

107TH CONGRESS
2D SESSION

S. 2671

To amend the Child Care and Development Block Grant Act of 1990 to provide for child care quality improvements for children with disabilities or other special needs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2002

Mr. EDWARDS (for himself, Mr. DEWINE, Mr. KENNEDY, Mr. DODD, Ms. Collins, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to provide for child care quality improvements for children with disabilities or other special needs, 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 “Nurturing Special Kids
5 Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) In 2000, there were 70,400,000 children
2 under age 18 in the United States, and children
3 made up 26 percent of the United States population.
4 The percentage of the population that consists of
5 children is expected to be stable. Children are ex-
6 pected to comprise 24 percent of the population by
7 2020.

8 (2) There are 11,400,000 infants and toddlers
9 and 12,000,000 preschool-age children in the United
10 States.

11 (3) Nationwide, at least 200,000 infants and
12 toddlers, 600,000 preschool-age children, 2,700,000
13 children age 6 through 11, and 2,300,000 children
14 age 12 through 17 are served under the Individuals
15 with Disabilities Education Act.

16 (4)(A) Child health often varies by family in-
17 come. Children in families with incomes below the
18 poverty line (referred to in this Act as “low-income
19 families”) are less likely than children in other fami-
20 lies (referred to in this Act as “higher-income fami-
21 lies”) to be in very good or excellent health.

22 (B) Children from low-income families are more
23 likely to have disabilities or other special needs.
24 They are twice as likely to have a significant dis-
25 ability, nearly twice as likely have serious mental or

1 physical disabilities, and 1.3 times as likely to have
2 learning disabilities, as children from higher-income
3 families.

4 (5)(A) Children (including youth) in low-income
5 families have significantly higher rates of activity
6 limitation than children in higher-income families.

7 (B) In 1998, 11 percent of children age 5
8 through 17 in low-income families had activity limi-
9 tations due to chronic conditions. By comparison, 7
10 percent of such children in higher-income families
11 had such limitations. Children under age 5 in low-
12 income families had a higher rate of activity limita-
13 tion than such children in higher-income families.

14 (6) Child care can easily cost more than \$4,000
15 a year per child, and high quality child care typically
16 costs much more. The cost of child care is a signifi-
17 cant part of a working family's budget, and can
18 force a family to compromise on the quality of care.
19 The expense of child care, relative to income, often
20 keeps family members from being able to afford to
21 work.

22 (7) Forty-five percent of mothers with an infant
23 who is a child with a disability or other special needs
24 do not work outside the home because they cannot
25 find child care. Those mothers are less likely to re-

1 enter the labor force by the time their children reach
2 age 1, and those mothers work fewer hours, than
3 mothers with typically developing children.

4 (8) The vast majority of working families who
5 are struggling to afford the high cost of child care
6 are not getting any help in covering that cost. Only
7 1 out of 10 children who are eligible for child care
8 assistance through the program carried out under
9 the Child Care and Development Block Grant Act of
10 1990 are receiving any help through that program.

11 (9) A survey found that parents who were using
12 paid child care and whose children had emotional or
13 behavioral disabilities had great difficulty making
14 child care arrangements. Those parents were 20
15 times more likely than other parents to report that
16 their caregivers had quit or otherwise stopped serv-
17 ing their children, because of those disabilities.

18 (10) The General Accounting Office, the Insti-
19 tute of Medicine of the National Academy of
20 Sciences, and the National Research Council of the
21 National Academy of Sciences have all documented
22 the national shortage of child care options for chil-
23 dren with disabilities or other special needs.

24 (11)(A) In a national survey of families who
25 have children with disabilities, $\frac{1}{5}$ of the respondents

1 indicated that a family member had to quit working
2 or work fewer hours because of a child's health.

3 (B) In a Florida survey of a similar group of
4 families, 40 percent of the respondents reported that
5 a family member does not work, 33 percent reported
6 that a family member turned down a job, and 20
7 percent reported that a family member works fewer
8 hours, because of the need to care for a child's spe-
9 cial needs.

10 (C) The shortage of specialized child care is 1
11 major factor that makes it difficult for parents of
12 children with disabilities to work.

13 (12) In a survey by the General Accounting Of-
14 fice, 6 out of 7 States surveyed indicated a shortage
15 of child care suitable for children with disabilities or
16 other special needs.

17 (13) Research shows that providing support to
18 children with disabilities or other special needs in
19 their early years reduces their need for special edu-
20 cation and support later in life.

