

115TH CONGRESS
1ST SESSION

H. R. 3773

To amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2017

Mr. SCOTT of Virginia (for himself, Ms. PELOSI, Mr. POLIS, Mr. ESPAILLAT, Ms. WILSON of Florida, Mr. SABLAN, Mrs. LAWRENCE, Mr. TAKANO, Ms. ADAMS, Ms. FUDGE, Ms. MOORE, Ms. FRANKEL of Florida, Mr. DESAULNIER, Mr. WALZ, Ms. SPEIER, Mr. CICILLINE, Mr. KRISHNAMOORTHY, Mr. CARSON of Indiana, Ms. CLARK of Massachusetts, Mr. BEN RAY LUJÁN of New Mexico, Ms. BLUNT ROCHESTER, Mr. KIHUEN, Ms. LEE, Mr. CLEAVER, Ms. BONAMICI, Mr. GRIJALVA, Mr. POCAN, Mr. CASTRO of Texas, Mr. VARGAS, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD, Ms. BASS, Ms. SHEA-PORTER, Mr. CONYERS, Ms. HANABUSA, Ms. MATSUI, Mr. PAYNE, Ms. VELÁZQUEZ, Mr. HASTINGS, Mr. WELCH, Mr. KHANNA, Mr. RUSH, Ms. JAYAPAL, Ms. DELBENE, and Mrs. DINGELL) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Child Care and Development Block Grant Act of 1990 and the Head Start Act to promote child care and early learning, 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 for Work-
3 ing Families Act”.

4 **TITLE I—CHILD CARE AND**
5 **DEVELOPMENT ASSISTANCE**

6 **SEC. 101. PURPOSES.**

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

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

12 “(1) to ensure that no low- to moderate-income
13 family pays more than 7 percent of its household in-
14 come on child care;”;

15 (2) by striking paragraph (2) and inserting the
16 following:

17 “(2) to support working parents in making
18 their own decisions regarding the child care services
19 that best suit their family’s needs;”;

20 (3) in paragraph (4)—

21 (A) by striking “high-quality,” and insert-
22 ing “high-quality and inclusive, and”; and

23 (B) by inserting “, including before- and
24 after-school and summer care for school-age
25 children,” after “services”;

1 (4) in paragraph (5), by inserting before the
2 semicolon the following: “, and to help child care
3 programs meet evidence-based or national standards
4 to improve the quality of child care”;

5 (5) in paragraph (6)—

6 (A) by inserting “, including children with
7 disabilities and infants and toddlers with dis-
8 abilities” before the semicolon; and

9 (B) by striking “and” at the end;

10 (6) in paragraph (7)—

11 (A) by striking “high-quality” and insert-
12 ing “high-quality and inclusive”; and

13 (B) by striking the period at the end and
14 inserting “; and”; and

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

16 “(8) to support statewide systems to support
17 the needs of infants and toddlers with disabilities,
18 better coordinate child care and other services, and
19 assist States in increasing the number of child care
20 providers that provide high-quality and inclusive
21 care to families of infants or toddlers with disabil-
22 ities and families of children with disabilities.”.

23 **SEC. 102. 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 all that follows the section heading and insert-
2 ing the following:

3 “(a) **IN GENERAL.**—There are authorized to be ap-
4 propriated and there are appropriated to carry out this
5 subchapter (other than paragraphs (1) and (2) of section
6 658O(a)) \$20,000,000,000 for fiscal year 2018,
7 \$30,000,000,000 for fiscal year 2019, \$40,000,000,000
8 for fiscal year 2020, and such sums as may be necessary
9 for fiscal year 2021 and each subsequent fiscal year.

10 “(b) **TERRITORIES; INDIAN TRIBES.**—There are au-
11 thorized to be appropriated and there are appropriated to
12 carry out paragraphs (1) and (2) of section 658O(a) such
13 sums as may be necessary for fiscal year 2018 and each
14 subsequent fiscal year.”.

15 **SEC. 103. ESTABLISHMENT OF PROGRAM.**

16 Section 658C of the Child Care and Development
17 Block Grant Act of 1990 (42 U.S.C. 9858a) is amended
18 to read as follows:

19 **“SEC. 658C. ESTABLISHMENT OF CHILD CARE PROGRAM.**

20 “The Secretary is authorized to administer a child
21 care program under which families in the State shall be
22 provided an opportunity to obtain child care for eligible
23 children, subject to the requirements of this subchapter.”.

1 **SEC. 104. LEAD AGENCY.**

2 Section 658D of the Child Care and Development
3 Block Grant Act of 1990 (42 U.S.C. 9858b) is amended—

4 (1) in subsection (a), by striking “a grant” and
5 inserting “payments”; and

6 (2) in subsection (b)(1)(A), by inserting before
7 the semicolon the following: “, including by certi-
8 fying the eligibility of children”.

9 **SEC. 105. APPLICATION AND PLAN.**

10 (a) **PLAN REQUIREMENTS.**—Section 658E(e) of the
11 Child Care and Development Block Grant Act of 1990 (42
12 U.S.C. 9858c(c)) is amended—

13 (1) in paragraph (2)—

14 (A) in subparagraph (A)—

15 (i) by striking the matter preceding
16 clause (i) and inserting the following:

17 “(A) **SUPPORTING WORKING PARENTS.**—
18 Support working parents by providing assur-
19 ances that—”; and

20 (ii) by striking clause (i)(II) and in-
21 serting the following:

22 “(II) to enroll such child with a
23 child care provider who has received a
24 child care certificate as defined in sec-
25 tion 658P(2) from such parent or par-
26 ents;”;

1 (B) in subparagraph (E)—

2 (i) in clause (i)—

3 (I) by striking subclause (II) and
4 inserting the following:

5 “(II) the State’s tiered and
6 transparent system for measuring the
7 quality of child care providers, de-
8 scribed in subparagraph (W)(i), in-
9 cluding—

10 “(aa) a description of the
11 national standards or other
12 equally rigorous and evidence-
13 based standards tied to child out-
14 comes that the State uses for
15 purposes of subparagraph
16 (W)(i)(II)(aa);

17 “(bb) the payment rates re-
18 ferred to in paragraph (4), for
19 providers at each tier of such
20 system; and

21 “(cc) the number and per-
22 centage of eligible providers at
23 each tier of such system, in total
24 and disaggregated by geographic
25 location;”;

1 (II) in subclause (IV), by insert-
2 ing “the program carried out under
3 title II of the Child Care for Working
4 Families Act,” after “9831 et seq.”;,
5 and

6 (III) in subclause (VII), by strik-
7 ing “and” at the end;

8 (ii) in clause (ii), by striking the pe-
9 riod at the end and inserting a semicolon;
10 and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iii) information about the State’s
14 wage ladder described in subparagraph
15 (G)(iii); and

16 “(iv) information on opportunities for
17 staff of child care providers to improve
18 their skills and credentials, including infor-
19 mation about training opportunities and
20 professional organizations that provide
21 such training.”;

22 (C) in subparagraph (G)—

23 (i) in clause (i), by striking “and pro-
24 fessional development requirements” and

1 inserting “, professional development, and
2 compensation requirements”;

3 (ii) in clause (ii)(V)—

4 (I) by redesignating item (dd) as
5 item (ee);

6 (II) in item (cc), by striking
7 “and”; and

8 (III) by inserting after item (cc)
9 the following:

10 “(dd) infants and toddlers
11 with disabilities; and”;

12 (iii) by redesignating clauses (iii) and
13 (iv) as clauses (v) and (vi), respectively;
14 and

15 (iv) by inserting after clause (ii) the
16 following:

17 “(iii) COMPENSATION.—The plan
18 shall provide a description of the State’s
19 wage ladder for staff of eligible child care
20 providers, and an assurance that wages for
21 such staff will, at a minimum, meet the re-
22 quirements of paragraph (4)(B)(iii)(II).

23 “(iv) STAKEHOLDER ENGAGEMENT.—
24 The plan shall demonstrate how the State
25 will facilitate participation of staff of eligi-

1 ble child care providers in organizations
2 that foster the professional development
3 and stakeholder engagement of the child
4 care workforce.”;

5 (D) in subparagraph (I)—

6 (i) in clause (i)(XI), by striking “and”
7 at the end;

8 (ii) in clause (ii), by striking the pe-
9 riod and inserting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(iii) may include a requirement to
13 comply with the standards recommended in
14 the Department of Health and Human
15 Services’ report entitled ‘Caring for Our
16 Children Basics: Health and Safety Foun-
17 dations for Early Care and Education’,
18 issued on June 25, 2015.”;

19 (E) in subparagraph (K)(i), in the matter
20 preceding subclause (I), by striking “, not later
21 than 2 years after the date of enactment of the
22 Child Care and Development Block Grant Act
23 of 2014,”;

24 (F) in subparagraph (M)—

1 (i) by adding “investment of quality
2 child care amounts described in section
3 658G(a)(1),” after “parents,”;

4 (ii) by redesignating clause (iv) as
5 clause (v);

6 (iii) in clause (iii), by striking “, as
7 defined by the State; and” and inserting a
8 semicolon; and

9 (iv) by inserting after clause (iii) the
10 following:

11 “(iv) infants and toddlers with disabil-
12 ities; and”;

13 (G) in subparagraph (N)—

14 (i) in clause (i)(I), by striking “, if
15 that family income does not exceed 85 per-
16 cent of the State median income for a fam-
17 ily of the same size”;

18 (ii) in clause (ii), by striking “(espe-
19 cially parents in families receiving assist-
20 ance under the program of block grants to
21 States for temporary assistance for needy
22 families under part A of title IV of the So-
23 cial Security Act (42 U.S.C. 601 et
24 seq.))”;

25 (iii) by striking clause (iv);

1 (H) in subparagraph (O)—

2 (i) in clause (i), by striking “with pro-
3 grams operating” and all that follows and
4 inserting “with programs, operating at the
5 Federal, State, and local levels for chil-
6 dren, that are—

7 “(I) preschool programs, pro-
8 grams funded under title II of the
9 Child Care for Working Families Act,
10 programs funded under section 657C
11 of the Head Start Act, tribal early
12 childhood programs, and other early
13 childhood programs, including those
14 serving infants and toddlers with dis-
15 abilities;

16 “(II) programs serving homeless
17 children and children in foster care;
18 and

19 “(III) programs funded under
20 the Individuals with Disabilities Edu-
21 cation Act (20 U.S.C. 1400 et seq.).”;

22 (ii) by striking clause (ii); and

23 (iii) by redesignating clause (iii) as
24 clause (ii);

