

113TH CONGRESS
2^D 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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

12 “(b) **PURPOSES.**—The purposes of this subchapter
13 are—

14 “(1) to allow each State maximum flexibility in
15 developing child care programs and policies that best
16 suit the needs of children and parents within that
17 State;

18 “(2) to promote parental choice to empower
19 working parents to make their own decisions regard-
20 ing the child care that best suits their family’s
21 needs;

22 “(3) to assist States in providing high-quality
23 child care services to parents trying to achieve inde-
24 pendence from public assistance;

25 “(4) to assist States in improving the overall
26 quality of child care services and programs by imple-

1 menting the health, safety, licensing, training, and
2 oversight standards established in this subchapter
3 and in State law (including regulations);

4 “(5) to improve school readiness by having chil-
5 dren, families, and child care providers engage in ac-
6 tivities, in child care settings, that are develop-
7 mentally appropriate and age-appropriate for the
8 children and that promote children’s language and
9 literacy and mathematics skills, social and emotional
10 development, physical health and development, and
11 approaches to learning;

12 “(6) to encourage States to provide consumer
13 education information to help parents make in-
14 formed choices about child care services and to pro-
15 mote involvement by parents and family members in
16 the education of their children in child care settings;

17 “(7) to increase the number and percentage of
18 low-income children in high-quality child care set-
19 tings; and

20 “(8) to improve the coordination and delivery of
21 early childhood education and care (including child
22 care).”.

23 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 658B of the Child Care and Development
25 Block Grant Act of 1990 (42 U.S.C. 9858) is amended

1 by striking “subchapter” and all that follows, and insert-
2 ing “subchapter, such sums as may be necessary for each
3 of fiscal years 2015 through 2020.”.

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

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

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

10 (2) by striking “designate” and all that follows
11 and inserting “designate an agency (which may be
12 an appropriate collaborative agency), or establish a
13 joint interagency office, that complies with the re-
14 quirements of subsection (b) to serve as the lead
15 agency for the State under this subchapter.”.

16 (b) COLLABORATION WITH TRIBES.—Section
17 658D(b)(1) of the Child Care and Development Block
18 Grant Act of 1990 (42 U.S.C. 9858b(b)(1)) is amended—

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

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

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

24 “(E) at the option of an Indian tribe or
25 tribal organization in the State, collaborate and

1 coordinate with such Indian tribe or tribal orga-
2 nization in the development of the State plan.”.

3 **SEC. 5. APPLICATION AND PLAN.**

4 (a) PERIOD.—Section 658E(b) of the Child Care and
5 Development Block Grant Act of 1990 (42 U.S.C.
6 9858c(b)) is amended, by striking “2-year” and inserting
7 “3-year”.

8 (b) POLICIES AND PROCEDURES.—Section 658E(c)
9 of the Child Care and Development Block Grant Act of
10 1990 (42 U.S.C. 9858c(c)) is amended—

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

13 (2) in paragraph (2)—

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

16 (B) by striking subparagraphs (D) through
17 (H); and

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

19 “(D) MONITORING AND INSPECTION RE-
20 PORTS.—The plan shall include a certification
21 that the State, not later than 1 year after the
22 State has in effect the policies and practices de-
23 scribed in subparagraph (K)(i), will make public
24 by electronic means, in a consumer-friendly and
25 easily accessible format, organized by provider,

1 the results of monitoring and inspection re-
2 ports, including those due to major substan-
3 tiated complaints about failure to comply with
4 this subchapter and State child care policies, as
5 well as the number of deaths, serious injuries,
6 and instances of substantiated child abuse that
7 occurred in child care settings each year, for el-
8 igible child care providers within the State. The
9 results shall also include information on the
10 date of such an inspection and, where applica-
11 ble, information on corrective action taken.

12 “(E) CONSUMER EDUCATION INFORMA-
13 TION.—The plan shall include a certification
14 that the State will collect and disseminate
15 (which dissemination may be done, except as
16 otherwise specified in this subparagraph,
17 through resource and referral organizations or
18 other means as determined by the State) to
19 parents of eligible children and the general pub-
20 lic—

21 “(i) information that will promote in-
22 formed child care choices and that con-
23 cerns—

24 “(I) the availability of child care
25 services provided through programs

1 authorized under this subchapter and,
2 if feasible, other child care services
3 and other programs provided in the
4 State for which the family may be eli-
5 gible;

6 “(II) if available, information
7 about the quality of providers, includ-
8 ing information from a Quality Rating
9 and Improvement System;

10 “(III) information, made avail-
11 able through a State website, describ-
12 ing the State process for licensing
13 child care providers, the State proc-
14 esses for conducting background
15 checks, and monitoring and inspec-
16 tions, of child care providers, and the
17 offenses that prevent individuals and
18 entities from serving as child care
19 providers in the State;

20 “(IV) the availability of assist-
21 ance to obtain child care services;

22 “(V) other programs for which
23 families that receive child care serv-
24 ices for which financial assistance is
25 provided in accordance with this sub-

1 chapter may be eligible, including the
2 program of block grants to States for
3 temporary assistance for needy fami-
4 lies established under part A of title
5 IV of the Social Security Act (42
6 U.S.C. 601 et seq.), Head Start and
7 Early Head Start programs carried
8 out under the Head Start Act (42
9 U.S.C. 9831 et seq.), the program
10 carried out under the Low-Income
11 Home Energy Assistance Act of 1981
12 (42 U.S.C. 8621 et seq.), the supple-
13 mental nutrition assistance program
14 established under the Food and Nutri-
15 tion Act of 2008 (7 U.S.C. 2011 et
16 seq.), the special supplemental nutri-
17 tion program for women, infants, and
18 children established under section 17
19 of the Child Nutrition Act of 1966
20 (42 U.S.C. 1786), the child and adult
21 care food program established under
22 section 17 of the Richard B. Russell
23 National School Lunch Act (42
24 U.S.C. 1766), and the Medicaid and
25 State children’s health insurance pro-

1 grams under titles XIX and XXI of
2 the Social Security Act (42 U.S.C.
3 1396 et seq., 1397aa et seq.);

4 “(VI) programs carried out
5 under section 619 and part C of the
6 Individuals with Disabilities Edu-
7 cation Act (20 U.S.C. 1419, 1431 et
8 seq.); and

9 “(VII) research and best prac-
10 tices concerning children’s develop-
11 ment, including language and cog-
12 nitive development, development of
13 early language and literacy and math-
14 ematics skills, social and emotional
15 development, meaningful parent and
16 family engagement, and physical
17 health and development (particularly
18 healthy eating and physical activity);

19 “(ii) information on developmental
20 screenings, including—

21 “(I) information on existing (as
22 of the date of submission of the appli-
23 cation containing the plan) resources
24 and services the State can deploy, in-
25 cluding the coordinated use of the

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

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

1 “(iii) information, for parents receiv-
2 ing assistance under the program of block
3 grants to States for temporary assistance
4 for needy families under part A of title IV
5 of the Social Security Act (42 U.S.C. 601
6 et seq.) and low-income parents, about eli-
7 gibility for assistance provided in accord-
8 ance with this subchapter.

9 “(F) COMPLIANCE WITH STATE LICENSING
10 REQUIREMENTS.—

11 “(i) IN GENERAL.—The plan shall in-
12 clude a certification that the State involved
13 has in effect licensing requirements appli-
14 cable to child care services provided within
15 the State, and provide a detailed descrip-
16 tion of such requirements and of how such
17 requirements are effectively enforced.

18 “(ii) LICENSE EXEMPTION.—If the
19 State uses funding received under this sub-
20 chapter to support a child care provider
21 that is exempt from the corresponding li-
22 censing requirements described in clause
23 (i), the plan shall include a description
24 stating why such licensing exemption does
25 not endanger the health, safety, or develop-

1 ment of children who receive services from
2 child care providers who are exempt from
3 such requirements.

4 “(iii) REQUESTS FOR RELIEF.—As de-
5 scribed in section 658I(d), a State may re-
6 quest relief from a provision of Federal law
7 other than this subchapter that might con-
8 flict with a requirement of this subchapter,
9 including a licensing requirement.

10 “(G) TRAINING REQUIREMENTS.—

11 “(i) IN GENERAL.—The plan shall de-
12 scribe the training requirements that are
13 in effect within the State that are designed
14 to enable child care providers to promote
15 the social, emotional, physical, and cog-
16 nitive development of children and that are
17 applicable to child care providers that pro-
18 vide services for which assistance is pro-
19 vided in accordance with this subchapter in
20 the State.

21 “(ii) REQUIREMENTS.—The plan shall
22 provide an assurance that such training re-
23 quirements—

24 “(I) provide a set of workforce
25 and competency standards for child

1 care providers that provide services
2 described in clause (i);

3 “(II) are developed in consulta-
4 tion with the State Advisory Council
5 on Early Childhood Education and
6 Care (designated or established pursu-
7 ant to section 642B(b)(1)(A)(i) of the
8 Head Start Act (42 U.S.C.
9 9837b(b)(1)(A)(i)));

10 “(III) include an evidence-based
11 training framework that is designed to
12 promote children’s learning and devel-
13 opment and school readiness and to
14 improve child outcomes, including
15 school readiness and early language
16 and literacy development;

17 “(IV) incorporate knowledge and
18 application of the State’s early learn-
19 ing and developmental guidelines
20 (where applicable), and the State’s
21 child development and health stand-
22 ards; and

23 “(V) to the extent practicable,
24 are appropriate for a population of
25 children that includes—

1 “(aa) different age groups
2 (such as infants, toddlers, and
3 preschoolers);

4 “(bb) English learners;

5 “(cc) children with disabili-
6 ties; and

7 “(dd) Native Americans, in-
8 cluding Indians, as the term is
9 defined in section 4 of the Indian
10 Self-Determination and Edu-
11 cation Assistance Act (25 U.S.C.
12 450b) (including Alaska Natives
13 within the meaning of that term),
14 and Native Hawaiians (as de-
15 fined in section 7207 of the Ele-
16 mentary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C.
18 7517)).