1 **SEC. 3. CHILD CARE QUALITY IMPROVEMENTS FOR CHIL-**
 2 **DREN WITH DISABILITIES OR OTHER SPE-**
 3 **CIAL NEEDS.**

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

7 **“SEC. 658H. ACTIVITIES TO IMPROVE THE QUALITY OF**
 8 **CHILD CARE FOR CHILDREN WITH DISABIL-**
 9 **ITIES OR OTHER SPECIAL NEEDS.**

10 “(a) DEFINITION.—In this section:

11 “(1) CHILD WITH A DISABILITY OR OTHER SPE-
 12 CIAL NEEDS.—The term ‘child with a disability or
 13 other special needs’ means a child who is—

14 “(A) eligible for early intervention services
 15 under part C of the Individuals with Disabilities
 16 Education Act (20 U.S.C. 1431 et seq.);

17 “(B) eligible for services under part B of
 18 the Individuals with Disabilities Education Act
 19 (20 U.S.C. 1411 et seq.); or

20 “(C) a child with special health care needs,
 21 within the meaning of title V of the Social Se-
 22 curity Act (42 U.S.C. 701 et seq.), who is an
 23 individual with a disability, as defined in section
 24 7(20)(B) of the Rehabilitation Act of 1973 (29
 25 U.S.C. 705(20)(B)).

1 “(2) COVERED AMOUNT.—The term ‘covered
2 amount’, used with respect to a State and a fiscal
3 year, means an amount equal to the total of—

4 “(A) 5 percent of the allotment received by
5 that State under section 658O for that fiscal
6 year; and

7 “(B) 96 percent of the allotment received
8 by that State under section 658O for fiscal year
9 2002.

10 “(b) ACTIVITIES.—For any fiscal year in which a
11 State receives an allotment under section 658O that ex-
12 ceeds the covered amount, the State shall reserve and use
13 the excess—

14 “(1)(A) to support child care programs that ac-
15 cept children with disabilities or other special needs;

16 “(B) to provide higher reimbursement rates to
17 eligible child care providers who serve children with
18 disabilities or other special needs through higher
19 subsidies that reflect the real costs of caring for a
20 child with a disability or other special needs; and

21 “(C) to support training for eligible child care
22 providers in the care of children with disabilities or
23 other special needs;

24 “(2) to fund consultations for eligible child care
25 providers by competent, licensed professionals—

1 “(A) to improve the eligible child care pro-
2 viders’ ability to identify children with disabil-
3 ities or other special needs, including mental
4 and emotional disorders; and

5 “(B) to strengthen their ability to care for
6 such children; and

7 “(3) to provide—

8 “(A) a comprehensive system of ongoing
9 training and technical assistance, consisting
10 of—

11 “(i) training for eligible child care
12 providers, State licensing and regulatory
13 agencies responsible for licensing and regu-
14 lating child care providers, special edu-
15 cation and related services personnel, and
16 parents and other family members on how
17 to collaborate with each other to help en-
18 sure appropriate implementation of the
19 Americans with Disabilities Act of 1990
20 (42 U.S.C. 12101 et seq.), the Individuals
21 with Disabilities Education Act (20 U.S.C.
22 1400 et seq.), and section 504 of the Re-
23 habilitation Act of 1973 (29 U.S.C. 794);

24 “(ii) technical assistance to assist eli-
25 gible child care providers who are center-

1 based child care providers, group home
2 child care providers, or family child care
3 providers, to enable the eligible child care
4 providers to include appropriately children
5 with disabilities or other special needs with
6 other children in child care settings;

7 “(iii) training for child care facility di-
8 rectors and staff on the use of assistive
9 technology for children with disabilities or
10 other special needs;

11 “(iv) training to develop leadership
12 skills for directors of child care facilities to
13 operate inclusive child care programs, in-
14 cluding training concerning leadership
15 skills in financial development, program
16 development, parent education, and com-
17 munity development; and

18 “(v) assistance to State and local
19 child care resource and referral agencies
20 on compliance with the Americans with
21 Disabilities Act of 1990, the Individuals
22 with Disabilities Education Act, and sec-
23 tion 504 of the Rehabilitation Act of 1973
24 (29 U.S.C. 794); and

“(B) grants for recruitment and retention
of qualified staff, consisting of—

“(i) grants for scholarships, for eligible child care providers who work with children with disabilities or other special needs, and other children, to obtain—

“(I) associate’s, bachelor’s, or master’s degrees in child development or special education; or

“(II) training in child development;

“(ii) grants to increase salaries of eligible child care providers who obtain—

“(I) associate’s, bachelor’s, or master’s degrees in child development; or

“(II) training in child development or special education; and

“(iii) grants to promote retention of eligible child care providers in the child care field.”.