25 (I) in subparagraph (Q)—

1 (i) by striking “LOW-INCOME POPU-
2 LATIONS” and inserting “CHILDREN IN
3 UNDERSERVED AREAS, CHILDREN WITH
4 DISABILITIES, AND INFANTS AND TOD-
5 DLERS WITH DISABILITIES”;

6 (ii) by striking “high-quality” and in-
7 serting “high-quality and inclusive”; and

8 (iii) by inserting before the period the
9 following: “and to children with disabilities
10 and infants and toddlers with disabilities”;

11 (J) by striking subparagraph (S) and in-
12 serting the following:

13 “(S) PROHIBITION ON SUSPENSIONS, EX-
14 PULSIONS, AND AVERSIVE BEHAVIORAL INTER-
15 VENTIONS.—The State plan shall provide an as-
16 surance that the State will provide assistance to
17 carry out this subchapter only to eligible child
18 care providers that prohibit—

19 “(i) the use of suspension and expul-
20 sion of children; and

21 “(ii) the use of aversive behavioral
22 interventions.”;

23 (K) in subparagraph (T)—

24 (i) in clause (i)—

1 (I) in the matter preceding sub-
2 clause (I), by striking “(or develop
3 such guidelines if the State does not
4 have such guidelines as of the date of
5 enactment of the Child Care and De-
6 velopment Block Grant Act of 2014)”;
7 and

8 (II) in subclause (I), by striking
9 “research-based” and inserting “evi-
10 dence-based”; and

11 (ii) in clause (iv)—

12 (I) by striking subclauses (II)
13 and (III);

14 (II) by striking “Federal Govern-
15 ment” and all that follows through
16 “mandate” and inserting “Federal
17 Government to mandate”; and

18 (III) by striking “section;” and
19 inserting “section.”;

20 (L) in subparagraph (U)—

21 (i) in clause (ii), by inserting “the
22 State’s lead agency established or des-
23 ignated under section 635(a)(10) of the In-
24 dividuals with Disabilities Education Act

1 (20 U.S.C. 1435(a)(10)),” after “the State
2 resource and referral system,”; and

3 (ii) in clause (iii)(I), by inserting “in-
4 fants and toddlers with disabilities,” after
5 “children with disabilities,”; and

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

7 “(W) TIERED AND TRANSPARENT SYSTEM
8 FOR MEASURING THE QUALITY OF CHILD CARE
9 PROVIDERS.—The State plan shall describe how
10 the State will develop or revise with input from
11 child care providers, from families, and from or-
12 ganizations representing child care directors,
13 teachers, and other staff, within 3 years after
14 the date of submission of the State application,
15 systems for measuring the quality of eligible
16 child care providers who provide services for
17 which assistance is made available under this
18 subchapter, that consist of—

19 “(i) a tiered and transparent system
20 for measuring the quality of eligible child
21 care providers who serve eligible children,
22 that—

23 “(I) applies to eligible child care
24 providers (except providers of family,

1 friend, or neighbor care that elect to
2 be covered under clause (ii));

3 “(II) includes a set of standards,
4 for determining the tier of quality of
5 a child care provider, that—

6 “(aa) uses the degree to
7 which the provider meets national
8 standards (which may be Head
9 Start program performance
10 standards described in section
11 641A(a) of the Head Start Act
12 (42 U.S.C. 9836a(a)) or stand-
13 ards for national accreditation of
14 early learning programs) or other
15 equally rigorous and evidence-
16 based standards that are tied to
17 child outcomes; and

18 “(bb) includes indicators
19 that are appropriate for different
20 types of providers, including child
21 care centers and family child care
22 providers, and are appropriate
23 for providers serving different
24 age groups (including mixed age
25 groups) of children, while main-

1 taining a high level of quality
2 child care by all of the different
3 types of providers and for all of
4 the different age groups (includ-
5 ing mixed age groups);

6 “(III) includes a different set of
7 standards that includes different indi-
8 cators, to be applied, when appro-
9 priate, for care during nontraditional
10 hours of operation; and

11 “(IV) in conjunction with the in-
12 creasing payment rates under para-
13 graph (4) (increasing due to factors
14 specified in paragraph (4) such as the
15 cost estimation model and quality
16 basis for payment rates), provides for
17 sufficient resources to enable stand-
18 ards at the entry tier for such system
19 to increase in rigor over time; and

20 “(ii) a separate system of quality
21 standards for providers concerning develop-
22 mentally appropriate and age-appropriate
23 care that—

24 “(I) applies to eligible child care
25 providers of family, friend, or neigh-

1 bor care (except such providers that
2 elect to be covered under clause (i));
3 and

4 “(II) includes standards for care
5 during nontraditional hours of oper-
6 ation and traditional hours of oper-
7 ation.

8 “(X) PROHIBITION ON CHARGING MORE
9 THAN COPAYMENT.—The State plan shall pro-
10 vide that, after the systems described in sub-
11 paragraph (W) are in effect, child care pro-
12 viders receiving financial assistance under this
13 subchapter may not charge the family of an eli-
14 gible child more than the total of—

15 “(i) the financial assistance provided
16 to the family under this subchapter; and

17 “(ii) any applicable copayment pursu-
18 ant to paragraph (5).

19 “(Y) POLICIES TO SUPPORT CHILDREN
20 WITH DISABILITIES AND INFANTS AND TOD-
21 DLERS WITH DISABILITIES.—The State plan
22 shall provide a description of—

23 “(i) how the State will ensure that eli-
24 gible child care providers, except for pro-
25 viders of family, friend, or neighbor care

1 that elect to be covered under subpara-
2 graph (W)(ii), will prioritize children with
3 disabilities and infants and toddlers with
4 disabilities for slots in programs carried
5 out by the providers; and

6 “(ii) how the State will work with the
7 State’s lead agency established or des-
8 ignated under section 635(a)(10) of the In-
9 dividuals with Disabilities Education Act
10 (20 U.S.C. 1435(a)(10)), local educational
11 agencies, and early intervention services
12 providers to provide services and supports
13 described in the Individuals with Disabil-
14 ities Education Act (20 U.S.C. 1400 et
15 seq.) in inclusive child care settings to chil-
16 dren with disabilities, and to infants and
17 toddlers with disabilities, who are eligible
18 children.”;

19 (2) in paragraph (3)—

20 (A) in the paragraph heading, by striking
21 “BLOCK GRANT”;

22 (B) in subparagraph (A), by striking “sub-
23 paragraphs (B) through (D)” and inserting
24 “subparagraph (C)”;

1 (C) by striking subparagraph (B) and in-
2 serting the following:

3 “(B) CHILD CARE SERVICES AND RELATED
4 ACTIVITIES.—The State shall use amounts pro-
5 vided to the State for each fiscal year under
6 this subchapter for child care services, provided
7 on a sliding fee scale basis, and the activities
8 described in section 658G.”;

9 (D) by striking subparagraph (C);

10 (E) in subparagraph (D), by striking “pro-
11 vide assistance” and inserting “provide assist-
12 ance (including providing access to programs
13 that meet the standards for a high tier of the
14 system described in paragraph (2)(W)(i))”;

15 (F) by striking subparagraph (E); and

16 (G) by redesignating subparagraph (D) as
17 subparagraph (C); and

18 (3) by striking paragraphs (4) and (5) and in-
19 serting the following:

20 “(4) PAYMENT RATES.—

21 “(A) IN GENERAL.—The State plan
22 shall—

23 “(i) certify that payment rates for the
24 provision of child care services for which

1 assistance is provided in accordance with
2 this subchapter—

3 “(I) will be based on a cost esti-
4 mation model that is described in sub-
5 paragraph (B) and is approved by the
6 Secretary of Health and Human Serv-
7 ices; and

8 “(II) will correspond to dif-
9 ferences in quality based on the
10 State’s tiered and transparent system
11 for measuring the quality of child care
12 providers, described in paragraph
13 (2)(W)(i), and based on the standards
14 described in paragraph (2)(W)(ii); and

15 “(ii) specify whether the State is
16 electing—

17 “(I) to include, in those payment
18 rates, a bonus for serving children
19 during nontraditional hours; or

20 “(II) to waive the copayment de-
21 scribed in paragraph (5) for a child
22 who has been identified as eligible for
23 assistance from child protective serv-
24 ices.

1 “(B) COST ESTIMATION MODEL.—The
2 State plan shall—

3 “(i) demonstrate that the State has,
4 after consulting with the entities and indi-
5 viduals described in subparagraph (D), de-
6 veloped and used (not earlier than 3 years
7 before the date of the submission of the
8 application containing the State plan) a
9 statistically valid and reliable cost esti-
10 mation model for the rates of such child
11 care services in the State—

12 “(I) for providers at each of the
13 tiers of the State’s tiered and trans-
14 parent system for measuring the qual-
15 ity of child care providers described in
16 paragraph (2)(W)(i) (which rates re-
17 flect variations in the cost of child
18 care services by geographic area, type
19 of provider, and age of child, and the
20 additional costs associated with pro-
21 viding high-quality and inclusive child
22 care services for children with disabil-
23 ities and infants and toddlers with
24 disabilities); and

1 “(II) for providers that meet the
2 standards described in paragraph
3 (2)(W)(ii);

4 “(ii) demonstrate that the State pre-
5 pared a detailed report containing the child
6 care costs estimated with the State cost es-
7 timation model pursuant to clause (i), and
8 made the estimated costs widely available
9 (not later than 30 days after the comple-
10 tion of the estimation) through periodic
11 means, including posting the estimated
12 costs on the Internet;

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

17 “(I) in accordance with the most
18 recent estimates from the most recent
19 cost estimation model used pursuant
20 to clause (i), so that providers at each
21 tier of the tiered and transparent sys-
22 tem for measuring program quality
23 receive payment that is not less than
24 the cost of meeting the requirements
25 of such tier; and

1 “(II) that maintain an effective
2 and diverse workforce by ensuring
3 wages for staff of child care providers
4 that—

5 “(aa) are comparable to
6 wages for elementary educators
7 with similar credentials and expe-
8 rience in the State; and

9 “(bb) at a minimum, provide
10 a living wage for all staff of child
11 care providers; and

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

15 “(C) PAYMENT PRACTICES.—The State
16 plan shall include—

17 “(i) a certification that the payment
18 practices of child care providers in the
19 State that serve children who receive as-
20 sistance under this subchapter reflect gen-
21 erally accepted payment practices of child
22 care providers in the State that serve chil-
23 dren who do not receive assistance under
24 this subchapter, including the practice of
25 paying the providers the payment rate de-

1 scribed in subparagraph (A)(i) based on
2 the number of children enrolled and not
3 the number of children in daily attendance,
4 so as to provide stability of funding and
5 encourage more child care providers to
6 serve children who receive assistance under
7 this subchapter; and

8 “(ii) an assurance that the State will
9 implement enrollment and eligibility poli-
10 cies that support the fixed costs of pro-
11 viding child care services by delinking pro-
12 vider payment rates from an eligible child’s
13 occasional absences due to holidays or un-
14 foreseen circumstances such as illness.