19 “(iii) PROGRESSION OF PROFES-
20 SIONAL DEVELOPMENT.—In developing the
21 requirements, the State shall develop a
22 statewide progression of professional devel-
23 opment designed to improve the skills and
24 knowledge of the workforce—

1 “(I) which may include the acqui-
2 sition of course credit in postsec-
3 ondary education or of a credential,
4 aligned with the framework; and

5 “(II) which shall be accessible to
6 providers supported through Indian
7 tribes or tribal organizations that re-
8 ceive assistance under this sub-
9 chapter.

10 “(iv) ALIGNMENT.—The State shall
11 engage the State Advisory Council on
12 Early Childhood Education and Care, and
13 may engage institutions of higher edu-
14 cation (as defined in section 102 of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1002)), and other training providers in
17 aligning training opportunities with the
18 State’s training framework.

19 “(v) CREDENTIALS.—The Secretary
20 shall not require an individual or entity
21 that provides child care services for which
22 assistance is provided in accordance with
23 this subchapter to acquire a credential to
24 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 for which assistance is made available in
8 accordance with this subchapter, appro-
9 priate to the type of child care setting in-
10 volved, that address—

11 “(I) group size limits for specific
12 age populations;

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

18 “(III) required qualifications for
19 such providers.

20 “(ii) CONSTRUCTION.—The Secretary
21 may offer guidance to States on child-to-
22 provider ratios described in clause (i) ac-
23 cording to setting and age group but shall
24 not require that States maintain specific

1 child-to-provider ratios for providers who
2 receive assistance under this subchapter.

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

12 “(i) shall relate to matters including
13 health and safety topics (including preven-
14 tion of shaken baby syndrome and abusive
15 head trauma) consisting of—

16 “(I) the prevention and control of
17 infectious diseases (including immuni-
18 zation) and the establishment of a
19 grace period that allows homeless chil-
20 dren and children in foster care to re-
21 ceive services under this subchapter
22 while their families (including foster
23 families) are taking any necessary ac-
24 tion to comply with immunization and
25 other health and safety requirements;

1 “(II) handwashing and universal
2 health precautions;

3 “(III) the administration of
4 medication, consistent with standards
5 for parental consent;

6 “(IV) the prevention of and re-
7 sponse to emergencies due to food and
8 other allergic reactions;

9 “(V) prevention of sudden infant
10 death syndrome and use of safe sleep-
11 ing practices;

12 “(VI) sanitary methods of food
13 handling;

14 “(VII) building and physical
15 premises safety;

16 “(VIII) emergency preparedness
17 and response planning for emer-
18 gencies resulting from a natural dis-
19 aster, or a man-caused event (such as
20 violence at a child care facility), with-
21 in the meaning of those terms under
22 section 602(a)(1) of the Robert T.
23 Stafford Disaster Relief and Emer-
24 gency Assistance Act (42 U.S.C.
25 5195a(a)(1));

1 “(IX) the handling and storage
2 of hazardous materials and the appro-
3 priate disposal of biocontaminants;

4 “(X) identification of and protec-
5 tion from hazards that can cause bod-
6 ily injury such as electrical hazards,
7 bodies of water, and vehicular traffic;

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

12 “(XII) first aid and cardiopulmo-
13 nary resuscitation; and

14 “(XIII) minimum health and
15 safety training, to be completed pre-
16 service or during an orientation pe-
17 riod, appropriate to the provider set-
18 ting involved that addresses each of
19 the requirements relating to matters
20 described in subclauses (I) through
21 (XII); and

22 “(ii) may include requirements relat-
23 ing to nutrition, access to physical activity,
24 or any other subject area determined by
25 the State to be necessary to promote child

1 development or to protect children’s health
2 and safety.

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

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

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

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

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

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

1 child care licensing standards,
2 which shall include an inspection
3 for compliance with health, safe-
4 ty, and fire standards (although
5 inspectors may or may not in-
6 spect for compliance with all 3
7 standards at the same time); and
8 “(III) require the ratio of licens-
9 ing inspectors to such child care pro-
10 viders and facilities in the State to—

11 “(aa) be maintained at a
12 level sufficient to enable the
13 State to conduct inspections of
14 such child care providers and fa-
15 cilities on a timely basis in ac-
16 cordance with Federal and State
17 law; and

18 “(bb) be consistent with re-
19 search findings and best prac-
20 tices.

21 “(ii) CONSTRUCTION.—The Secretary
22 may offer guidance to a State, if requested
23 by the State, on a research-based min-
24 imum standard regarding ratios described
25 in clause (i)(III) and provide technical as-

1 sistance to the State on meeting the min-
2 imum standard within a reasonable time
3 period, but shall not prescribe a particular
4 ratio.

5 “(L) COMPLIANCE WITH CHILD ABUSE RE-
6 PORTING REQUIREMENTS.—The plan shall in-
7 clude a certification that child care providers
8 within the State will comply with the child
9 abuse reporting requirements of section
10 106(b)(2)(B)(i) of the Child Abuse Prevention
11 and Treatment Act (42 U.S.C.
12 5106a(b)(2)(B)(i)).

13 “(M) MEETING THE NEEDS OF CERTAIN
14 POPULATIONS.—The plan shall describe how
15 the State will develop and implement strategies
16 (which may include the provision of compensa-
17 tion at higher payment rates and bonuses to
18 child care providers, the provision of direct con-
19 tracts or grants to community-based organiza-
20 tions, offering child care certificates to parents,
21 or other means determined by the State) to in-
22 crease the supply and improve the quality of
23 child care for—

24 “(i) children in underserved areas;

25 “(ii) infants and toddlers;

1 “(iii) children with disabilities, as de-
2 fined by the State; and

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

5 “(N) PROTECTION FOR WORKING PAR-
6 ENTS.—

7 “(i) MINIMUM PERIOD.—

8 “(I) 12-MONTH PERIOD.—The
9 plan shall demonstrate that each child
10 who receives assistance under this
11 subchapter in the State will be consid-
12 ered to meet all eligibility require-
13 ments for such assistance and will re-
14 ceive such assistance, for not less than
15 12 months before the State redeter-
16 mines the eligibility of the child under
17 this subchapter, regardless of a tem-
18 porary change in the ongoing status
19 of the child’s parent as working or at-
20 tending a job training or educational
21 program or a change in family income
22 for the child’s family, if that family
23 income does not exceed 85 percent of
24 the State median income for a family
25 of the same size.

1 “(II) FLUCTUATIONS IN EARN-
2 INGS.—The plan shall demonstrate
3 how the State’s processes for initial
4 determination and redetermination of
5 such eligibility take into account ir-
6 regular fluctuations in earnings.

7 “(ii) REDETERMINATION PROCESS.—
8 The plan shall describe the procedures and
9 policies that are in place to ensure that
10 working parents (especially parents in fam-
11 ilies receiving assistance under the pro-
12 gram of block grants to States for tem-
13 porary assistance for needy families under
14 part A of title IV of the Social Security
15 Act (42 U.S.C. 601 et seq.)) are not re-
16 quired to unduly disrupt their employment
17 in order to comply with the State’s require-
18 ments for redetermination of eligibility for
19 assistance provided in accordance with this
20 subchapter.

21 “(iii) PERIOD BEFORE TERMI-
22 NATION.—At the option of the State, the
23 plan shall demonstrate that the State will
24 not terminate assistance provided to carry
25 out this subchapter based on a factor con-

1 sisting of a parent’s loss of work or ces-
2 sation of attendance at a job training or
3 educational program for which the family
4 was receiving the assistance, without con-
5 tinuing the assistance for a reasonable pe-
6 riod of time, of not less than 3 months,
7 after such loss or cessation in order for the
8 parent to engage in a job search and re-
9 sume work, or resume attendance at a job
10 training or educational program, as soon
11 as possible.

12 “(iv) GRADUATED PHASEOUT OF
13 CARE.—The plan shall describe the policies
14 and procedures that are in place to allow
15 for provision of continued assistance to
16 carry out this subchapter, at the beginning
17 of a new eligibility period under clause
18 (i)(I), for children of parents who are
19 working or attending a job training or edu-
20 cational program and whose family income
21 exceeds the State’s income limit to initially
22 qualify for such assistance, if the family
23 income for the family involved does not ex-
24 ceed 85 percent of the State median in-
25 come for a family of the same size.

1 “(O) COORDINATION WITH OTHER PRO-
2 GRAMS.—

3 “(i) IN GENERAL.—The plan shall de-
4 scribe how the State, in order to expand
5 accessibility and continuity of quality early
6 childhood education and care, and assist
7 children enrolled in prekindergarten, Early
8 Head Start, or Head Start programs to re-
9 ceive full-day services, will efficiently co-
10 ordinate the services supported to carry
11 out this subchapter with—

12 “(I) programs carried out under
13 the Head Start Act (42 U.S.C. 9831
14 et seq.), including the Early Head
15 Start programs carried out under sec-
16 tion 645A of that Act (42 U.S.C.
17 9840a);

18 “(II) programs carried out under
19 part A of title I, and part B of title
20 IV, of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C.
22 6311 et seq., 7171 et seq.);

23 “(III) programs carried out
24 under section 619 and part C of the
25 Individuals with Disabilities Edu-

1 cation Act (20 U.S.C. 1419, 1431 et
2 seq.);

3 “(IV) the maternal, infant, and
4 early childhood home visiting pro-
5 grams authorized under section 511
6 of the Social Security Act (42 U.S.C.
7 711), as added by section 2951 of the
8 Patient Protection and Affordable
9 Care Act (Public Law 111–148);

10 “(V) State, Indian tribe or tribal
11 organization, and locally funded early
12 childhood education and care pro-
13 grams;

14 “(VI) programs serving homeless
15 children and services of local edu-
16 cational agency liaisons for homeless
17 children and youths designated under
18 subsection (g)(1)(J)(ii) of section 722
19 of the McKinney-Vento Homeless As-
20 sistance Act (42 U.S.C.
21 11432(g)(1)(J)(ii));

22 “(VII) State agencies and pro-
23 grams serving children in foster care
24 and the foster families of such chil-
25 dren; and

1 “(VIII) other Federal programs
2 supporting early childhood education
3 and care activities, and, where appli-
4 cable, child care programs funded
5 through State veterans affairs offices.

