

19 “(ii) is receiving, or needs to receive,
20 protective services and resides with a par-
21 ent or parents not described in clause (i).”;

22 (2) by redesignating paragraphs (5) through
23 (9) as paragraphs (6) through (10), respectively;

24 (3) by inserting after paragraph (4), the fol-
25 lowing:

1 “(5) ENGLISH LEARNER.—The term ‘English
2 learner’ means an individual who is limited English
3 proficient, as defined in section 9101 of the Elemen-
4 tary and Secondary Education Act of 1965 (20
5 U.S.C. 7801) or section 637 of the Head Start Act
6 (42 U.S.C. 9832).”;

7 (4) in paragraph (6)(A), as redesignated by
8 paragraph (2)—

9 (A) in clause (i), by striking “section
10 658E(c)(2)(E)” and inserting “section
11 658E(c)(2)(F)”;

12 (B) in clause (ii), by striking “section
13 658E(c)(2)(F)” and inserting “section
14 658E(c)(2)(I)”;

15 (5) in paragraph (9), as redesignated by para-
16 graph (2), by striking “designated” and all that fol-
17 lows and inserting “designated or established under
18 section 658D(a).”;

19 (6) in paragraph (10), as redesignated by para-
20 graph (2), by inserting “, foster parent,” after
21 “guardian”;

22 (7) by redesignating paragraphs (11) through
23 (14) as paragraphs (12) through (15), respectively;
24 and

1 (8) by inserting after paragraph (10), as rededesignated by paragraph (2), the following:

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

9 **SEC. 11. PARENTAL RIGHTS AND RESPONSIBILITIES.**

10 Section 658Q of the Child Care and Development
11 Block Grant Act of 1990 (42 U.S.C. 9858o) is amended—

12 (1) by inserting before “Nothing” the following:

13 “(a) IN GENERAL.—”; and

14 (2) by adding at the end the following:

15 “(b) PARENTAL RIGHTS TO USE CHILD CARE CERTIFICATES.—Nothing in this subchapter shall be construed in a manner—

18 “(1) to favor or promote the use of grants and
19 contracts for the receipt of child care services under
20 this subchapter over the use of child care certificates; or

22 “(2) to disfavor or discourage the use of such
23 certificates for the purchase of child care services,
24 including those services provided by private or non-profit entities, such as faith-based providers.”.

1 **SEC. 12. STUDIES ON WAITING LISTS.**

2 (a) STUDY.—The Comptroller General of the United
3 States shall conduct studies to determine, for each State,
4 the number of families that—

5 (1) are eligible to receive assistance under the
6 Child Care and Development Block Grant Act of
7 1990 (42 U.S.C. 9858 et seq.);

8 (2) have applied for the assistance, identified by
9 the type of assistance requested; and

10 (3) have been placed on a waiting list for the
11 assistance.

12 (b) REPORT.—The Comptroller General shall prepare
13 a report containing the results of each study and shall sub-
14 mit the report to the Committee on Health, Education,
15 Labor and Pensions of the Senate, and the Committee on
16 Education and the Workforce of the House of Representa-
17 tives—

18 (1) not later than 2 years after the date of en-
19 actment of this Act; and

20 (2) every 2 years thereafter.

21 (c) DEFINITION.—In this section, the term “State”
22 has the meaning given the term in section 658P of the
23 Child Care and Development Block Grant Act of 1990 (42
24 U.S.C. 9858n).

1 **SEC. 13. REVIEW OF FEDERAL EARLY LEARNING AND CARE**
2 **PROGRAMS.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services, in conjunction with the Secretary of
5 Education, shall conduct an interdepartmental review of
6 all early learning and care programs for children less than
7 6 years of age in order to—

8 (1) develop a plan for the elimination of over-
9 lapping programs, as identified by the Government
10 Accountability Office’s 2012 annual report (GAO–
11 12–342SP); and

12 (2) make recommendations to Congress for
13 streamlining all such programs.

14 (b) REPORT.—Not later than 1 year after the date
15 of enactment of this Act, the Secretary of Health and
16 Human Services, in consultation with the Secretary of
17 Education and the heads of all Federal agencies that ad-
18 minister Federal early learning and care programs, shall
19 submit to the Committee on Health, Education, Labor,
20 and Pensions of the Senate and the Committee on Edu-
21 cation and the Workforce of the House of Representatives,
22 a detailed report that outlines the efficiencies that can be
23 achieved by, as well as specific recommendations for, elimi-
24 nating overlap and fragmentation among all Federal early
25 learning and care programs.