15 “(D) ENTITIES AND INDIVIDUALS CON-
16 SULTED.—The entities and individuals referred
17 to in subparagraph (B)(i) are the State Advi-
18 sory Council on Early Childhood Education and
19 Care designated or established in section
20 642B(b)(1)(A)(i) of the Head Start Act (42
21 U.S.C. 9837b(b)(1)(A)(i)), administrators of
22 local child care programs and Head Start pro-
23 grams, organizations representing child care di-
24 rectors, teachers, and other staff, local child
25 care resource and referral agencies, organiza-

1 tions representing parents of children with dis-
2 abilities and parents of infants and toddlers
3 with disabilities, the State interagency coordi-
4 nating council established under section 641 of
5 the Individuals with Disabilities Education Act
6 (20 U.S.C. 1441), the State advisory panel es-
7 tablished under section 612(a)(21) of the Indi-
8 viduals with Disabilities Education Act (20
9 U.S.C. 1412(a)(21)), and other appropriate en-
10 tities.

11 “(5) SLIDING SCALE FOR COPAYMENTS.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraphs (B)(i) and (C), the State plan
14 shall provide an assurance that the State will
15 require—

16 “(i) a family receiving assistance
17 under this subchapter to pay the copay-
18 ment referred to in paragraph (2)(X); or

19 “(ii) another entity to pay the copay-
20 ment on behalf of the family, voluntarily or
21 in accordance with Federal law.

22 “(B) SLIDING SCALE.—Such copayment
23 shall be based on a sliding scale that provides
24 that, for a family with a family income—

1 “(i) of not more than 75 percent of
2 State median income, the family shall not
3 pay a copayment, toward the cost of the
4 child care involved for all eligible children
5 in the family;

6 “(ii) of more than 75 percent but not
7 more than 100 percent of State median in-
8 come, the copayment shall be more than 0
9 but not more than 2 percent of that family
10 income, toward such cost for all such chil-
11 dren;

12 “(iii) of more than 100 percent but
13 not more than 125 percent of State me-
14 dian income, the copayment shall be more
15 than 2 but not more than 4 percent of that
16 family income, toward such cost for all
17 such children; and

18 “(iv) of more than 125 percent but
19 not more than 150 percent of State me-
20 dian income, the copayment shall be more
21 than 4 but not more than 7 percent of that
22 family income, toward such cost for all
23 such children.

24 “(C) SPECIAL RULE.—The State shall not
25 require a family with a child that is eligible for

1 a Head Start program under the Head Start
2 Act (42 U.S.C. 9831 et seq.) to pay a copay-
3 ment under this paragraph for any eligible child
4 in the family.”.

5 **SEC. 106. LIMITATIONS.**

6 Section 658F is amended—

7 (1) by striking the section heading and insert-
8 ing the following:

9 **“SEC. 658F. LIMITATIONS.”;**

10 and

11 (2) in subsection (b)(1), by striking “section
12 658O(c)(6)” and inserting “section 658O(b)(6)”.

13 **SEC. 107. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**
14 **CARE.**

15 Section 658G of the Child Care and Development
16 Block Grant Act of 1990 (42 U.S.C. 9848e) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “A State” and all that
20 follows through “for activities” and insert-
21 ing “A State that receives a payment
22 under section 658J shall reserve and use
23 the quality child care amount described in
24 paragraph (2) for activities”; and

1 (ii) by adding “for all age groups of
2 eligible children” before “, and is in align-
3 ment with”; and

4 (B) by striking paragraphs (2) and (3) and
5 inserting the following:

6 “(2) QUALITY CHILD CARE AMOUNT.—Such
7 State shall reserve and use—

8 “(A) during fiscal years 2018 through
9 2020, from each payment made to the State for
10 a fiscal year, a quality child care amount equal
11 to 50 percent of the allotment; and

12 “(B) during fiscal year 2021 and each sub-
13 sequent fiscal year, from each of the quarterly
14 payments made to the State for a fiscal year,
15 a quality child care amount equal to not more
16 than 10 percent of 25 percent of the amount
17 made available to the State to carry out this
18 subchapter for the second preceding fiscal
19 year.”; and

20 (2) by striking subsection (b) and inserting the
21 following:

22 “(b) ACTIVITIES.—

23 “(1) IN GENERAL.—Quality child care amounts
24 reserved under subsection (a) shall be used to carry
25 out activities that—

1 “(A) consist of—

2 “(i) each of the activities described in
3 subparagraphs (A) and (B) of paragraph
4 (2), and the activities described in para-
5 graph (2)(C) under the circumstances de-
6 scribed in that paragraph;

7 “(ii) the activities described in para-
8 graph (3);

9 “(iii) at the election of the State, the
10 activities described in paragraph (4);

11 “(iv) not fewer than one of the activi-
12 ties described in a subparagraph of para-
13 graph (5);

14 “(v) not fewer than one of the activi-
15 ties described in a subparagraph of para-
16 graph (6), or in the matter preceding sub-
17 paragraph (A) of paragraph (6);

18 “(vi) each of the activities described
19 in paragraph (7);

20 “(vii) one or more activities described
21 in a subparagraph of paragraph (8); and

22 “(viii) at the election of the State dur-
23 ing fiscal years 2018 through 2020—

1 “(I) remodeling, renovation, or
2 repair permitted under section
3 658F(b); or

4 “(II) construction or renovation
5 permitted under section 658O(b)(6),
6 with priority for funding for such con-
7 struction or renovation given to—

8 “(aa) providers of high-qual-
9 ity and inclusive care for children
10 with disabilities and infants and
11 toddlers with disabilities;

12 “(bb) care during nontradi-
13 tional hours;

14 “(cc) providers in rural
15 areas; and

16 “(dd) providers in under-
17 served areas or areas of con-
18 centrated poverty; and

19 “(B) will improve the quality of child care
20 services provided in the State.

21 “(2) QUALITY IMPROVEMENT GRANTS.—A
22 State shall use quality child care amounts to im-
23 prove the quality of child care providers across the
24 State that are eligible for assistance under this sub-
25 chapter, including by—

1 “(A) making startup grants (including, in
2 the case of providers of family, friend, or neigh-
3 bor care, grants for activities described in para-
4 graph (8)(H)) to child care providers that are
5 not yet participating in the tiered and trans-
6 parent system for measuring the quality of
7 child care providers described in section
8 658E(c)(2)(W)(i), in a fiscal year, and that
9 commit to improve quality so that the provider
10 involved can participate in that system in the
11 subsequent fiscal year;

12 “(B) making quality improvement grants
13 to child care providers that meet the require-
14 ments for a tier of the State tiered and trans-
15 parent system for measuring the quality of
16 child care providers described in section
17 658E(c)(2)(W)(i), in a fiscal year, and that
18 commit to improve quality so that the provider
19 involved can meet the requirements for a higher
20 tier in the subsequent 3 fiscal years; and

21 “(C) renewing a grant described in sub-
22 paragraph (A) or (B) at the end of the applica-
23 ble grant period, for a provider that dem-
24 onstrates sufficient progress in meeting the
25 goals for the grant.

1 “(3) ACTIVITIES TO ASSIST HOMELESS CHIL-
2 DREN AND CHILDREN IN FOSTER CARE.—A State
3 shall use quality child care amounts for activities
4 that improve access to child care services for home-
5 less children and children in foster care, including—

6 “(A) the use of procedures to permit im-
7 mediate enrollment of homeless children and
8 children in foster care while required docu-
9 mentation is obtained;

10 “(B) training and technical assistance on
11 identifying and serving homeless children and
12 their families, and children in foster care and
13 their foster families; and

14 “(C) specific outreach to homeless families
15 and foster families.

16 “(4) CHILD CARE RESOURCE AND REFERRAL
17 SYSTEM.—

18 “(A) IN GENERAL.—A State may use qual-
19 ity child care amounts to establish or support
20 a system of local or regional child care resource
21 and referral organizations that is coordinated,
22 to the extent determined appropriate by the
23 State, by a statewide public or private non-
24 profit, community-based or regionally based,

1 lead child care resource and referral organiza-
2 tion.

3 “(B) LOCAL OR REGIONAL ORGANIZA-
4 TIONS.—The local or regional child care re-
5 source and referral organizations supported as
6 described in subparagraph (A) shall—

7 “(i) provide parents in the State with
8 consumer education information referred
9 to in section 658E(c)(2)(E) (except as oth-
10 erwise provided in that section), concerning
11 the full range of child care options (includ-
12 ing faith-based and community-based child
13 care providers), analyzed by provider, in-
14 cluding child care provided during non-
15 traditional hours, child care provided
16 through emergency child care centers, and
17 inclusive child care options for children
18 with disabilities and infants and toddlers
19 with disabilities, in their political subdivi-
20 sions or regions;

21 “(ii) to the extent practicable, work
22 directly with families who receive assist-
23 ance under this subchapter to offer the
24 families support and assistance, using in-
25 formation described in clause (i), to make

1 an informed decision about which child
2 care providers they will use, in an effort to
3 ensure that the families are enrolling their
4 children in the most appropriate child care
5 setting to suit their needs and one that
6 provides high-quality and inclusive care;

7 “(iii) collect data and provide infor-
8 mation on the coordination of services and
9 supports, including services provided under
10 section 619 and part C of the Individuals
11 with Disabilities Education Act (20 U.S.C.
12 1419, 1431 et seq.), for children with dis-
13 abilities and infants and toddlers with dis-
14 abilities, and services provided under the
15 Elementary and Secondary Education Act
16 of 1965 (20 U.S.C. 6301 et seq.);

17 “(iv) collect data and provide informa-
18 tion on the supply of and demand for child
19 care services in political subdivisions or re-
20 gions within the State and submit such in-
21 formation to the State;

22 “(v) work to establish partnerships
23 with public agencies and private entities,
24 including faith-based and community-based
25 child care providers, to increase the supply

1 and quality of child care services in the
2 State;

3 “(vi) as appropriate, coordinate their
4 activities with the activities of the State
5 lead agency and local agencies that admin-
6 ister funds made available in accordance
7 with this subchapter; and

8 “(vii) work to establish partnerships
9 with the parent resource centers estab-
10 lished under section 672 of the Individuals
11 with Disabilities Education Act (20 U.S.C.
12 1472) to provide information about inclu-
13 sive child care options for children with
14 disabilities and infants and toddlers with
15 disabilities, including children with more
16 significant disabilities and children with
17 complex medical needs.