6 “(ii) OPTIONAL USE OF COMBINED
7 FUNDS.—If the State elects to combine
8 funding for the services supported to carry
9 out this subchapter with funding for any
10 program described in subclauses (I)
11 through (VII) of clause (i), the plan shall
12 describe how the State will combine the
13 multiple sets of funding and use the com-
14 bined funding.

15 “(iii) RULE OF CONSTRUCTION.—
16 Nothing in clause (i) shall be construed to
17 affect the priority of children described in
18 clause (i) to receive full-day prekind-
19 ergarten or Head Start program services.

20 “(P) PUBLIC-PRIVATE PARTNERSHIPS.—
21 The plan shall demonstrate how the State en-
22 courages partnerships among State agencies,
23 other public agencies, Indian tribes and tribal
24 organizations, and private entities to leverage
25 existing service delivery systems (as of the date

1 of the submission of the application containing
2 the plan) for early childhood education and care
3 and to increase the supply and quality of child
4 care services for children who are less than 13
5 years of age, such as by implementing voluntary
6 shared services alliance models.

7 “(Q) PRIORITY FOR LOW-INCOME POPU-
8 LATIONS.—The plan shall describe the process
9 the State proposes to use, with respect to in-
10 vestments made to increase access to programs
11 providing high-quality early childhood education
12 and care, to give priority for those investments
13 to children of families in areas that have signifi-
14 cant concentrations of poverty and unemploy-
15 ment and that do not have such programs.

16 “(R) CONSULTATION.—The plan shall in-
17 clude a certification that the State has devel-
18 oped the plan in consultation with the State
19 Advisory Council on Early Childhood Education
20 and Care designated or established pursuant to
21 section 642B(b)(1)(A)(i) of the Head Start Act
22 (42 U.S.C. 9837b(b)(1)(A)(i)).

23 “(S) PAYMENT PRACTICES.—The plan
24 shall include a certification that the payment
25 practices of child care providers in the State

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

9 “(T) EARLY LEARNING AND DEVELOP-
10 MENTAL GUIDELINES.—

11 “(i) IN GENERAL.—The plan shall in-
12 clude an assurance that the State will de-
13 velop or implement early learning and de-
14 velopmental guidelines that are appropriate
15 for children from birth through entry into
16 kindergarten, describing what such chil-
17 dren should know and be able to do, and
18 covering the essential domains of early
19 childhood education and care and early
20 childhood development for use statewide by
21 child care providers. Such child care pro-
22 viders shall—

23 “(I) be licensed or regulated
24 under State law; and

1 “(II) not be a relative of all chil-
2 dren for whom the provider provides
3 child care services.

4 “(ii) ALIGNMENT.—The guidelines
5 shall be research-based, developmentally
6 appropriate, and aligned with State stand-
7 ards for education in kindergarten through
8 grade 3.

9 “(iii) PROHIBITION ON USE OF
10 FUNDS.—The plan shall include an assur-
11 ance that funds received by the State to
12 carry out this subchapter will not be used
13 to develop or implement an assessment for
14 children that—

15 “(I) will be the sole basis for a
16 child care provider being determined
17 to be ineligible to participate in the
18 program carried out under this sub-
19 chapter;

20 “(II) will be used as the primary
21 or sole basis to provide a reward or
22 sanction for an individual provider;

23 “(III) will be used as the primary
24 or sole method for assessing program
25 effectiveness; or

1 “(IV) will be used to deny eligi-
2 bility to participate in the program
3 carried out under this subchapter.

4 “(iv) EXCEPTIONS.—Nothing in this
5 subchapter shall preclude the State from
6 using a single assessment (if appropriate)
7 for children for—

8 “(I) supporting learning or im-
9 proving a classroom environment;

10 “(II) targeting professional devel-
11 opment to a provider;

12 “(III) determining the need for
13 health, mental health, disability, de-
14 velopmental delay, or family support
15 services;

16 “(IV) obtaining information for
17 the quality improvement process at
18 the State level; or

19 “(V) conducting a program eval-
20 uation for the purposes of providing
21 program improvement and parent in-
22 formation.

23 “(v) NO FEDERAL CONTROL.—Noth-
24 ing in this section shall be construed to au-

1 authorize an officer or employee of the Fed-
2 eral Government to—

3 “(I) mandate, direct, or control a
4 State’s early learning and develop-
5 mental guidelines, developed in ac-
6 cordance with this section;

7 “(II) establish any criterion that
8 specifies, defines, or prescribes the
9 standards or measures that a State
10 uses to establish, implement, or im-
11 prove—

12 “(aa) early learning and de-
13 velopmental guidelines, or early
14 learning standards, assessments,
15 or accountability systems; or

16 “(bb) alignment of early
17 learning and developmental
18 guidelines with State standards
19 for education in kindergarten
20 through grade 3; or

21 “(III) require a State to submit
22 such standards or measures for re-
23 view.

24 “(U) DISASTER PREPAREDNESS.—

1 “(i) IN GENERAL.—The plan shall
2 demonstrate the manner in which the
3 State will address the needs of children in
4 child care services provided through pro-
5 grams authorized under this subchapter,
6 including the need for safe child care, dur-
7 ing the period before, during, and after a
8 state of emergency declared by the Gov-
9 ernor or a major disaster or emergency (as
10 such terms are defined in section 102 of
11 the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C.
13 5122)).

14 “(ii) STATEWIDE CHILD CARE DIS-
15 ASTER PLAN.—Such plan shall include a
16 statewide child care disaster plan for co-
17 ordination of activities and collaboration,
18 in the event of an emergency or disaster
19 described in clause (i), among the State
20 agency with jurisdiction over human serv-
21 ices, the agency with jurisdiction over
22 State emergency planning, the State lead
23 agency, the State agency with jurisdiction
24 over licensing of child care providers, the
25 local resource and referral organizations,

1 the State resource and referral system, and
2 the State Advisory Council on Early Child-
3 hood Education and Care as provided for
4 under section 642B(b) of the Head Start
5 Act (42 U.S.C. 9837b(b)).

6 “(iii) DISASTER PLAN COMPO-
7 NENTS.—The components of the disaster
8 plan, for such an emergency or disaster,
9 shall include—

10 “(I) guidelines for the continu-
11 ation of child care services in the pe-
12 riod following the emergency or dis-
13 aster, including the provision of emer-
14 gency and temporary child care serv-
15 ices, and temporary operating stand-
16 ards for child care providers during
17 that period;

18 “(II) evacuation, relocation, shel-
19 ter-in-place, and lock-down proce-
20 dures, and procedures for communica-
21 tion and reunification with families,
22 continuity of operations, and accom-
23 modation of infants and toddlers, chil-
24 dren with disabilities, and children
25 with chronic medical conditions; and

1 “(III) procedures for staff and
2 volunteer training and practice
3 drills.”.

4 (3) in paragraph (3)—

5 (A) in subparagraph (A), by striking “as
6 required under” and inserting “in accordance
7 with”;

8 (B) in subparagraph (B)—

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

11 “(i) IN GENERAL.—The State”;

12 (ii) by striking “and any other activity
13 that the State deems appropriate to realize
14 any of the goals specified in paragraphs
15 (2) through (5) of section 658A(b)” and
16 inserting “activities that improve access to
17 child care services, including use of proce-
18 dures to permit immediate enrollment
19 (after the initial eligibility determination
20 and after a child is determined to be eligi-
21 ble) of homeless children while required
22 documentation is obtained, training and
23 technical assistance on identifying and
24 serving homeless children and their fami-
25 lies, and specific outreach to homeless fam-

1 ilies, and any other activity that the State
2 determines to be appropriate to meet the
3 purposes of this subchapter (which may in-
4 clude an activity described in clause (ii))”;
5 and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(ii) REPORT BY ASSISTANT SEC-
9 RETARY FOR CHILDREN AND FAMILIES.—

10 “(I) IN GENERAL.—Not later
11 than September 30 of the first full fis-
12 cal year after the date of enactment of
13 the Child Care and Development
14 Block Grant Act of 2014, and Sep-
15 tember 30 of each fiscal year there-
16 after, the Secretary (acting through
17 the Assistant Secretary for Children
18 and Families of the Department of
19 Health and Human Services) shall
20 prepare a report that contains a de-
21 termination about whether each State
22 uses amounts provided to such State
23 for the fiscal year involved under this
24 subchapter in accordance with the pri-

1 ority for services described in clause
2 (i).

3 “(II) PENALTY FOR NONCOMPLI-
4 ANCE.—For any fiscal year that the
5 report of the Secretary described in
6 subclause (I) indicates that a State
7 has failed to give priority for services
8 in accordance with clause (i), the Sec-
9 retary shall—

10 “(aa) inform the State that
11 the State has until the date that
12 is 6 months after the Secretary
13 has issued such report to fully
14 comply with clause (i);

15 “(bb) provide the State an
16 opportunity to modify the State
17 plan of such State, to make the
18 plan consistent with the require-
19 ments of clause (i), and resubmit
20 such State plan to the Secretary
21 not later than the date described
22 in item (aa); and

23 “(cc) if the State does not
24 fully comply with clause (i) and
25 item (bb), by the date described

1 in item (aa), withhold 5 percent
2 of the funds that would otherwise
3 be allocated to that State in ac-
4 cordance with this subchapter for
5 the first full fiscal year after that
6 date.

7 “(III) WAIVER FOR EXTRAOR-
8 DINARY CIRCUMSTANCES.—Notwith-
9 standing subclause (II) the Secretary
10 may grant a waiver to a State for one
11 year to the penalty applied in sub-
12 clause (II) if the Secretary determines
13 there are extraordinary circumstances,
14 such as a natural disaster, that pre-
15 vent the State from complying with
16 clause (i). If the Secretary does grant
17 a waiver to a State under this section,
18 the Secretary shall, within 30 days of
19 granting such waiver, submit a report
20 to the appropriate congressional com-
21 mittees on the circumstances of the
22 waiver including the stated reason
23 from the State on the need for a wai-
24 ver, the expected impact of the waiver
25 on children served under this pro-

1 gram, and any such other relevant in-
2 formation the Secretary deems nec-
3 essary.