SEC. 4. STATE PLAN REQUIREMENTS.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2))

1 is amended by adding at the end the following new sub-
 2 paragraphs:

3 “(I) REIMBURSEMENT FOR SPECIAL
 4 NEEDS CARE.—Certify that the State is taking
 5 the cost of specialized care for children with
 6 disabilities or other special needs (as defined in
 7 section 658H) into account when determining
 8 reimbursement rates for child care for which as-
 9 sistance is provided under this subchapter.

10 “(J) COMPLIANCE WITH DISABILITY
 11 LAWS.—Certify that the State will ensure that
 12 all eligible child care providers within the State
 13 are informed about the requirements associated
 14 with the Americans with Disabilities Act of
 15 1990 (42 U.S.C. 12101 et seq.), the Individuals
 16 with Disabilities Education Act (20 U.S.C.
 17 1400 et seq.), and section 504 of the Rehabili-
 18 tation Act of 1973 (29 U.S.C. 794), and de-
 19 scribe how the State will assist eligible child
 20 care providers by providing the training, tech-
 21 nical assistance, and resources necessary to as-
 22 sist the providers in complying with those Acts.

23 “(K) COORDINATION WITH OTHER APPLI-
 24 CABLE ACTIVITIES.—Certify and describe the
 25 State’s efforts to coordinate—

1 “(i) training, services, and other as-
 2 sistance provided under section 658H with
 3 respect to children with disabilities or
 4 other special needs; and

5 “(ii) similar activities supported under
 6 section 619, part C, or part D of the Indi-
 7 viduals with Disabilities Education Act (20
 8 U.S.C. 1419, 1431 et seq., or 1451 et
 9 seq.), or title V of the Social Security Act
 10 (42 U.S.C. 701 et seq.).”.

11 **SEC. 5. GRANTS AND LOANS FOR CERTAIN CHILD CARE**
 12 **PROGRAMS.**

13 (a) IN GENERAL.—The Child Care and Development
 14 Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

15 (1)(A) by redesignating section 658P as section
 16 658T; and

17 (B) by inserting section 658T (as so redesign-
 18 nated) after section 658S; and

19 (2) by inserting after section 658O the fol-
 20 lowing:

21 **“SEC. 658P. GRANTS AND LOANS FOR CERTAIN CHILD CARE**
 22 **PROGRAMS.**

23 “(a) DEFINITION.—In this section:

24 “(1) CHILD WITH A DISABILITY OR OTHER SPE-
 25 CIAL NEEDS.—The term ‘child with a disability or

1 other special needs’ has the meaning given the term
2 in section 658H.

3 “(2) INCLUSIVE CHILD CARE PROGRAM.—The
4 term ‘inclusive child care program’ means a child
5 care program—

6 “(A) that serves children with disabilities
7 or other special needs, and other children, to-
8 gether in a setting; and

9 “(B) in which not more than 50 percent of
10 the children enrolled are children with disabil-
11 ities or other special needs.

12 “(b) GRANTS AND LOANS.—Subject to appropria-
13 tions, the Secretary shall make grants and low-interest
14 loans to public agencies and nonprofit organizations (in-
15 cluding States, local governments, and community-based
16 organizations) for projects that increase the availability of
17 inclusive child care programs. Such projects may support
18 inclusive child care programs that target low-income popu-
19 lations.

20 “(c) APPLICATIONS.—To be eligible to receive a grant
21 or loan under this section, an agency or organization shall
22 submit an application to the Secretary at such time, in
23 such manner, and containing such information as the Sec-
24 retary may require.

1 “(d) RELATIONSHIP TO OTHER LAW.—In this sub-
 2 chapter, other than this section, a provision that refers
 3 to this subchapter shall not be considered to refer to this
 4 section.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Sections 658B and 658G of the Child Care
 7 and Development Block Grant Act of 1990 (42
 8 U.S.C. 9858, 9858e) are amended by striking “this
 9 subchapter” and inserting “this subchapter (other
 10 than section 658P)”.

11 (2) Section 658O(a)(1) of the Child Care and
 12 Development Block Grant Act of 1990 (42 U.S.C.
 13 9858m(a)(1)) is amended by striking “this sub-
 14 chapter” and inserting “section 658B”.

15 **SEC. 6. APPROPRIATE OR UNSUITABLE CHILD CARE.**

16 Section 407(e) of the Social Security Act (42 U.S.C.
 17 607(e)) is amended by adding at the end the following:

18 “(3) APPROPRIATE OR UNSUITABLE CHILD
 19 CARE.—In determining whether child care is appro-
 20 priate or unsuitable for purposes of paragraph (2),
 21 a State shall not consider child care to be appro-
 22 priate, and shall consider the child care to be unsuit-
 23 able, for a child unless the State determines that the

- 1 child care meets the physical, developmental, emo-
- 2 tional, behavioral, and cultural needs of the child.”.