18 “(5) TRAINING AND PROFESSIONAL DEVELOP-
19 MENT.—A State shall use quality child care amounts
20 for supporting the training and professional develop-
21 ment of the child care workforce through activities
22 such as those included under section 658E(c)(2)(G),
23 in addition to—

24 “(A)(i) offering training, coaching, or pro-
25 fessional development opportunities for child

1 care providers that relate to the use of evi-
2 dence-based, developmentally appropriate and
3 age-appropriate strategies to promote the social,
4 emotional, physical, adaptive, communication,
5 and cognitive development of children, including
6 strategies related to nutrition and physical ac-
7 tivity and recommended practices for exposing
8 children birth through age 2 and children ages
9 2 through 5 to screen media; and

10 “(ii) offering specialized training for child
11 care providers caring for those populations
12 prioritized in section 658E(c)(2)(Q), homeless
13 children, children in foster care, children who
14 are dual language learners, and children with
15 disabilities and infants and toddlers with dis-
16 abilities;

17 “(B) incorporating the effective use of data
18 to guide program improvement;

19 “(C) implementing effective behavior man-
20 agement strategies (and related training), in-
21 cluding implementing multitiered systems of
22 support such as support through positive behav-
23 ior interventions and supports, and trauma in-
24 formed care, that—

1 “(i) promote positive social and emo-
2 tional development;

3 “(ii) prevent and reduce challenging
4 behaviors, including by setting consistent
5 expectations for all students; and

6 “(iii) eliminate suspensions, expul-
7 sions, and aversive behavioral interven-
8 tions;

9 “(D) providing training and outreach on
10 engaging parents and families in culturally and
11 linguistically appropriate ways, including for
12 parents and families of dual language learners,
13 to expand their knowledge, skills, and capacity
14 to become meaningful partners in supporting
15 their children’s positive development;

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

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

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

1 sist the staff members in pursuing relevant
2 postsecondary training;

3 “(H) creating or expanding a statewide
4 scholarship program for child care providers to
5 obtain credentials related to child care;

6 “(I) creating or expanding an apprentice-
7 ship program for child care providers in the
8 early years of providing child care;

9 “(J) providing training, scholarship oppor-
10 tunities, or apprenticeships for multilingual
11 adults in order to expand the supply of high-
12 quality, dual-language child care programs;

13 “(K) supporting articulation agreements
14 between public institutions of higher education
15 that offer 2-year programs and public institu-
16 tions of higher education that offer 4-year pro-
17 grams, for the purposes of facilitating, for child
18 care providers or individuals seeking to become
19 such providers, the transfer of postsecondary
20 credits for coursework related to child care
21 from such institutions with 2-year programs to
22 such institutions with 4-year programs;

23 “(L) providing training and professional
24 development on child developmental milestones
25 and evidence-based developmental screening

1 practices that help identify infants, toddlers,
2 and children to be referred for evaluation con-
3 cerning eligibility for services under the Individ-
4 uals with Disabilities Education Act (20 U.S.C.
5 1400 et seq.); or

6 “(M) undertaking efforts to improve the
7 diversity of staff of eligible providers, including
8 efforts to recruit a more diverse workforce.

9 “(6) PROGRAMS AND SERVICES FOR INFANTS
10 AND TODDLERS.—A State shall use quality child
11 care amounts to promote and expand child care pro-
12 viders’ ability to provide developmentally appropriate
13 services for infants and toddlers through activities
14 that may include—

15 “(A)(i) training and professional develop-
16 ment; and

17 “(ii) coaching and technical assistance on
18 this age group’s unique needs from statewide
19 networks of qualified infant-toddler specialists;

20 “(B) improving infant and toddler compo-
21 nents within the State’s tiered and transparent
22 system for measuring the quality of child care
23 providers described in section 658E(c)(2)(W)(i),
24 for child care providers for infants and toddlers,
25 or developing infant and toddler components in

1 a State’s child care licensing regulations or
2 early learning and development guidelines;

3 “(C) improving the ability of parents to ac-
4 cess transparent and easy to understand con-
5 sumer information about high-quality and inclu-
6 sive care for infants and toddlers; or

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

19 “(7) INCLUSIVE CARE FOR CHILDREN WITH
20 DISABILITIES AND INFANTS AND TODDLERS WITH
21 DISABILITIES.—A State shall use quality child care
22 amounts for activities to improve the supply of eligi-
23 ble child care providers that provide high-quality and
24 inclusive care for children with disabilities and in-

1 infants and toddlers with disabilities through activi-
2 ties, which shall include—

3 “(A) offering training, professional devel-
4 opment, or coaching opportunities for child care
5 providers that relate to the use of evidence-
6 based, developmentally appropriate, and age-ap-
7 propriate strategies in inclusive settings to pro-
8 mote the social, emotional, physical, adaptive,
9 communication, and cognitive development of
10 children with disabilities and infants and tod-
11 dlers with disabilities, and their peers;

12 “(B) improving the ability of parents to
13 access transparent and easy-to-understand con-
14 sumer information about high-quality and inclu-
15 sive care for children with disabilities and in-
16 fants and toddlers with disabilities; and

17 “(C) promoting and expanding child care
18 providers’ ability to provide developmentally ap-
19 propriate services for infants and toddlers with
20 disabilities through improved coordination of
21 systems, services, and other activities with the
22 providers and individuals who provide services
23 or supports under the Individuals with Disabil-
24 ities Education Act (20 U.S.C. 1400 et seq.).

1 “(8) OTHER ACTIVITIES.—A State may use
2 quality child care amounts for—

3 “(A) improving upon the development or
4 implementation of the early learning and devel-
5 opmental guidelines described in section
6 658E(c)(2)(T) by providing technical assistance
7 to eligible child care providers that enhances
8 the cognitive, physical, social, and emotional de-
9 velopment, including early childhood develop-
10 ment, of participating preschool and school-
11 aged children and supports their overall well-
12 being;

13 “(B) developing, implementing, or enhanc-
14 ing the State’s tiered and transparent system
15 for measuring the quality of child care pro-
16 viders, as described in section
17 658E(c)(2)(W)(i);

18 “(C) facilitating compliance with State re-
19 quirements for inspection, monitoring, training,
20 and health and safety, and with State licensing
21 standards;

22 “(D) evaluating and assessing the quality
23 and effectiveness of child care programs and
24 services offered in the State, including evalu-

1 ating how such programs positively impact chil-
2 dren;

3 “(E) supporting child care providers in the
4 voluntary pursuit of accreditation by a national
5 accrediting body with demonstrated, valid, and
6 reliable program standards of high quality;

7 “(F) supporting State or local efforts to
8 develop or adopt high-quality program stand-
9 ards relating to health, mental health, social
10 and emotional development, nutrition, physical
11 activity, and physical development;

12 “(G) activities that improve the availability
13 of child care services, activities that improve ac-
14 cess to child care services, and any other activ-
15 ity that the State determines to be appropriate
16 to meet the purposes of this subchapter, with
17 priority being given for services (including giv-
18 ing priority access to services through providers
19 at the highest tier of the system described in
20 section 658E(c)(2)(W)(i)) to homeless children,
21 children in foster care, children of families with
22 very low family incomes (taking into consider-
23 ation family size), children with disabilities, and
24 infants and toddlers with disabilities;

1 “(H) activities to improve the quality of
2 providers of family, friend, or neighbor care,
3 which may include—

4 “(i) offering education, training, busi-
5 ness development, apprenticeship, men-
6 toring, or leadership development opportu-
7 nities for the providers;

8 “(ii) conducting home visits and
9 coaching that provide one-on-one advice
10 and support;

11 “(iii) conducting play and learn ses-
12 sions or other types of peer networking;

13 “(iv) facilitating participation in the
14 program carried out under this subchapter
15 or the child and adult care food program
16 established under section 17 of the Richard
17 B. Russell National School Lunch Act (42
18 U.S.C. 1766);

19 “(v) assistance in achieving licensure,
20 if the provider wants to become licensed;
21 and

22 “(vi) recruiting providers of family,
23 friend, or neighbor care to build the supply
24 of high-quality and inclusive care by such
25 providers;

1 “(I)(i) supporting eligible child care pro-
2 viders to eliminate suspensions, expulsions, and
3 aversive behavioral interventions, including
4 through adaptations and interventions by spe-
5 cial educators, mental health consultants, and
6 other community resources, such as behavior
7 coaches, psychologists, and other appropriate
8 specialists; and

9 “(ii) promoting multitiered systems of sup-
10 port such as positive behavioral interventions
11 and supports and trauma informed care that
12 promote positive social and emotional develop-
13 ment and reduce challenging behaviors;

14 “(J) activities to improve the supply and
15 quality of child care programs and services to
16 provide high-quality and inclusive care for
17 school-age children, which may include—

18 “(i) establishing or expanding high-
19 quality and inclusive school-age child care
20 standards and a system of supports for
21 such care that align with best practices for
22 before- and after-school care and summer
23 care;

1 “(ii) enhancing professional develop-
2 ment and technical assistance opportuni-
3 ties for providers of school-age care; and

4 “(iii) improving the ability of parents
5 to access transparent and easy to under-
6 stand consumer information about high-
7 quality and inclusive school-age care;

8 “(K) establishing or expanding high-qual-
9 ity and inclusive community or neighborhood-
10 based family and child development centers,
11 which shall serve as resources for child care
12 providers in order to improve the quality of
13 early childhood services provided to children
14 from low-income families and to help eligible
15 child care providers improve their capacity to
16 offer high-quality and inclusive, age-appropriate
17 care;

18 “(L) establishing or expanding the oper-
19 ation of community or neighborhood-based fam-
20 ily child care networks; or

21 “(M) supporting eligible child care pro-
22 viders in providing accessible comprehensive
23 services for children and their families, includ-
24 ing—

1 “(i) screenings of vision, hearing,
2 health (including mental health), dental
3 health, and development (including early
4 literacy and math skill development), which
5 shall be coordinated with the activities car-
6 ried out through the comprehensive child
7 find system under the Individuals with
8 Disabilities Education Act (20 U.S.C.
9 1400 et seq.);

10 “(ii)(I) family engagement opportuni-
11 ties that take into account the language
12 spoken in the child’s home, such as parent
13 conferences (with opportunities for parents
14 to provide input about the child’s develop-
15 ment); and

16 “(II) support services, such as parent
17 education, home visiting, and family lit-
18 eracy services;

19 “(iii)(I) nutrition services, including
20 provision of nutritious meals and snack op-
21 tions aligned with the requirements in the
22 most recent guidelines promulgated by the
23 Secretary of Agriculture for the Child and
24 Adult Care Food Program authorized
25 under section 17 of the Richard B. Russell

1 National School Lunch Act (42 U.S.C.
2 1766); and

3 “(II) regular, age-appropriate, nutri-
4 tion education for children and their fami-
5 lies;

6 “(iv) programs, carried out in coordi-
7 nation with local educational agencies and
8 entities providing services and supports au-
9 thorized under part B and part C of the
10 Individuals with Disabilities Education Act
11 (20 U.S.C. 1411 et seq.; 1431 et seq.), to
12 ensure the full participation of infants and
13 toddlers with disabilities and children with
14 disabilities in high-quality and inclusive
15 child care settings;

16 “(v) physical activity programs that—

17 “(I) are aligned with evidence-
18 based guidelines, such as those rec-
19 ommended by the Health and Medi-
20 cine Division of the National Acad-
21 emies of Sciences, Engineering, and
22 Medicine; and

23 “(II) take into account and ac-
24 commodate the needs of children with
25 disabilities; and

1 “(vi) on-site service coordination, to
2 the maximum extent feasible.”.