4 “(iii) CHILD CARE RESOURCE AND
5 REFERRAL SYSTEM.—

6 “(I) IN GENERAL.—A State may
7 use amounts described in clause (i) to
8 establish or support a system of local
9 or regional child care resource and re-
10 ferral organizations that is coordi-
11 nated, to the extent determined appro-
12 priate by the State, by a statewide
13 public or private nonprofit, commu-
14 nity-based or regionally based, lead
15 child care resource and referral orga-
16 nization.

17 “(II) LOCAL OR REGIONAL ORGA-
18 NIZATIONS.—The local or regional
19 child care resource and referral orga-
20 nizations supported as described in
21 subclause (I) shall—

22 “(aa) provide parents in the
23 State with consumer education
24 information referred to in para-
25 graph (2)(E) (except as otherwise

1 provided in that paragraph), con-
2 cerning the full range of child
3 care options, analyzed by pro-
4 vider, including child care pro-
5 vided during nontraditional hours
6 and through emergency child
7 care centers, in their political
8 subdivisions or regions;

9 “(bb) to the extent prac-
10 ticable, work directly with fami-
11 lies who receive assistance under
12 this subchapter to offer the fami-
13 lies support and assistance, using
14 information described in item
15 (aa), to make an informed deci-
16 sion about which child care pro-
17 viders they will use, in an effort
18 to ensure that the families are
19 enrolling their children in high-
20 quality care;

21 “(cc) collect and analyze
22 data on the coordination of serv-
23 ices and supports, including serv-
24 ices under section 619 and part
25 C of the Individuals with Disabil-

1 ities Education Act (20 U.S.C.
2 1419, 1431 et seq.), for children
3 with disabilities (as defined in
4 section 602 of such Act (20
5 U.S.C. 1401));

6 “(dd) collect and analyze
7 data on the supply of and de-
8 mand for child care in political
9 subdivisions or regions within the
10 State and submit such data and
11 analysis to the State;

12 “(ee) work to establish part-
13 nerships with public agencies and
14 private entities 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 “families described in
2 paragraph (2)(H)” and inserting “families
3 with children described in clause (i), (ii),
4 (iii), or (iv) of paragraph (2)(M)”; and
5 (D) by adding at the end the following:

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

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

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

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

19 “(4) PAYMENT RATES.—

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

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

10 “(B) SURVEY.—The State plan shall—

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

1 child care services by geographic area, type
2 of provider, and age of child);

3 “(ii) demonstrate that the State pre-
4 pared a detailed report containing the re-
5 sults of the State market rates survey con-
6 ducted pursuant to clause (i), and made
7 the results of the survey widely available
8 (not later than 30 days after the comple-
9 tion of such survey) through periodic
10 means, including posting the results on the
11 Internet;

12 “(iii) describe how the State will set
13 payment rates for child care services, for
14 which assistance is provided in accordance
15 with this subchapter—

16 “(I) in accordance with the re-
17 sults of the market rates survey con-
18 ducted pursuant to clause (i);

19 “(II) taking into consideration
20 the cost of providing higher quality
21 child care services than were provided
22 under this subchapter before the date
23 of enactment of the Child Care and
24 Development Block Grant Act of
25 2014; and

1 “(III) without, to the extent
2 practicable, reducing the number of
3 families in the State receiving such
4 assistance to carry out this sub-
5 chapter, relative to the number of
6 such families on the date of enact-
7 ment of that Act; and

8 “(iv) describe how the State will pro-
9 vide for timely payment for child care serv-
10 ices provided in accordance with this sub-
11 chapter.

12 “(C) CONSTRUCTION.—

13 “(i) NO PRIVATE RIGHT OF ACTION.—
14 Nothing in this paragraph shall be con-
15 strued to create a private right of action.

16 “(ii) NO PROHIBITION OF CERTAIN
17 DIFFERENT RATES.—Nothing in this sub-
18 chapter shall be construed to prevent a
19 State from differentiating the payment
20 rates described in subparagraph (B)(iii) on
21 the basis of such factors as—

22 “(I) geographic location of child
23 care providers (such as location in an
24 urban or rural area);

1 “(II) the age or particular needs
2 of children (such as the needs of chil-
3 dren with disabilities and children
4 served by child protective services);

5 “(III) whether the providers pro-
6 vide child care during weekend and
7 other nontraditional hours; or

8 “(IV) the State’s determination
9 that such differentiated payment rates
10 are needed to enable a parent to
11 choose child care that is of high qual-
12 ity.”; and

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

16 (c) TECHNICAL AMENDMENT.—Section 658F(b)(2)
17 of the Child Care and Development Block Grant Act of
18 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking
19 “section 658E(c)(2)(F)” and inserting “section
20 658E(c)(2)(I)”.

21 **SEC. 6. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
22 **CARE.**

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

1 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**
2 **CHILD CARE.**

3 “(a) RESERVATION.—

4 “(1) RESERVATION FOR ACTIVITIES RELATING
5 TO THE QUALITY OF CHILD CARE SERVICES.—A
6 State that receives funds to carry out this sub-
7 chapter for a fiscal year referred to in paragraph (2)
8 shall reserve and use a portion of such funds, in ac-
9 cordance with paragraph (2), for activities provided
10 directly, or through grants or contracts with local
11 child care resource and referral organizations or
12 other appropriate entities, that are designed to im-
13 prove the quality of child care services and increase
14 parental options for, and access to, high-quality
15 child care, provided in accordance with this sub-
16 chapter.

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

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

21 “(i) 6 percent of the funds described
22 in paragraph (1), for the first and second
23 full fiscal years after the date of enactment
24 of the Child Care and Development Block
25 Grant Act of 2014;

1 “(ii) 8 percent of such funds, for the
2 third and fourth full fiscal years after the
3 date of enactment; and

4 “(iii) 10 percent of such funds, for
5 the fifth full fiscal year after the date of
6 enactment and each succeeding fiscal year;
7 and

8 “(B) in addition to the funds reserved
9 under subparagraph (A), 3 percent of the funds
10 described in paragraph (1), for the first full fis-
11 cal year after the date of enactment and each
12 succeeding fiscal year, to carry out the activities
13 described in paragraph (1) and subsection
14 (b)(4), as such activities relate to the quality of
15 care for infants and toddlers.

16 “(b) ACTIVITIES.—Funds reserved under subsection
17 (a) shall be used to carry out not fewer than 2 of the
18 following activities:

19 “(1) Supporting the training, professional de-
20 velopment, and professional advancement of the
21 child care workforce through activities such as—

22 “(A) offering child care providers training
23 and professional development that is intentional
24 and sequential and leads to a higher level of
25 skill or certification;

1 “(B) establishing or supporting programs
2 designed to increase the retention and improve
3 the competencies of child care providers, includ-
4 ing wage incentive programs and initiatives that
5 establish tiered payment rates for providers
6 that meet or exceed child care services guide-
7 lines, as defined by the State;

8 “(C) offering training, professional devel-
9 opment, and educational opportunities for child
10 care providers that relate to the use of develop-
11 mentally appropriate and age-appropriate cur-
12 ricula, and early childhood teaching strategies,
13 that are scientifically based and aligned with
14 the social, emotional, physical, and cognitive de-
15 velopment of children, including offering spe-
16 cialized training for child care providers who
17 care for infants and toddlers, children who are
18 English learners, and children with disabilities
19 (as defined in section 602 of the Individuals
20 with Disabilities Education Act (20 U.S.C.
21 1401));

22 “(D) providing training concerning the
23 State early learning and developmental guide-
24 lines, where applicable, including training con-
25 cerning early mathematics and early language

1 and literacy development and effective instruc-
2 tional practices to support mathematics and
3 language and literacy development in young
4 children;

5 “(E) incorporating effective use of data to
6 guide instruction and program improvement;

7 “(F) including effective behavior manage-
8 ment strategies and training, including positive
9 behavioral interventions and supports, that pro-
10 mote positive social and emotional development
11 and reduce challenge behaviors;

12 “(G) at the option of the State, incor-
13 porating feedback from experts at the State’s
14 institutions of higher education, as defined in
15 section 102 of the Higher Education Act of
16 1965 (20 U.S.C. 1002), and other early child-
17 hood development experts and early childhood
18 education and care experts;

19 “(H) providing training corresponding to
20 the nutritional and physical activity needs of
21 children to promote healthy development;

22 “(I) providing training or professional de-
23 velopment for child care providers to serve and
24 support children with disabilities;

1 “(J) providing training and outreach on
2 engaging parents and families in culturally and
3 linguistically appropriate ways to expand their
4 knowledge, skills, and capacity to become mean-
5 ingful partners in supporting their children’s
6 learning and development;

7 “(K) providing training or professional de-
8 velopment for child care providers regarding the
9 early neurological development of children; and

10 “(L) connecting child care staff members
11 of child care providers with available Federal
12 and State financial aid, or other resources, that
13 would assist child care staff members in pur-
14 suing relevant postsecondary training.

15 “(2) Supporting the use of the early learning
16 and developmental guidelines described in section
17 658E(c)(2)(T) by—

18 “(A) developing and implementing the
19 State’s early learning and developmental guide-
20 lines; and

21 “(B) providing technical assistance to en-
22 hance early learning for preschool and school-
23 aged children in order to promote language and
24 literacy skills, foster school readiness, and sup-
25 port later school success.

1 “(3) Developing and implementing a tiered
2 quality rating system for child care providers, which
3 shall—

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

6 “(B) build on licensing standards and
7 other State regulatory standards for such pro-
8 viders;

9 “(C) be designed to improve the quality of
10 different types of child care providers;

11 “(D) describe the quality of early learning
12 facilities;

13 “(E) build the capacity of State early
14 childhood education and care programs and
15 communities to promote parents’ and families’
16 understanding of the State’s early childhood
17 education and care system and the ratings of
18 the programs in which the child is enrolled; and

19 “(F) provide, to the maximum extent prac-
20 ticable, financial incentives and other supports
21 designed to help child care providers achieve
22 and sustain higher levels of quality.

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

1 “(A) establishing or expanding neighbor-
2 hood-based high-quality comprehensive family
3 and child development centers, which may serve
4 as resources to child care providers in order to
5 improve the quality of early childhood education
6 and care and early childhood development serv-
7 ices provided to infants and toddlers from low-
8 income families and to help eligible child care
9 providers improve their capacity to offer high-
10 quality care to infants and toddlers from low-
11 income families;

12 “(B) establishing or expanding the oper-
13 ation of community or neighborhood-based fam-
14 ily child care networks;

15 “(C) supporting statewide networks of in-
16 fant and toddler child care specialists, including
17 specialists who have knowledge regarding infant
18 and toddler development and curriculum and
19 program implementation as well as the ability
20 to coordinate services with early intervention
21 specialists who provide services for infants and
22 toddlers with disabilities under part C of the
23 Individuals with Disabilities Education Act (20
24 U.S.C. 1431 et seq.);

1 “(D) carrying out initiatives to improve
2 the quality of the infant and toddler child care
3 workforce, such as providing relevant training,
4 professional development, or mentoring oppor-
5 tunities and linking such opportunities to career
6 pathways, developing career pathways for pro-
7 viders in such workforce, and improving the
8 State credentialing of eligible providers caring
9 for infants and toddlers;

10 “(E) if applicable, developing infant and
11 toddler components within the State’s quality
12 rating system described in paragraph (3) for
13 child care providers for infants and toddlers, or
14 the development of infant and toddler compo-
15 nents in a State’s child care licensing regula-
16 tions or early learning and developmental guide-
17 lines;

18 “(F) improving the ability of parents to ac-
19 cess information about high-quality infant and
20 toddler care; and

21 “(G) carrying out other activities deter-
22 mined by the State to improve the quality of in-
23 fant and toddler care provided in the State, and
24 for which there is evidence that the activities
25 will lead to improved infant and toddler health

1 and safety, infant and toddler development, or
2 infant and toddler well-being, including pro-
3 viding training (including training in safe sleep
4 practices, first aid, and cardiopulmonary resus-
5 citation).

6 “(5) Promoting broad child care provider par-
7 ticipation in the quality rating system described in
8 paragraph (3).

9 “(6) Establishing or expanding a statewide sys-
10 tem of child care resource and referral services.

11 “(7) Facilitating compliance with State require-
12 ments for inspection, monitoring, training, and
13 health and safety, and with State licensing stand-
14 ards.

15 “(8) Evaluating and assessing the quality and
16 effectiveness of child care programs and services of-
17 fered in the State, including evaluating how such
18 programs and services may improve the overall
19 school readiness of young children.

20 “(9) Supporting child care providers in the pur-
21 suit of accreditation by an established national ac-
22 crediting body with demonstrated, valid, and reliable
23 program standards of high quality.

24 “(10) Supporting State or local efforts to de-
25 velop or adopt high-quality program standards relat-

1 ing to health, mental health, nutrition, physical ac-
2 tivity, and physical development and providing re-
3 sources to enable eligible child care providers to
4 meet, exceed, or sustain success in meeting or ex-
5 ceeding, such standards.

6 “(11) Carrying out other activities determined
7 by the State to improve the quality of child care
8 services provided in the State, and for which meas-
9 urement of outcomes relating to improved provider
10 preparedness, child safety, child well-being, or school
11 readiness is possible.

12 “(c) CERTIFICATION.—Beginning with fiscal year
13 2015, at the beginning of each fiscal year, the State shall
14 annually submit to the Secretary a certification containing
15 an assurance that the State was in compliance with sub-
16 section (a) during the preceding fiscal year and a descrip-
17 tion of how the State used funds received under this sub-
18 chapter to comply with subsection (a) during that pre-
19 ceding fiscal year.

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

24 “(1) the amount of funds that are reserved
25 under subsection (a);

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

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

6 “(e) TECHNICAL ASSISTANCE.—The Secretary shall
7 offer technical assistance, in accordance with section
8 658I(a)(3), which may include technical assistance
9 through the use of grants or cooperative agreements, to
10 States for the activities described in subsection (b).

11 “(f) CONSTRUCTION.—Nothing in this section shall
12 be construed as providing the Secretary the authority to
13 regulate, direct, or dictate State child care quality activi-
14 ties or progress in implementing those activities.”.

15 **SEC. 7. CRIMINAL BACKGROUND CHECKS.**

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

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

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

22 “(1) requirements, policies, and procedures to
23 require and conduct criminal background checks for
24 child care staff members (including prospective child

1 care staff members) of child care providers described
2 in subsection (c)(1); and

3 “(2) licensing, regulation, and registration re-
4 quirements, as applicable, that prohibit the employ-
5 ment of child care staff members as described in
6 subsection (c).

7 “(b) REQUIREMENTS.—A criminal background check
8 for a child care staff member under subsection (a) shall
9 include—

10 “(1) a search of each State criminal and sex of-
11 fender registry or repository in the State where the
12 child care staff member resides and each State
13 where such staff member resided during the pre-
14 ceding 10 years;

15 “(2) a search of State-based child abuse and
16 neglect registries and databases in the State where
17 the child care staff member resides and each State
18 where such staff member resided during the pre-
19 ceding 10 years;

20 “(3) a search of the National Crime Informa-
21 tion Center;

22 “(4) a Federal Bureau of Investigation finger-
23 print check using the Integrated Automated Finger-
24 print Identification System; and

1 “(5) a search of the National Sex Offender
2 Registry established under the Adam Walsh Child
3 Protection and Safety Act of 2006 (42 U.S.C.
4 16901 et seq.).

5 “(c) PROHIBITIONS.—

6 “(1) CHILD CARE STAFF MEMBERS.—A child
7 care staff member shall be ineligible for employment
8 by a child care provider that is licensed, regulated,
9 or registered by the State or for which assistance is
10 provided in accordance with this subchapter, if such
11 individual—

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

14 “(B) knowingly makes a materially false
15 statement in connection with such criminal
16 background check;

17 “(C) is registered, or is required to be reg-
18 istered, on a State sex offender registry or re-
19 pository or the National Sex Offender Registry
20 established under the Adam Walsh Child Pro-
21 tection and Safety Act of 2006 (42 U.S.C.
22 16901 et seq.); or

23 “(D) has been convicted of a felony con-
24 sisting of—

1 “(i) murder, as described in section
2 1111 of title 18, United States Code;

3 “(ii) child abuse or neglect;

4 “(iii) a crime against children, includ-
5 ing child pornography;

6 “(iv) spousal abuse;

7 “(v) a crime involving rape or sexual
8 assault;

9 “(vi) kidnaping;

10 “(vii) arson;

11 “(viii) physical assault or battery; or

12 “(ix) subject to subsection (e)(4), a
13 drug-related offense committed during the
14 preceding 5 years; or

15 “(E) has been convicted of a violent mis-
16 demeanor committed as an adult against a
17 child, including the following crimes: child
18 abuse, child endangerment, sexual assault, or of
19 a misdemeanor involving child pornography.

20 “(2) CHILD CARE PROVIDERS.—A child care
21 provider described in paragraph (1) shall be ineli-
22 gible for assistance provided in accordance with this
23 subchapter if the provider employs a staff member
24 who is ineligible for employment under paragraph
25 (1).

1 “(d) SUBMISSION OF REQUESTS FOR BACKGROUND
2 CHECKS.—

3 “(1) IN GENERAL.—A child care provider cov-
4 ered by subsection (c) shall submit a request, to the
5 appropriate State agency designated by a State, for
6 a criminal background check described in subsection
7 (b), for each child care staff member (including pro-
8 spective child care staff members) of the provider.

9 “(2) STAFF MEMBERS.—Subject to paragraph
10 (4), in the case of an individual who became a child
11 care staff member before the date of enactment of
12 the Child Care and Development Block Grant Act of
13 2014, the provider shall submit such a request—

14 “(A) prior to the last day described in sub-
15 section (i)(1); and

16 “(B) not less often than once during each
17 5-year period following the first submission date
18 under this paragraph for that staff member.

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

1 “(A) prior to the date the individual be-
2 comes a child care staff member of the pro-
3 vider; and

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

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

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

13 “(i) within 5 years before the latest
14 date on which such a submission may be
15 made; and

16 “(ii) while employed by or seeking em-
17 ployment by another child care provider
18 within the State;

19 “(B) the State provided to the first pro-
20 vider a qualifying background check result, con-
21 sistent with this subchapter, for the staff mem-
22 ber; and

23 “(C) the staff member is employed by a
24 child care provider within the State, or has
25 been separated from employment from a child

1 care provider within the State for a period of
2 not more than 180 consecutive days.

3 “(e) BACKGROUND CHECK RESULTS AND AP-
4 PEALS.—

5 “(1) BACKGROUND CHECK RESULTS.—The
6 State shall carry out the request of a child care pro-
7 vider for a criminal background check as expedi-
8 tiously as possible, but in not to exceed 45 days
9 after the date on which such request was submitted,
10 and shall provide the results of the criminal back-
11 ground check to such provider and to the current or
12 prospective staff member.

13 “(2) PRIVACY.—

14 “(A) IN GENERAL.—The State shall pro-
15 vide the results of the criminal background
16 check to the provider in a statement that indi-
17 cates whether a child care staff member (in-
18 cluding a prospective child care staff member)
19 is eligible or ineligible for employment described
20 in subsection (c), without revealing any dis-
21 qualifying crime or other related information
22 regarding the individual.

23 “(B) INELIGIBLE STAFF MEMBER.—If the
24 child care staff member is ineligible for such
25 employment due to the background check, the

1 State will, when providing the results of the
2 background check, include information related
3 to each disqualifying crime, in a report to the
4 staff member or prospective staff member.

5 “(C) PUBLIC RELEASE OF RESULTS.—No
6 State shall publicly release or share the results
7 of individual background checks, however, such
8 results of background checks may be included
9 in the development or dissemination of local or
10 statewide data related to background checks, if
11 such results are not individually identifiable.

12 “(3) APPEALS.—

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

21 “(B) APPEALS PROCESS.—The State shall
22 ensure that—

23 “(i) each child care staff member shall
24 be given notice of the opportunity to ap-
25 peal;

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

8 “(iii) the appeals process is completed
9 in a timely manner for each child care
10 staff member.

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

20 “(5) NO PRIVATE RIGHT OF ACTION.—Nothing
21 in this section shall be construed to create a private
22 right of action if the provider is in compliance with
23 State regulations and requirements.