3 **SEC. 108. ADMINISTRATION AND ENFORCEMENT.**

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

6 (1) in subsection (a)—

7 (A) in paragraph (2), by striking “child
8 care standards” and inserting “standards for
9 child care described in clauses (i) and (ii) of
10 section 658E(c)(2)(W)”;

11 (B) in paragraph (3), by inserting “and”
12 after the semicolon;

13 (C) in paragraph (4), by striking “; and”
14 and inserting a period; and

15 (D) by striking paragraph (5);

16 (2) in subsection (b)(2)(A), by striking “State
17 allotment” and inserting “State payments”; and

18 (3) by striking subsection (c).

19 **SEC. 109. STATE QUARTERLY PAYMENTS.**

20 (a) IN GENERAL.—Section 658J of the Child Care
21 and Development Block Grant Act of 1990 (42 U.S.C.
22 9858h) is amended to read as follows:

23 **“SEC. 658J. PAYMENTS TO STATES.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) FMAP.—The term ‘FMAP’ has the mean-
2 ing given the term in the first sentence of section
3 1905(b) of the Social Security Act (42 U.S.C.
4 1396d(b)).

5 “(2) INFANT OR TODDLER.—The term ‘infant
6 or toddler’ means a child under age 3.

7 “(b) PAYMENTS TO STATES.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graphs (2) and (3), the Secretary shall pay to each
10 State with an application approved under section
11 658E an amount for each quarter equal to the
12 FMAP of expenditures in the quarter—

13 “(A) for child care assistance under the
14 plan for eligible children, other than such chil-
15 dren who are infants or toddlers; and

16 “(B) to carry out activities under section
17 658G, subject to the limit specified in section
18 658G(a)(2).

19 “(2) CHILD CARE ASSISTANCE FOR INFANTS OR
20 TODDLERS.—The Secretary shall pay to each State
21 with such an approved application an amount for
22 each quarter equal to 90 percent of expenditures in
23 the quarter for child care assistance under the plan
24 for eligible children who are infants or toddlers.

1 “(3) ADMINISTRATION.—The Secretary shall
2 pay to each State with such an approved application
3 an amount for each quarter equal to 50 percent of
4 expenditures in the quarter for the costs incurred by
5 the State in carrying out sections 658H and 658K,
6 and other reasonable costs incurred by the State to
7 administer the plan.

8 “(c) ADVANCE PAYMENT; RETROSPECTIVE ADJUST-
9 MENT.—

10 “(1) IN GENERAL.—The Secretary may make
11 payments under this section for each quarter on the
12 basis of advance estimates of expenditures submitted
13 by the State and such other investigation as the Sec-
14 retary may find necessary, and may reduce or in-
15 crease the payments as necessary to adjust for any
16 overpayment or underpayment for previous quarters.

17 “(2) LIMITATIONS.—The Secretary may not
18 make such payments in a manner that prevents a
19 State from complying with the requirement specified
20 in section 658E(c)(3).

21 “(d) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—
22 Nothing in this section shall be construed as preventing
23 a State from claiming as expenditures in a quarter ex-
24 penditures that were incurred in a previous quarter.

1 “(e) STATE ENTITLEMENT.—This subchapter con-
2 stitutes budget authority in advance of appropriations
3 Acts and represents the obligation of the Federal Govern-
4 ment to provide for payments to States under this section
5 from amounts provided under section 658B(a).”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section take effect on October 1, 2020.

8 **SEC. 110. REPORTING.**

9 Section 658K(a)(1)(B) of the Child Care and Devel-
10 opment Block Grant Act of 1990 (42 U.S.C.
11 9858i(a)(1)(B)) is amended—

12 (1) in clause (x), by striking “and”;

13 (2) by transferring clause (xi) so as to appear
14 after clause (x);

15 (3) in clause (xi), by inserting “and” after the
16 semicolon; and

17 (4) by inserting after clause (xi) the following:

18 “(xii) whether the children receiving
19 assistance under this subchapter are either
20 children with disabilities or infants and
21 toddlers with disabilities;”.

22 **SEC. 111. PRIORITY; WEBSITE.**

23 Section 658L of the Child Care and Development
24 Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

1 (1) in the third sentence of subsection (a), by
2 striking “658E(c)(3)(B)” and inserting “section
3 658G(b)(8)(G)”;

4 (2) in subsection (b)(2)(B)—

5 (A) in clause (ii), by striking “a Quality
6 Rating and Improvement System” and inserting
7 “a tiered and transparent system for measuring
8 the quality of child care providers described in
9 section 658E(c)(2)(W)(i) and”;

10 (B) in clause (iv), by striking “and” at the
11 end;

12 (C) in clause (v), by striking the period
13 and inserting “; and”; and

14 (D) by inserting at the end the following:

15 “(vi) information about—

16 “(I) high-quality and inclusive
17 care for children with disabilities and
18 infants and toddlers with disabilities,
19 including child care with early inter-
20 vention services under part C of the
21 Individuals with Disabilities Edu-
22 cation Act (20 U.S.C. 1431 et seq.)
23 for infants and toddlers with disabil-
24 ities and their families, and child care
25 with services and supports under part

1 B of the Individuals with Disabilities
2 Education Act (20 U.S.C. 1431 et
3 seq.) for children with disabilities; and
4 “(II) other Federal, State, or
5 local programs that may support in-
6 clusive child care for infants and tod-
7 dlers, or children, referred to in sub-
8 clause (I).”.

9 **SEC. 112. NONDISCRIMINATION.**

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

12 (1) in subsection (a)—

13 (A) in paragraph (1)(A), by striking “this
14 section” and inserting “this subsection”;

15 (B) by striking paragraph (2);

16 (C) by redesignating paragraphs (3) and
17 (4) as paragraphs (2) and (3), respectively; and

18 (D) in paragraph (3)—

19 (i) in the paragraph heading, by strik-
20 ing “AND ADMISSION”;

21 (ii) by striking “(1)(B), (2), and (3)”
22 and inserting “(1)(B) and (2)”;

23 (iii) by striking “and admissions”;

24 and

25 (iv) by striking “or admissions”;

1 (2) in subsection (b)—

2 (A) in the subsection heading, by striking

3 “STATE LAW” and inserting “OTHER LAWS”;

4 (B) by striking “Nothing” and inserting
5 the following:

6 “(1) EXPENDITURES.—Nothing”; and

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

8 “(2) RIGHTS, REMEDIES, PROCEDURES, OR
9 STANDARDS.—Nothing in this subchapter shall be
10 construed to invalidate or limit rights, remedies, pro-
11 cedures, or legal standards available to victims of
12 discrimination in employment or in provision of pro-
13 grams and activities under any other Federal law or
14 law of a State or political subdivision of a State, in-
15 cluding the Civil Rights Act of 1964 (42 U.S.C.
16 2000a et seq.), title IX of the Education Amend-
17 ments of 1972 (20 U.S.C. 1681 et seq.), section 504
18 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.
19 794, 794a), or the Americans with Disabilities Act
20 of 1990 (42 U.S.C. 12101 et seq.). The obligations
21 imposed by this subchapter are in addition to those
22 imposed by the Civil Rights Act of 1964 (42 U.S.C.
23 2000a et seq.), title IX of the Education Amend-
24 ments of 1972 (20 U.S.C. 1681 et seq.), section 504
25 of the Rehabilitation Act of 1973 (29 U.S.C. 794),

1 and the Americans with Disabilities Act of 1990 (42
2 U.S.C. 12101 et seq.)”;

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

4 “(c) NONDISCRIMINATION IN PROGRAMS AND AC-
5 TIVITIES.—

6 “(1) IN GENERAL.—Except as described in
7 paragraph (2), no person in the United States shall,
8 on the basis of actual or perceived race, color, reli-
9 gion, national origin, sex, sexual orientation, gender
10 identity, or disability, be excluded from participation
11 in, be denied the benefits of, or be subjected to dis-
12 crimination under any program or activity funded in
13 whole or in part, with funds made available under
14 this subchapter or with amounts appropriated for
15 grants, contracts, or certificates administered with
16 such funds.

17 “(2) PREFERENCE IN ENROLLMENT.—If assist-
18 ance provided under this subchapter, and any other
19 Federal or State program, amounts to less than 80
20 percent of the operating budget of a child care pro-
21 vider that receives such assistance, a child care pro-
22 vider may select children for child care slots that are
23 not funded directly with assistance provided under
24 this subchapter because such children or their family
25 members participate on a regular basis in other ac-

1 tivities of the organization that owns or operates
2 such provider.”.