24 “(f) FEES FOR BACKGROUND CHECKS.—Fees that a
25 State may charge for the costs of processing applications

1 and administering a criminal background check as re-
2 quired by this section shall not exceed the actual costs to
3 the State for the processing and administration.

4 “(g) CONSTRUCTION.—

5 “(1) DISQUALIFICATION FOR OTHER CRIMES.—

6 Nothing in this section shall be construed to prevent
7 a State from disqualifying individuals as child care
8 staff members based on their conviction for crimes
9 not specifically listed in this section that bear upon
10 the fitness of an individual to provide care for and
11 have responsibility for the safety and well-being of
12 children.

13 “(2) RIGHTS AND REMEDIES.—Nothing in this
14 section shall be construed to alter or otherwise affect
15 the rights and remedies provided for child care staff
16 members residing in a State that disqualifies individ-
17 uals as child care staff members for crimes not spe-
18 cifically provided for under this section.

19 “(h) DEFINITIONS.—In this section—

20 “(1) the term ‘child care provider’ means a cen-
21 ter-based child care provider, a family child care
22 provider, or another provider of child care services
23 for compensation and on a regular basis that—

1 “(A) is not an individual who is related to
2 all children for whom child care services are
3 provided; and

4 “(B) is licensed, regulated, or registered
5 under State law or receives assistance provided
6 in accordance with this subchapter; and

7 “(2) the term ‘child care staff member’ means
8 an individual (other than an individual who is re-
9 lated to all children for whom child care services are
10 provided)—

11 “(A) who is employed by a child care pro-
12 vider for compensation;

13 “(B) whose activities involve the care or
14 supervision of children for a child care provider
15 or unsupervised access to children who are
16 cared for or supervised by a child care provider;
17 or

18 “(C) who is a family child care provider.

19 “(i) EFFECTIVE DATE.—

20 “(1) IN GENERAL.—A State that receives funds
21 under this subchapter shall meet the requirements of
22 this section for the provision of criminal background
23 checks for child care staff members described in sub-
24 section (d)(1) not later than the last day of the sec-
25 ond full fiscal year after the date of enactment of

1 the Child Care and Development Block Grant Act of
2 2014.

3 “(2) EXTENSION.—The Secretary may grant a
4 State an extension of time, of not more than 1 fiscal
5 year, to meet the requirements of this section if the
6 State demonstrates a good faith effort to comply
7 with the requirements of this section.

8 “(3) PENALTY FOR NONCOMPLIANCE.—Except
9 as provided in paragraphs (1) and (2), for any fiscal
10 year that a State fails to comply substantially with
11 the requirements of this section, the Secretary shall
12 withhold 5 percent of the funds that would otherwise
13 be allocated to that State in accordance with this
14 subchapter for the following fiscal year.”.

15 **SEC. 8. REPORTS AND INFORMATION.**

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

19 (1) in subsection (a)—

20 (A) in paragraph (2)—

21 (i) by inserting a comma after “pub-
22 lish”; and

23 (ii) by striking “and” at the end;

24 (B) by striking paragraph (3) and insert-
25 ing the following:

1 “(3) provide technical assistance to States
2 (which may include providing assistance on a reim-
3 bursable basis), consistent with (as appropriate) sci-
4 entifically valid research, to carry out this sub-
5 chapter;”;

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

7 “(4) disseminate, for voluntary informational
8 purposes, information on practices that scientifically
9 valid research indicates are most successful in im-
10 proving the quality of programs that receive assist-
11 ance with this subchapter;

12 “(5) after consultation with the Secretary of
13 Education and the heads of any other Federal agen-
14 cies involved, issue guidance, and disseminate infor-
15 mation on best practices, regarding use of funding
16 combined by States as described in section
17 658E(c)(2)(O)(ii), consistent with law other than
18 this subchapter.”;

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

20 “(c) PROHIBITION.—Nothing in this subchapter shall
21 be construed as providing the Secretary the authority to
22 permit States to alter the eligibility requirements for eligi-
23 ble children, including work requirements that apply to the
24 parents of eligible children.”.

1 (b) REQUESTS FOR RELIEF.—Section 658I of the
2 Child Care and Development Block Grant Act of 1990,
3 as amended by subsection (a), is further amended by add-
4 ing at the end the following:

5 “(d) REQUEST FOR RELIEF.—

6 “(1) IN GENERAL.—The State may submit to
7 the Secretary a request for relief from any provision
8 of Federal law (including a regulation, policy, or
9 procedure) affecting the delivery of child care serv-
10 ices with Federal funds, other than this subchapter,
11 that conflicts with a requirement of this subchapter.

12 “(2) CONTENTS.—Such request shall—

13 “(A) detail the provision of Federal law
14 that conflicts with that requirement;

15 “(B) describe how modifying compliance
16 with that provision of Federal law to meet the
17 requirements of this subchapter will, by itself,
18 improve delivery of child care services for chil-
19 dren in the State; and

20 “(C) certify that the health, safety, and
21 well-being of children served through assistance
22 received under this subchapter will not be com-
23 promised as a result.

24 “(3) CONSULTATION.—The Secretary shall con-
25 sult with the State submitting the request and the

1 head of each Federal agency (other than the Sec-
2 retary) with responsibility for administering the
3 Federal law detailed in the State's request. The con-
4 sulting parties shall jointly identify—

5 “(A) any provision of Federal law (includ-
6 ing a regulation, policy, or procedure) for which
7 a waiver is necessary to enable the State to pro-
8 vide services in accordance with the request;
9 and

10 “(B) any corresponding waiver.

11 “(4) WAIVERS.—Notwithstanding any other
12 provision of law, and after the joint identification de-
13 scribed in paragraph (3), the head of the Federal
14 agency involved shall have the authority to waive
15 any statutory provision administered by that agency,
16 or any regulation, policy, or procedure issued by that
17 agency, that has been so identified, unless the head
18 of the Federal agency determines that such a waiver
19 is inconsistent with the objectives of this subchapter
20 or the Federal law from which relief is sought.

21 “(5) APPROVAL.—Within 90 days after the re-
22 ceipt of a State's request under this subsection, the
23 Secretary shall inform the State of the Secretary's
24 approval or disapproval of the request. If the plan
25 is disapproved, the Secretary shall inform the State,

1 in writing, of the reasons for the disapproval and
2 give the State the opportunity to amend the request.

3 “(6) DURATION.—The Secretary may approve a
4 request under this subsection for a period of not
5 more than 3 years, and may renew the approval for
6 additional periods of not more than 3 years.

7 “(7) TERMINATION.—The Secretary shall ter-
8minate approval of a request for relief authorized
9 under this subsection if the Secretary determines,
10 after notice and opportunity for a hearing, that the
11 performance of a State granted relief under this
12 subsection has been inadequate, or if such relief is
13 no longer necessary to achieve its original pur-
14 poses.”.

15 (c) REPORTS.—Section 658K(a) of the Child Care
16 and Development Block Grant Act of 1990 (42 U.S.C.
17 9858i(a)) is amended—

18 (1) in paragraph (1)(B)—

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

21 (B) in clause (x), by inserting “and” at the
22 end; and

23 (C) by inserting after clause (x), the fol-
24 lowing:

1 “(xi) whether the children receiving
2 assistance under this subchapter are home-
3 less children;” and

4 (2) in paragraph (2)—

5 (A) in the matter preceding subparagraph
6 (A), by striking “1997” and inserting “2014”;
7 and

8 (B) in subparagraph (A), by striking “sec-
9 tion 658P(5)” and inserting “section 658P(6)”.

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 and

21 (4) by striking “to the Committee” and all that
22 follows through “of the Senate” and inserting “to
23 the Committee on Education and the Workforce of
24 the House of Representatives and the Committee on

1 Health, Education, Labor, and Pensions of the Sen-
2 ate”; and

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

4 “(b) NATIONAL TOLL-FREE HOTLINE AND WEB
5 SITE.—

6 “(1) IN GENERAL.—The Secretary shall operate
7 a national toll-free hotline and Web site, to—

8 “(A) develop and disseminate publicly
9 available child care consumer education infor-
10 mation for parents and help parents access
11 safe, affordable, and quality child care in their
12 community; and

13 “(B) to allow persons to report (anony-
14 mously if desired) suspected child abuse or ne-
15 glect, or violations of health and safety require-
16 ments, by an eligible child care provider that re-
17 ceives assistance under this subchapter.

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

21 “(A) REFERRAL TO LOCAL CHILD CARE
22 PROVIDERS.—The Web site shall be hosted by
23 ‘childcare.gov’. The Web site shall enable a
24 child care consumer to enter a zip code and ob-
25 tain a referral to local child care providers de-

1 scribed in subparagraph (B) within a specified
2 search radius.

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

6 “(i) a localized list of all State li-
7 censed child care providers;

8 “(ii) any provider-specific information
9 from a Quality Rating and Improvement
10 System or information about other quality
11 indicators, to the extent the information is
12 publicly available and to the extent prac-
13 ticable;

14 “(iii) any other provider-specific infor-
15 mation about compliance with licensing,
16 and health and safety, requirements to the
17 extent the information is publicly available
18 and to the extent practicable;

19 “(iv) referrals to local resource and
20 referral organizations from which con-
21 sumers can find more information about
22 child care providers, and a recommenda-
23 tion that consumers consult with the orga-
24 nizations when selecting a child care pro-
25 vider; and

1 “(v) State information about child
2 care subsidy programs and other financial
3 supports available to families.

4 “(C) NATIONWIDE CAPACITY.—The Web
5 site and hotline shall have the capacity to help
6 families in every State and community in the
7 Nation.

8 “(D) INFORMATION AT ALL HOURS.—The
9 Web site shall provide, to parents and families,
10 access to information about child care 24 hours
11 a day.

12 “(E) SERVICES IN DIFFERENT LAN-
13 GUAGES.—The Web site and hotline shall en-
14 sure the widest possible access to services for
15 families who speak languages other than
16 English.

17 “(F) HIGH-QUALITY CONSUMER EDU-
18 CATION AND REFERRAL.—The Web site and
19 hotline shall ensure that families have access to
20 child care consumer education and referral serv-
21 ices that are consistent and of high quality.

22 “(3) PROHIBITION.—Nothing in this subsection
23 shall be construed to allow the Secretary to compel
24 States to provide additional data and information
25 that is currently (as of the date of enactment of the

1 Child Care and Development Block Grant Act of
2 2014) not publicly available, or is not required by
3 this subchapter.”.

4 (e) PROTECTION OF INFORMATION.—Section
5 658K(a)(1) of the Child Care and Development Block
6 Grant Act of 1990 (42 U.S.C. 9858i(a)(1)) is amended
7 by adding at the end the following:

8 “(E) PROHIBITION.—Reports submitted to
9 the Secretary under subparagraph (C) shall not
10 contain individually identifiable information.”.

11 **SEC. 9. RESERVATION FOR TOLL-FREE HOTLINE AND WEB**
12 **SITE; PAYMENTS TO BENEFIT INDIAN CHIL-**
13 **DREN.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (2)—

19 (i) by striking “The Secretary” and
20 inserting the following:

21 “(A) IN GENERAL.—The Secretary”;

22 (ii) by striking “1 percent, and not
23 more than 2 percent,” and inserting “2
24 percent”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) LIMITATIONS.—Notwithstanding sub-
4 paragraph (A), the Secretary shall only reserve
5 an amount that is greater than 2 percent of the
6 amount appropriated under section 658B, for
7 payments described in subparagraph (A), for a
8 fiscal year (referred to in this subparagraph as
9 the ‘reservation year’) if —

10 “(i) the amount appropriated under
11 section 658B for the reservation year is
12 greater than the amount appropriated
13 under section 658B for fiscal year 2014;
14 and

15 “(ii) the Secretary ensures that the
16 amount allotted to States under subsection
17 (b) for the reservation year is not less than
18 the amount allotted to States under sub-
19 section (b) for fiscal year 2014.”; and

20 (B) by adding at the end the following:

21 “(3) NATIONAL TOLL-FREE HOTLINE AND WEB
22 SITE.—The Secretary shall reserve not less than
23 \$1,000,000 of the amount appropriated under this
24 subchapter for each fiscal year for the operation of

1 a national toll-free hotline and Web site, under sec-
2 tion 658L(b).”; and

3 (2) in subsection (c)—

4 (A) in paragraph (2), by adding at the end
5 the following:

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

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

24 “(C) LIMITATION.—

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

14 “(ii) WAIVER.—The Secretary shall
15 waive the limitation described in clause (i)
16 if—

17 “(I) the Secretary determines
18 that the decrease in the level of child
19 care services provided by the Indian
20 tribe or tribal organization is tem-
21 porary; and

22 “(II) the Indian tribe or tribal
23 organization submits to the Secretary
24 a plan that demonstrates that after

1 the date on which the construction or
2 renovation is completed—

3 “(aa) the level of child care
4 services will increase; or

5 “(bb) the quality of child
6 care services will improve.”.

7 **SEC. 10. DEFINITIONS.**

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

10 (1) by striking paragraph (4) and inserting the
11 following:

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

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

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

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

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

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

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

6 “(B) whose family income does not exceed
7 85 percent of the State median income for a
8 family of the same size, and whose family assets
9 do not exceed \$1,000,000 (as certified by a
10 member of such family); and

11 “(C) who—

12 “(i) resides with a parent or parents
13 who are working or attending a job train-
14 ing or educational program; or

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

18 (2) by redesignating paragraphs (5) through
19 (9) as paragraphs (6) through (10), respectively;

20 (3) by inserting after paragraph (4), the fol-
21 lowing:

22 “(5) ENGLISH LEARNER.—The term ‘English
23 learner’ means an individual who is limited English
24 proficient, as defined in section 9101 of the Elemen-
25 tary and Secondary Education Act of 1965 (20

1 U.S.C. 7801) or section 637 of the Head Start Act
2 (42 U.S.C. 9832).”;

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

5 (A) in clause (i), by striking “section
6 658E(c)(2)(E)” and inserting “section
7 658E(c)(2)(F)”;

8 (B) in clause (ii), by striking “section
9 658E(c)(2)(F)” and inserting “section
10 658E(c)(2)(I)”;

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

15 (6) in paragraph (10), as redesignated by para-
16 graph (2), by inserting “, foster parent,” after
17 “guardian”;

18 (7) by redesignating paragraphs (11) through
19 (14) as paragraphs (12) through (15), respectively;
20 and

21 (8) by inserting after paragraph (10), as redesi-
22 gnated by paragraph (2), the following:

23 “(11) SCIENTIFICALLY VALID RESEARCH.—The
24 term ‘scientifically valid research’ includes applied
25 research, basic research, and field-initiated research,

1 for which the rationale, design, and interpretation
 2 are soundly developed in accordance with principles
 3 of scientific research.”.

4 **SEC. 10A. PARENTAL RIGHTS AND RESPONSIBILITIES.**

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

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

8 “(a) IN GENERAL.—”; and

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

10 “(b) PARENTAL RIGHTS TO USE CHILD CARE CER-
 11 TIFICATES.—Nothing in this subchapter shall be con-
 12 strued in a manner—

13 “(1) to favor or promote the use of grants and
 14 contracts for the receipt of child care services under
 15 this subchapter over the use of child care certifi-
 16 cates; or

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

21 **SEC. 11. STUDIES ON WAITING LISTS.**

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

1 (1) are eligible to receive assistance under the
2 Child Care and Development Block Grant Act of
3 1990 (42 U.S.C. 9858 et seq.);

4 (2) have applied for the assistance; and

5 (3) have been placed on a waiting list for the
6 assistance.

7 (b) REPORT.—The Comptroller General shall prepare
8 a report containing the results of each study and shall sub-
9 mit the report to the appropriate committees of Con-
10 gress—

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

13 (2) every 2 years thereafter.

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

18 **SEC. 12. CONFORMING AMENDMENT.**

19 Section 319C–1(b)(2)(A)(vii) of the Public Health
20 Service Act (42 U.S.C. 247d–3a(b)(2)(A)(vii)) is amended
21 by inserting “or established” after “designated”.

22 **SEC. 13. REVIEW OF FEDERAL EARLY LEARNING AND CARE**
23 **PROGRAMS.**

24 (a) IN GENERAL.—The Secretary of Health and
25 Human Services, in conjunction with the Secretary of

1 Education, shall conduct an interdepartmental review of
2 all early learning and care programs in order to—

3 (1) develop a plan for the elimination of dupli-
4 cative and overlapping programs, as identified by the
5 Government Accountability Office’s 2012 annual re-
6 port (GAO–12–342SP); and

7 (2) make recommendations to Congress for
8 streamlining all such programs.

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

21 **SEC. 14. SAFE CHILD CARE ACT.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Safe Child Care Act of 2014”.

1 (b) BACKGROUND CHECKS.—Section 231 of the
2 Crime Control Act of 1990 (42 U.S.C. 13041) is amend-
3 ed—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “sub-
6 section (b)(3)” and inserting “paragraph (3)”;
7 and

8 (B) by redesignating paragraph (2) as
9 paragraph (4);

10 (2) by moving paragraphs (2) and (3) of sub-
11 section (b) to subsection (a), and inserting them
12 after paragraph (1) of that subsection;

13 (3) in subsection (a)(3), as redesignated by
14 paragraph (2) of this subsection, by striking “sub-
15 section (a)(1)” and inserting “paragraph (1)”;

16 (4) in subsection (b), by striking paragraph (1)
17 and inserting the following:

18 “(1) A background check required by subsection (a)
19 shall be initiated through the personnel programs of the
20 applicable Federal agencies.

21 “(2) A background check for a child care staff mem-
22 ber under subsection (a) shall include—

23 “(A) a search, including a fingerprint check, of
24 the State criminal registry or repository in—

1 “(i) the State where the child care staff
2 member resides; and

3 “(ii) each State where the child care staff
4 member previously resided during the longer
5 of—

6 “(I) the 10-year period ending on the
7 date on which the background check is ini-
8 tiated; or

9 “(II) the period beginning on the date
10 on which the child care staff member at-
11 tained 18 years of age and ending on the
12 date on which the background check is ini-
13 tiated;

14 “(B) a search of State-based child abuse and
15 neglect registries and databases in—

16 “(i) the State where the child care staff
17 member resides; and

18 “(ii) each State where the child care staff
19 member previously resided during the longer
20 of—

21 “(I) the 10-year period ending on the
22 date on which the background check is ini-
23 tiated; or

24 “(II) the period beginning on the date
25 on which the child care staff member at-

1 tained 18 years of age and ending on the
2 date on which the background check is ini-
3 tiated;

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

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

9 “(E) 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.); and

13 “(F) a search of the State sex offender registry
14 established under that Act in—

15 “(i) the State where the child care staff
16 member resides; and

17 “(ii) each State where the child care staff
18 member previously resided during the longer
19 of—

20 “(I) the 10-year period ending on the
21 date on which the background check is ini-
22 tiated; or

23 “(II) the period beginning on the date
24 on which the child care staff member at-
25 tained 18 years of age and ending on the

1 date on which the background check is ini-
2 tiated.

3 “(3) A child care staff member shall be ineligible for
4 employment by a child care provider if such individual—

5 “(A) refuses to consent to the background
6 check described in subsection (a);

7 “(B) makes a false statement in connection
8 with such background check;

9 “(C) is registered, or is required to be reg-
10 istered, on a State sex offender registry or the Na-
11 tional Sex Offender Registry established under the
12 Adam Walsh Child Protection and Safety Act of
13 2006; or

14 “(D) has been convicted of a felony consisting
15 of—

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

18 “(ii) child abuse or neglect;

19 “(iii) a crime against children, including
20 child pornography;

21 “(iv) spousal abuse;

22 “(v) a crime involving rape or sexual as-
23 sault;

24 “(vi) kidnapping;

25 “(vii) arson;

1 “(viii) physical assault or battery; or

2 “(ix) subject to paragraph (5)(D), a drug-
3 related offense committed during the preceding
4 5 years.

5 “(4)(A) A child care provider covered by paragraph
6 (3) shall submit a request, to the appropriate State agency
7 designated by a State, for a background check described
8 in subsection (a), for each child care staff member (includ-
9 ing prospective child care staff members) of the provider.