3 **SEC. 113. INDIAN TRIBES AND NATIONAL ACTIVITIES.**

4 (a) IN GENERAL.—Section 6580 of the Child Care
5 and Development Block Grant Act of 1990 (42 U.S.C.
6 9858m) is amended—

7 (1) by striking the heading and inserting the
8 following:

9 **“SEC. 6580. INDIAN TRIBES AND NATIONAL ACTIVITIES.”;**

10 (2) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “one half of 1 percent
13 of the amount appropriated under this
14 subchapter” and inserting “a portion of
15 the amount appropriated under section
16 658B(b)”;

17 (ii) by striking “to be allotted” and all
18 that follows and inserting the following:

19 “to be allotted by the Secretary—

20 “(A) in accordance with the respective
21 needs of those territories; and

22 “(B) taking into consideration—

23 “(i) the population of eligible children,
24 and the population of eligible children from

1 low-income families, to be served by the
2 territory involved; and

3 “(ii) the cost of child care in the terri-
4 tory.”;

5 (B) in paragraph (2)—

6 (i) by striking “(2) INDIANS TRIBES”
7 and all that follows through “658B in”
8 and inserting “(2) INDIAN TRIBES.—The
9 Secretary shall reserve the remainder of
10 the amount appropriated under section
11 658B(b) in”;

12 (ii) by striking “subsection (c)” and
13 inserting “subsection (b)”;

14 (iii) by striking subparagraph (B);

15 (C) in paragraph (3), by striking “reserve
16 up to \$1,500,000 of the amount appropriated
17 under this subchapter” and inserting “reserve
18 and use such sums as the Secretary may deter-
19 mine to be necessary of the amount appro-
20 priated under section 658B(a)”;

21 (D) in paragraph (4), by striking “reserve
22 up to ½ of 1 percent of the amount appro-
23 priated under this subchapter” and inserting
24 “reserve and use such sums as the Secretary

1 may determine to be necessary of the amount
2 appropriated under section 658B(a)”; and

3 (E) in paragraph (5), by striking “reserve
4 $\frac{1}{2}$ of 1 percent of the amount appropriated
5 under this subchapter” and inserting “reserve
6 and use such sums as the Secretary may deter-
7 mine to be necessary of the amount appro-
8 priated under section 658B(a)”;

9 (3) by striking subsection (b);

10 (4) in subsection (c)—

11 (A) in paragraph (3)—

12 (i) in subparagraph (A), by striking
13 “and” at the end;

14 (ii) in subparagraph (B), by striking
15 the period and inserting “; and”; and

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

18 “(C)(i) the population of Indian or Native
19 Hawaiian eligible children, and the population
20 of Indian or Native Hawaiian eligible children
21 from low-income families, to be served by the
22 Indian tribe or tribal organization;

23 “(ii) the cost of child care in the area to
24 be served by the tribe or organization; and

1 “(iii) whether awarding a grant or contract
2 to the tribe or organization will increase the
3 number of programs that reach standards de-
4 scribed in subsection (a)(1)(B)(iii);” and

5 (B) in paragraph (6)—

6 (i) by inserting “(or other recipient of
7 funds through a State payment under sec-
8 tion 658J (referred to in this paragraph as
9 a ‘covered recipient’))” after “organiza-
10 tion” the first place it appears; and

11 (ii) except as provided in subpara-
12 graph (A), by inserting “(or other covered
13 recipient)” after “organization” each place
14 it appears;

15 (5) by redesignating subsection (c) as sub-
16 section (b);

17 (6) by striking subsection (d);

18 (7) in subsection (e)—

19 (A) by striking paragraphs (1) through
20 (3);

21 (B) by striking “(e) REALLOTMENTS.—”
22 and all that follows through “Any” and insert-
23 ing “(e) REALLOTMENTS.—Any”; and

24 (C) by striking “subsection (c)” each place
25 it appears and inserting “subsection (b)”; and

1 (8) by redesignating subsections (e) and (f) as
2 subsections (c) and (d), respectively.

3 (b) EFFECTIVE DATE.—This section takes effect on
4 October 1, 2020.

5 **SEC. 114. DEFINITIONS.**

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

8 (1) in paragraph (2)—

9 (A) by inserting “child care provider on be-
10 half of a” before “parent”; and

11 (B) by striking “who may use such certifi-
12 cate only as payment”;

13 (2) in paragraph (3)—

14 (A) by striking subparagraph (B); and

15 (B) by redesignating subparagraphs (C)
16 and (D) as subparagraphs (B) and (C), respec-
17 tively;

18 (3) in paragraph (4)(B), by striking “85 per-
19 cent” and inserting “150 percent (100 percent for
20 fiscal year 2018, 115 percent for fiscal year 2019,
21 and 130 percent for fiscal year 2020)”; and

22 (4) by adding at the end the following:

23 “(16) FOSTER CARE.—

24 “(A) IN GENERAL.—The term ‘foster care’
25 means 24-hour substitute care for a child

1 placed away from the child’s parents or guard-
2 ians and for whom the State agency has place-
3 ment and care responsibility. The term includes
4 care through a placement in a foster family
5 home, a foster home of a relative, a group
6 home, an emergency shelter, a residential facil-
7 ity, a child care institution, or a pre-adoptive
8 home.

9 “(B) RULE.—A child shall be considered
10 to be in foster care in accordance with subpara-
11 graph (A) regardless of—

12 “(i) whether the foster care facility is
13 licensed and payments are made by the
14 State or local agency for the care of the
15 child;

16 “(ii) whether adoption subsidy pay-
17 ments are being made prior to the finaliza-
18 tion of an adoption; or

19 “(iii) whether there are Federal
20 matching funds for any payments de-
21 scribed in clause (i) or (ii) that are made.

22 “(17) GENDER IDENTITY.—The term ‘gender
23 identity’ means the gender-related identity, appear-
24 ance, mannerisms, or other gender-related character-

1 istics of an individual, regardless of the individual’s
2 designated sex at birth.

3 “(18) HIGH-QUALITY AND INCLUSIVE CARE.—
4 The term ‘high-quality and inclusive’, used with re-
5 spect to care (including child care), means care pro-
6 vided by an eligible child care provider—

7 “(A) that is at the highest tier of the
8 State’s tiered and transparent system for meas-
9 uring the quality of child care providers, under
10 section 658E(c)(2)(W)(i);

11 “(B) for whom the percentage of children
12 served by the provider who are children with
13 disabilities and infants and toddlers with dis-
14 abilities reflects the prevalence of children with
15 disabilities and infants and toddlers with dis-
16 abilities among children within the State; and

17 “(C) that provides care for children with
18 disabilities and infants and toddlers with dis-
19 abilities alongside children who are—

20 “(i) not infants and toddlers with dis-
21 abilities; and

22 “(ii) not children with disabilities.

23 “(19) HOMELESS CHILD.—The term ‘homeless
24 child’ means an individual who is a homeless child

1 or youth under section 725 of the McKinney-Vento
2 Homeless Assistance Act (42 U.S.C. 11434).

3 “(20) INFANT OR TODDLER WITH A DIS-
4 ABILITY.—The term ‘infant or toddler with a dis-
5 ability’ has the meaning given the term in section
6 632 of the Individuals with Disabilities Education
7 Act (20 U.S.C. 1432).

8 “(21) SEX.—The term ‘sex’ includes—

9 “(A) a sex stereotype;

10 “(B) pregnancy, childbirth, or a related
11 medical condition; and

12 “(C) sexual orientation or gender identity.

13 “(22) SEXUAL ORIENTATION.—The term ‘sex-
14 ual orientation’ means homosexuality, hetero-
15 sexuality, or bisexuality.”.

16 **SEC. 115. MISCELLANEOUS PROVISIONS.**

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

19 (1) by striking “Notwithstanding” and insert-
20 ing the following:

21 “(a) CHILD CARE NOT TREATED AS INCOME.—Not-
22 withstanding”; and

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

24 “(b) RULE OF CONSTRUCTION FOR COLLECTIVE
25 BARGAINING.—Nothing in this subchapter shall be con-

1 strued to alter, diminish, or otherwise affect the rights,
2 remedies, and procedures afforded to individuals employed
3 by schools or local educational agencies, or teachers and
4 other staff employed by child care providers—

5 “(1) under Federal, State, or local laws (includ-
6 ing applicable regulations or court orders); or

7 “(2) under the terms of collective bargaining
8 agreements, memoranda of understanding, or other
9 agreements between schools, agencies, or providers
10 that are referred to in this subsection, and their em-
11 ployees.”.

12 **SEC. 116. CONFORMING AMENDMENT.**

13 The Child Care and Development Block Grant Act
14 of 1990 (42 U.S.C. 9858 et seq.) is amended by striking
15 the subchapter heading and inserting the following:

16 **“Subchapter C—Child Care and Development**
17 **Assistance”.**

18 **SEC. 117. TRANSITION RULE.**

19 (a) IN GENERAL.—During fiscal years 2018 through
20 2020, the Secretary of Health and Human Services—

21 (1) shall make allotments and payments to
22 States and Indian tribes under section 658J and
23 658O of the Child Care and Development Block
24 Grant Act of 1990 (42 U.S.C. 9858h, 9858m), as in

1 effect on the day before the date of enactment of
2 this Act, subject to subsection (b); and

3 (2) shall carry out section 658E(c)(3) of that
4 Act (42 U.S.C. 9858c(c)(3)) by applying subpara-
5 graphs (C) and (E) of that section, as in effect on
6 that day.

7 (b) ADJUSTMENTS.—During fiscal years 2018
8 through 2020, the Secretary shall have authority to make
9 such adjustments as may be necessary to carry out sub-
10 section (a) and to transition to making quarterly payments
11 under section 658J and allotments under 658O of the
12 Child Care and Development Block Grant Act, as amend-
13 ed by this Act.

14 **SEC. 118. EFFECTIVE DATE.**

15 This title, and the amendments made by this title,
16 take effect on October 1, 2017.

17 **TITLE II—HIGH-QUALITY**
18 **PRESCHOOL**

19 **SEC. 201. FORMULA GRANTS TO STATES TO ESTABLISH**
20 **VOLUNTARY HIGH-QUALITY PRESCHOOL**
21 **PROGRAMS.**

22 (a) DEFINITIONS.—In this section:

23 (1) CHILD WITH A DISABILITY.—The term
24 “child with a disability” has the meaning given the

1 term in section 602 of the Individuals with Disabil-
2 ities Education Act (20 U.S.C. 1401).

3 (2) DUAL LANGUAGE LEARNER.—The term
4 “dual language learner” means an individual who is
5 limited English proficient, as defined in section 637
6 of the Head Start Act (42 U.S.C. 9832).

7 (3) ELIGIBLE CHILD.—The term “eligible
8 child” means a child who is—

9 (A) age 3, 4, or 5;

10 (B) not yet enrolled in kindergarten; and

11 (C) a member of a family with a family in-
12 come that does not exceed 150 percent of the
13 State median income for a family of the same
14 size.

15 (4) ELIGIBLE PROVIDER.—The term “eligible
16 provider” includes a local educational agency, Head
17 Start program funded under the Head Start Act (42
18 U.S.C. 9831 et seq.), licensed child care center, li-
19 censed family child care home, and community- or
20 neighborhood-based family child care network,
21 that—

22 (A) participates in the State’s tiered and
23 transparent system for measuring program
24 quality described in section 658E(c)(2)(W)(i) of

1 the Child Care and Development Block Grant
2 Act of 1990 (42 U.S.C. 9858c(c)(2)(W)(i)); and

3 (B) meets the highest tier of such system.

4 (5) FOSTER CARE.—

5 (A) IN GENERAL.—The term “foster care”
6 means 24-hour substitute care for a child
7 placed away from the child’s parents or guard-
8 ians and for whom the State agency has place-
9 ment and care responsibility. The term includes
10 care through a placement in a foster family
11 home, a foster home of a relative, a group
12 home, an emergency shelter, a residential facil-
13 ity, a child care institution, or a pre-adoptive
14 home.

15 (B) RULE.—A child shall be considered to
16 be in foster care in accordance with subpara-
17 graph (A) regardless of—

18 (i) whether the foster care facility is
19 licensed and payments are made by the
20 State or local agency for the care of the
21 child;

22 (ii) whether adoption subsidy pay-
23 ments are being made prior to the finaliza-
24 tion of an adoption; or

1 (iii) whether there are Federal match-
2 ing funds for any payments described in
3 clause (i) or (ii) that are made.

4 (6) GOVERNOR.—The term “Governor” means
5 the chief executive officer of a State.

6 (7) HIGH-NEED SCHOOL.—The term “high-need
7 school” means an elementary school in which not
8 less than 50 percent of the enrolled students are
9 children from low-income families, as defined in sec-
10 tion 2221(b)(3)(B) of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C.
12 6641(b)(3)(B)).

13 (8) HIGH-NEED LOCAL EDUCATIONAL AGEN-
14 CY.—The term “high-need local educational agency”
15 means a local educational agency that serves a high
16 percentage of high-need schools.

17 (9) HOMELESS CHILD.—The term “homeless
18 child” means an individual who is a homeless child
19 or youth under section 725 of the McKinney-Vento
20 Homeless Assistance Act (42 U.S.C. 11434).

21 (10) INFANT OR TODDLER WITH A DIS-
22 ABILITY.—The term “infant or toddler with a dis-
23 ability” has the meaning given the term in section
24 632 of the Individuals with Disabilities Education
25 Act (20 U.S.C. 1432).

1 (11) LOW-INCOME CHILD.—The term “low-in-
2 come child” means a child who is a member of a
3 family with a family income that is at or below 200
4 percent of the poverty line.

5 (12) OUTLYING AREAS.—The term “outlying
6 areas” means the United States Virgin Islands,
7 Guam, American Samoa, and the Commonwealth of
8 the Northern Mariana Islands.

9 (13) POVERTY LINE.—The term “poverty line”
10 means the official poverty line (as defined by the Of-
11 fice of Management and Budget)—

12 (A) adjusted to reflect the percentage
13 change in the Consumer Price Index For All
14 Urban Consumers, issued by the Bureau of
15 Labor Statistics, occurring in the 1-year period
16 or other interval immediately preceding the date
17 such adjustment is made; and

18 (B) adjusted for family size.

19 (14) STATE.—The term “State” means each of
20 the 50 States, the District of Columbia, and the
21 Commonwealth of Puerto Rico.

22 (b) ALLOTMENTS TO STATES.—

23 (1) RESERVATION.—From the total amount ap-
24 propriated to carry out this section for a fiscal year,

1 the Secretary of Health and Human Services, in col-
2 laboration with the Secretary of Education, shall—

3 (A) reserve not less than 1 percent and not
4 more than 2 percent for payments to Indian
5 tribes and tribal organizations;

6 (B) reserve $\frac{1}{2}$ of 1 percent for the outlying
7 areas to be distributed among the outlying
8 areas on the basis of their relative need, as de-
9 termined by the Secretary of Health and
10 Human Services in accordance with the pur-
11 poses of this section;

12 (C) reserve $\frac{1}{2}$ of 1 percent for eligible
13 local entities that serve children in families who
14 are engaged in migrant or seasonal agricultural
15 labor;

16 (D) reserve not more than 1 percent or
17 \$30,000,000, whichever amount is less, for na-
18 tional activities, including administration, tech-
19 nical assistance, and evaluation; and

20 (E) reserve 5 percent for State leadership
21 activities described in subsection (c), including
22 the grants described in such subsection.

23 (2) ALLOTMENT FORMULA.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), from the total amount ap-

1 appropriated to carry out this section for a fiscal
2 year that remains after making the reservations
3 under paragraph (1), the Secretary of Health
4 and Human Services, in collaboration with the
5 Secretary of Education, shall allot to each State
6 for the fiscal year that has an application ap-
7 proved under subsection (d) an amount that
8 bears the same ratio to such remainder as the
9 number of children who are below the age of 6
10 who reside within the State and whose families
11 have an income at or below 200 percent of the
12 poverty line for the most recent year for which
13 satisfactory data are available, bears to the
14 number of such children who reside in all such
15 States for such most recent fiscal year for
16 which satisfactory data are available.

17 (B) MINIMUM ALLOTMENT AMOUNT.—No
18 State receiving an allotment under subpara-
19 graph (A) for a fiscal year shall receive less
20 than $\frac{1}{2}$ of 1 percent of the total amount allot-
21 ted under such subparagraph for the fiscal
22 year.

23 (c) STATE RESERVATION.—

24 (1) IN GENERAL.—The State leadership activi-
25 ties described in this subsection shall improve equi-

1 table access to high-quality preschool programs oper-
2 ated by eligible providers across the State, including
3 programs in high-need local educational agencies,
4 which shall include—

5 (A) ongoing professional development op-
6 portunities for school principals, school super-
7 intendants, teachers, and teacher assistants to
8 improve their practices, which may include ac-
9 tivities that—

10 (i) prepare elementary schools to cre-
11 ate or expand preschool classrooms, includ-
12 ing training on developmentally appro-
13 priate practices and preparing classrooms
14 with materials and equipment for young
15 children;

16 (ii) promote children’s development
17 across all of the essential domains of early
18 learning and development;

19 (iii) improve curricula and teacher-
20 child interaction;

21 (iv) increase effective family engage-
22 ment, including for families of dual lan-
23 guage learners;

24 (v) provide culturally competent in-
25 struction, including effective instruction for

1 children with disabilities and dual language
2 learners;

3 (vi) improve social and emotional de-
4 velopment;

5 (vii) incorporate positive behavioral
6 interventions and supports and principles
7 of trauma-informed care;

8 (viii) align preschool curricula with el-
9 ementary school standards and curricula;

10 (ix) engage teachers, teacher leaders,
11 early childhood educators, and other pro-
12 fessionals in joint professional learning op-
13 portunities, as described in section
14 2103(b)(3)(G) of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C.
16 6613(b)(3)(G)); and

17 (x) improve the transition of children
18 from preschool to elementary school;

19 (B) completing the Preschool Equity Re-
20 view and distributing grants as described in
21 paragraph (2) in accordance with the results of
22 such review;

23 (C) expanding or establishing scholarships,
24 counseling, and compensation initiatives to
25 cover the cost of tuition, fees, materials, trans-

1 portation, and release time for staff of eligible
2 providers to pursue credentials and degrees, in-
3 cluding bachelor's degrees; and

4 (D) partnerships between institutions of
5 higher education and eligible providers, includ-
6 ing high-need local educational agencies, to im-
7 prove access to early childhood educators, in-
8 cluding educators serving dual language learn-
9 ers.

10 (2) GRANTS TO IMPROVE EQUITABLE ACCESS
11 TO HIGH-QUALITY PRESCHOOL PROGRAMS.—

12 (A) IN GENERAL.—From amounts reserved
13 under subsection (b)(1)(E), a State shall make
14 grants to rectify resource inequities in preschool
15 programs and expand access to high-quality
16 preschool programs for all children, including
17 children described in items (aa) through (dd) of
18 subparagraph (B)(ii)(I). Such grants shall be
19 awarded to high-need local educational agencies
20 in order to improve their capacity to offer high-
21 quality preschool programs for eligible children,
22 which may include paying the costs of renova-
23 tion.

24 (B) PRESCHOOL EQUITY REVIEW.—

1 (i) IN GENERAL.—Each State making
2 grants under subparagraph (A) shall com-
3 plete an annual Preschool Equity Review
4 that informs the distribution of funds
5 under such subparagraph.

6 (ii) CONTENTS OF REVIEW.—Each
7 Preschool Equity Review shall include data
8 on—

9 (I) the percentage of children
10 participating in preschool programs
11 funded under this section,
12 disaggregated by status as—

13 (aa) children with disabil-
14 ities;

15 (bb) low-income children;

16 (cc) major ethnic and racial
17 groups; and

18 (dd) dual language learners;

19 (II) the geographic location of
20 preschool programs funded under this
21 section;

22 (III) the quality of preschool pro-
23 grams funded under the section, com-
24 pared to such programs not funded
25 under this section; and

1 (IV) resource inequities between
2 preschool programs, including pro-
3 grams serving a high percentage of
4 children described in items (aa)
5 through (dd) of subclause (I).

6 (d) STATE APPLICATION.—In order to receive an al-
7 lotment under this section, the Governor of a State shall
8 submit an application at such time and in such manner
9 as the Secretary of Health and Human Services, in col-
10 laboration with the Secretary of Education, may require.
11 Such application shall include each of the following:

12 (1) A description of how the State will provide
13 access to high-quality preschool during the school
14 day for eligible children in the State within 3 years,
15 which shall include the following:

16 (A) How the State plans to distribute
17 funds from the State's allotment to eligible pro-
18 viders, including an assurance that the Gov-
19 ernor will designate a State-level entity (such as
20 an agency or joint interagency office) for the
21 administration of the grant.

22 (B) An explanation of how the State will
23 ensure that eligible providers receiving funds
24 under this section will use research-based cur-
25 ricula that are aligned with State early learning

1 standards that are developmentally appropriate
2 and include, at a minimum, each of the fol-
3 lowing domains:

4 (i) Language development.

5 (ii) Literacy.

6 (iii) Mathematics.

7 (iv) Science.

8 (v) Creative arts.

9 (vi) Social and emotional development.

10 (vii) Approaches to learning.

11 (viii) Physical development.