10 “(B) In the case of an individual who is hired as a
11 child care staff member before the date of enactment of
12 the Safe Child Care Act of 2014, the provider shall submit
13 such a request—

14 “(i) prior to the last day of the second full fis-
15 cal year after that date of enactment; and

16 “(ii) not less often than once during each 5-
17 year period following the first submission date under
18 this subparagraph for that staff member.

19 “(C) In the case of an individual who is a prospective
20 child care staff member on or after that date of enact-
21 ment, the provider shall submit such a request—

22 “(i) prior to the date the individual becomes a
23 child care staff member of the provider; and

1 “(ii) not less often than once during each 5-
2 year period following the first submission date under
3 this subparagraph for that staff member.

4 “(5)(A) The State shall—

5 “(i) carry out the request of a child care pro-
6 vider for a background check described in subsection
7 (a) as expeditiously as possible; and

8 “(ii) in accordance with subparagraph (B) of
9 this paragraph, provide the results of the back-
10 ground check to—

11 “(I) the child care provider; and

12 “(II) the current or prospective child care
13 staff member for whom the background check is
14 conducted.

15 “(B)(i) The State shall provide the results of a back-
16 ground check to a child care provider as required under
17 subparagraph (A)(ii)(I) in a statement that—

18 “(I) indicates whether the current or prospec-
19 tive child care staff member for whom the back-
20 ground check is conducted is eligible or ineligible for
21 employment by a child care provider; and

22 “(II) does not reveal any disqualifying crime or
23 other related information regarding the current or
24 prospective child care staff member.

1 “(ii) If a current or prospective child care staff mem-
2 ber is ineligible for employment by a child care provider
3 due to a background check described in subsection (a), the
4 State shall provide the results of the background check
5 to the current or prospective child care staff member as
6 required under subparagraph (A)(ii)(II) in a criminal
7 background report that includes information relating to
8 each disqualifying crime.

9 “(iii) A State—

10 “(I) may not publicly release or share the re-
11 sults of an individual background check described in
12 subsection (a); and

13 “(II) may include the results of background
14 checks described in subsection (a) in the develop-
15 ment or dissemination of local or statewide data re-
16 lating to background checks if the results are not in-
17 dividually identifiable.

18 “(C)(i) The State shall provide for a process by which
19 a child care staff member (including a prospective child
20 care staff member) may appeal the results of a back-
21 ground check required under subsection (a) to challenge
22 the accuracy or completeness of the information contained
23 in the criminal background report of the staff member.

24 “(ii) The State shall ensure that—

1 “(I) the appeals process is completed in a time-
2 ly manner for each child care staff member;

3 “(II) each child care staff member is given no-
4 tice of the opportunity to appeal; and

5 “(III) each child care staff member who wishes
6 to challenge the accuracy or completeness of the in-
7 formation in the criminal background report of the
8 child care staff member is given instructions about
9 how to complete the appeals process.

10 “(D)(i) The State may allow for a review process
11 through which the State may determine that a child care
12 staff member (including a prospective child care staff
13 member) disqualified for a crime specified in paragraph
14 (3)(D)(ix) is eligible for employment by a child care pro-
15 vider, notwithstanding paragraph (3).

16 “(ii) The review process under this subparagraph
17 shall be consistent with title VII of the Civil Rights Act
18 of 1964 (42 U.S.C. 2000e et seq.).

19 “(E) Nothing in this section shall be construed to cre-
20 ate a private right of action against a child care provider
21 if the child care provider is in compliance with this section.

22 “(F) This section shall apply to each State that re-
23 ceives funding under the Child Care and Development
24 Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

1 “(6) Fees that the State may charge for the costs
2 of conducting a background check as required by sub-
3 section (a) shall not exceed the actual costs to the State
4 for the administration of such background checks.

5 “(7) Nothing in this subsection shall be construed to
6 prevent a Federal agency from disqualifying an individual
7 as a child care staff member based on a conviction of the
8 individual for a crime not specifically listed in this sub-
9 section that bears upon the fitness of an individual to pro-
10 vide care for and have responsibility for the safety and
11 well-being of children.

12 “(8) In this subsection—

13 “(A) the term ‘child care provider’ means an
14 agency of the Federal Government, or a unit of or
15 contractor with the Federal Government that is op-
16 erating a facility, described in subsection (a); and

17 “(B) the term ‘child care staff member’ means
18 an individual who is hired, or seeks to be hired, by
19 a child care provider to be involved with the provi-
20 sion of child care services, as described in subsection
21 (a).”; and

22 (5) by striking subsection (c) and inserting the
23 following:

24 “(c) **SUSPENSION PENDING DISPOSITION OF CRIMI-**
25 **NAL CASE.**—In the case of an incident in which an indi-

1 vidual has been charged with an offense described in sub-
 2 section (b)(3)(D) and the charge has not yet been disposed
 3 of, an employer may suspend an employee from having
 4 any contact with children while on the job until the case
 5 is resolved.”.

6 (c) EFFECTIVE DATE.—The amendments made by
 7 this section shall take effect on October 1 of the second
 8 full fiscal year after the date of enactment of this Act.

9 **SEC. 15. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS**
 10 **FOR CHILD CARE.**

11 Section 590 of title 40, United States Code, is
 12 amended—

13 (1) by redesignating subsections (a) through (g)
 14 as subsections (b) through (h), respectively;

15 (2) by inserting before subsection (b) (as so re-
 16 designated) the following:

17 “(a) DEFINITION OF FEDERAL EMPLOYEE.—In this
 18 section, the term ‘Federal employee’ does not include a
 19 person that—

20 “(1) is not employed by the Federal Govern-
 21 ment; and

22 “(2) meets the requirements described in sub-
 23 section (c)(2)(C)(i)(II).”;

1 (3) in paragraph (2)(C) of subsection (c) (as so
2 redesignated), by striking clause (i) and inserting
3 the following:

4 “(i) the space will be used to provide
5 child care services to children of whom at
6 least 50 percent have 1 parent or guardian
7 who—

8 “(I) is employed by the Federal
9 Government; or

10 “(II)(aa) has met the require-
11 ments for a master’s degree or a doc-
12 torate degree from an institution of
13 higher education (as defined in section
14 102 of the Higher Education Act of
15 1965 (20 U.S.C. 1002)); and

16 “(bb) is conducting research in
17 the Federal building under an ar-
18 rangement between the parent or
19 guardian and a Federal agency.”; and

20 (4) in subsection (d) (as so redesignated), by
21 striking “subsection (b)” each place it appears and
22 inserting “subsection (c)”.

1 **SEC. 16. SENSE OF THE SENATE ON SIGNIFICANTLY REDUC-**
2 **ING CHILD POVERTY BY CALENDAR YEAR**
3 **2019.**

4 (a) FINDINGS.—The Senate finds that—

5 (1) the United States has the highest rate of
6 childhood poverty among 34 major countries in the
7 Organisation for Economic Cooperation and Devel-
8 opment, including Denmark, Finland, Norway, Ice-
9 land, Cyprus, Austria, Sweden, the Czech Republic,
10 Germany, Slovenia, Hungary, South Korea, the
11 United Kingdom, Switzerland, the Netherlands, Ire-
12 land, France, Malta, Luxembourg, Slovakia, Esto-
13 nia, Belgium, New Zealand, Poland, Canada, Aus-
14 tralia, Japan, Portugal, Greece, Italy, Lithuania,
15 Latvia, Spain, and Bulgaria;

16 (2) a record-breaking 46,496,000 individuals
17 lived in poverty in the United States in 2012, which
18 is an increase of 14,915,000 individuals since 2000;

19 (3) 16,073,000 children in the United States
20 lived in poverty in 2012, which is an increase of
21 4,486,000 children since 2000;

22 (4) more than 7,100,000 children in the United
23 States, 40 percent of children living in poverty in the
24 United States, live in extreme poverty (defined as
25 living in families with an income that is less than
26 half of the poverty level);

1 (5) nearly 1,200,000 public school students in
2 the United States were homeless in the 2011–2012
3 school year, an increase of 73 percent since the
4 2006–2007 school year;

5 (6) in an average month in fiscal year 2011,
6 1,200,000 households with children in the United
7 States did not have any cash income and, for food,
8 depended only on benefits under the supplemental
9 nutrition assistance program established under the
10 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
11 seq.);

12 (7) in 2012, government assistance programs
13 removed from poverty 9,000,000 children, including
14 5,300,000 children through the earned income tax
15 credit under section 32 of the Internal Revenue
16 Code of 1986 and the child tax credit under section
17 24 of the Internal Revenue Code of 1986, and
18 2,200,000 children through the supplemental nutri-
19 tion assistance program established under the Food
20 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

21 (8) in 2012, child poverty would have been 57
22 percent higher, and extreme poverty would have
23 been 240 percent higher, without government tax
24 credits and food, housing, and energy benefits;

1 (9) in 2013, an individual working full-time at
2 the Federal minimum wage could not afford the fair
3 market rent for a 2-bedroom rental unit and have
4 enough money for food, utilities, and other neces-
5 sities;

6 (10) in school years 2009–2010 and 2010–
7 2011, less than half of children ages 3 and 4 were
8 enrolled in preschool;

9 (11) Early Head Start programs carried out
10 under the Head Start Act (42 U.S.C. 9831 et seq.)
11 served only 4 percent of the 2,900,000 eligible poor
12 infants and toddlers each day in fiscal year 2012,
13 and Head Start programs carried out under such
14 Act served only 41 percent of the 2,000,000 eligible
15 poor children ages 3 and 4;

16 (12) more than 220,000 children are on waiting
17 lists for child care assistance; and

18 (13) child poverty costs the United States not
19 less than \$500,000,000 each year in additional edu-
20 cation, health, and criminal justice costs and in lost
21 productivity.

22 (b) SENSE OF THE SENATE.—It is the sense of the
23 Senate that the President should immediately present to

- 1 Congress a comprehensive plan to significantly reduce
- 2 child poverty in the United States by calendar year 2019.

Passed the Senate March 13, 2014.

Attest:

Secretary.

113TH CONGRESS
2^D SESSION

S. 1086

AN ACT

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