12 (C) How the State will coordinate services
13 provided under this section with services and
14 supports provided under the Child Care and
15 Development Block Grant Act of 1990 (42
16 U.S.C. 9858 et seq.), section 619 and part C of
17 the Individuals with Disabilities Education Act
18 (20 U.S.C. 1419; 1431 et seq.), the Head Start
19 Act (42 U.S.C. 9831 et seq.), the Preschool De-
20 velopment Grants program under section 9212
21 of the Every Student Succeeds Act (42 U.S.C.
22 9831 note), the Elementary and Secondary
23 Education Act of 1965 (20 U.S.C. 6301 et
24 seq.), the McKinney-Vento Homeless Assistance
25 Act (42 U.S.C. 11301 et seq.) and the mater-

1 nal, infant, and early childhood home visiting
2 programs assisted under section 511 of the So-
3 cial Security Act (42 U.S.C. 711).

4 (D) How the State will improve transitions
5 from early childhood education to elementary
6 school, including how the State will ensure that
7 preschool programs—

8 (i) share relevant data between early
9 childhood educators and kindergarten
10 teachers;

11 (ii) share instructional, behavioral,
12 and other information between early child-
13 hood educators and kindergarten teachers
14 to best support the transition of children
15 with disabilities who may need services and
16 supports provided under part B of the In-
17 dividuals with Disabilities Education Act
18 (42 U.S.C. 1411 et seq.) into general edu-
19 cation settings; and

20 (iii) share information about the pro-
21 ficiency of dual language learners in both
22 English and their native language.

23 (E) How the State will provide ongoing
24 monitoring and support and conduct evalua-

1 tions of preschool programs funded under this
2 section.

3 (F) How the State has reviewed the stra-
4 tegic plan developed under section 9212 of the
5 Every Student Succeeds Act (42 U.S.C. 9831
6 note) or engaged in a similar strategy to facili-
7 tate coordination of existing early learning and
8 care programs in a mixed delivery system.

9 (G) If the State funds full-day kinder-
10 garten programs, but such full-day kinder-
11 garten programs are not available to all chil-
12 dren who are eligible to attend such programs
13 in the State, how the State plans to increase
14 the number of children in the State who are en-
15 rolled in full-day kindergarten programs and a
16 strategy to implement such a plan.

17 (H) If the State does not fund full-day
18 kindergarten programs, a description of how
19 the State plans to establish such programs to
20 strengthen the educational continuum for chil-
21 dren who will be involved in the State's high-
22 quality preschool program supported under this
23 title.

24 (2) An assurance that all preschool programs
25 funded under this section will—

1 (A) offer programming that meets the du-
2 ration requirements in the program perform-
3 ance standards applicable to Head Start pro-
4 grams described in section 641A of the Head
5 Start Act (42 U.S.C. 9836a);

6 (B) adopt policies and practices to provide
7 expedited enrollment, including prioritization,
8 to—

9 (i) homeless children;

10 (ii) children in foster care; and

11 (iii) migratory children;

12 (C) conduct outreach to families of—

13 (i) homeless children;

14 (ii) dual language learners;

15 (iii) children in foster care;

16 (iv) children with disabilities;

17 (v) infants and toddlers with disabil-

18 ities; and

19 (vi) migratory children;

20 (D) provide salaries to staff of eligible pro-
21 viders that are on the same pay scale as ele-
22 mentary school educators with similar creden-
23 tials and experience;

24 (E) require high staff qualifications for
25 teachers, including, at a minimum, meeting the

1 staff qualifications included in the quality
2 standards of the National Institute for Early
3 Education Research that are in effect on the
4 date of enactment of this Act by not later than
5 4 years after the date the State first receives an
6 allotment under this section; and

7 (F) determine whether children are dual
8 language learners and provide services to en-
9 sure the full and effective participation of such
10 learners and their families.

11 (3) An assurance that the State will provide as-
12 sistance under this section only to eligible providers
13 that prohibit the use of suspension, expulsion, and
14 aversive behavioral interventions.

15 (4) An assurance that the State will meet the
16 requirements of clauses (ii) and (iii) of section
17 658E(c)(2)(T) of the Child Care and Development
18 Block Grant Act of 1990 (42 U.S.C.
19 9858c(e)(2)(T)(ii) and (iii)).

20 (e) USE OF FUNDS.—A State that receives an allot-
21 ment under subsection (b)(2) for a fiscal year shall use
22 the allotment to carry out the activities described in the
23 State’s application described in subsection (d).

24 (f) MATCH REQUIRED.—A State that receives an al-
25 lotment under subsection (b)(2) for a fiscal year shall pro-

1 vide matching funds from non-Federal sources in an
2 amount equal to 10 percent of the Federal funds that such
3 State receives under such subsection for the fiscal year.

4 (g) REPORTING.—

5 (1) IN GENERAL.—Each State that receives an
6 allotment under subsection (b)(2) shall prepare an
7 annual report, in such manner and containing such
8 information as the Secretary of Health and Human
9 Services may reasonably require.

10 (2) CONTENTS.—A report prepared under para-
11 graph (1) shall contain, at a minimum—

12 (A) a description of the manner in which
13 the State has used the funds made available
14 through the allotment and a report of the ex-
15 penditures made with the funds;

16 (B) a summary of the State’s progress to-
17 ward providing access to high-quality preschool
18 programs for eligible children;

19 (C) an evaluation of the State’s progress
20 towards improving equitable access to high-
21 quality preschool, as measured by the Preschool
22 Equity Review described in subsection
23 (c)(2)(B);

24 (D) the number and percentage of children
25 in the State participating in eligible preschool

1 programs, disaggregated by race, ethnicity,
2 family income, child age, disability, and whether
3 the children are homeless children, children in
4 foster care, or dual language learners;

5 (E) data on the number and percentage of
6 children in the State participating in public kin-
7 dergarten programs, disaggregated by race,
8 family income, child age, disability, and whether
9 the children are homeless children, children in
10 foster care, or dual language learners, with in-
11 formation on whether such programs are of-
12 fered—

13 (i) for a full-day; and

14 (ii) at no cost to families; and

15 (F) data on the kindergarten readiness of
16 children across the State.

17 (h) MAINTENANCE OF EFFORT.—

18 (1) IN GENERAL.—If a State reduces its com-
19 bined fiscal effort per child for its State preschool
20 program or State supplemental assistance funds for
21 Head Start programs assisted under the Head Start
22 Act (42 U.S.C. 9831 et seq.) for any fiscal year that
23 a State receives an allotment under subsection
24 (b)(2) relative to the previous fiscal year, the Sec-
25 retary of Health and Human Services, in collabora-

1 tion with the Secretary of Education, shall reduce
2 support for such State under such subsection by the
3 same amount as the decline in State effort for such
4 fiscal year.

5 (2) WAIVER.—The Secretary of Health and
6 Human Services, in collaboration with the Secretary
7 of Education, may waive the requirements of para-
8 graph (1) if—

9 (A) the Secretaries determine that a waiv-
10 er would be appropriate due to a precipitous de-
11 cline in the financial resources of a State as a
12 result of unforeseen economic hardship or a
13 natural disaster that has necessitated across-
14 the-board reductions in State services during
15 the 5-year period preceding the date of the de-
16 termination, including for early childhood edu-
17 cation programs; or

18 (B) due to the circumstances of a State re-
19 quiring reductions in specific programs, includ-
20 ing early childhood education, the State pre-
21 sents to the Secretaries a justification and dem-
22 onstration why other programs could not be re-
23 duced and how early childhood programs in the
24 State will not be disproportionately harmed by
25 such State action.

1 (i) SUPPLEMENT NOT SUPPLANT.—Funds received
2 under this section shall be used to supplement and not
3 supplant other Federal, State, and local public funds ex-
4 pended on early childhood education programs in the
5 State.

6 (j) APPROPRIATIONS.—There is authorized to be ap-
7 propriated, and there is appropriated, to carry out this
8 section, \$8,000,000,000 for each of fiscal years 2018
9 through 2028.

10 **TITLE III—HEAD START**
11 **EXTENDED DURATION**

12 **SEC. 301. EXTENDED DURATION.**

13 (a) IN GENERAL.—The Head Start Act is amend-
14 ed—

15 (1) by redesignating section 657C (42 U.S.C.
16 9852c) as section 657D; and

17 (2) by inserting after section 657B (42 U.S.C.
18 9852b) the following:

19 **“SEC. 657C. EXTENDED DURATION.**

20 **“(a) IN GENERAL.—**The Secretary shall make grants
21 to Head Start (including Early Head Start) agencies
22 funded under this subchapter to enable such agencies—

23 **“(1) to provide access to a full school year and**
24 **a full school day of services; or**

1 “(2) in the case of a migrant and seasonal
2 Head Start agency, to provide access to additional
3 service hours to ensure continuous Head Start serv-
4 ices as determined by the Secretary.

5 “(b) APPLICATION.—

6 “(1) IN GENERAL.—To be eligible to receive a
7 grant under this section, a Head Start agency shall
8 submit an application at such time and in such man-
9 ner as the Secretary may require. Such application
10 shall include—

11 “(A) evidence of—

12 “(i) the number and percentage of
13 slots—

14 “(I) in the agency’s Head Start
15 center-based programs (that are not
16 Early Head Start programs)—

17 “(aa) that are currently
18 funded (as of the date of submis-
19 sion of the application); and

20 “(bb) in which services are
21 provided for at least the equiva-
22 lent of 1,020 hours per year; and

23 “(II) in the agency’s Early Head
24 Start center-based programs—

1 “(aa) that are currently
2 funded (as of that date); and

3 “(bb) in which services are
4 provided for at least the equiva-
5 lent of 1,380 hours per year; and

6 “(ii) the number and percentage of
7 slots, in the agency’s Head Start family
8 child care programs—

9 “(I) that are currently funded
10 (as of that date); and

11 “(II) in which services are pro-
12 vided for at least the equivalent of
13 1,380 hours per year;

14 “(B) a description of an approach, using
15 the current community-wide strategic planning
16 and needs assessment described in section
17 640(g)(1)(C) of the Head Start Act (42 U.S.C.
18 9835(g)(1)(C)) and current program schedule
19 (current as of the date of submission of the ap-
20 plication), that transitions all of the agency’s
21 Head Start programs to a full school day, full
22 school year program schedule; and

23 “(C) a budget justification that estimates
24 the supplemental funding necessary to provide
25 for incremental ongoing operating costs for the

1 extended hours of service under such a program
2 schedule for the current enrollment in the agen-
3 cy's Head Start programs.

4 “(2) EXCEPTIONS.—

5 “(A) IN GENERAL.—A migrant and sea-
6 sonal Head Start agency may apply for a grant
7 described in subsection (a) without meeting the
8 requirements specified in paragraph (1) to en-
9 sure continuous Head Start services are pro-
10 vided to children enrolled in a migrant and sea-
11 sonal Head Start program. To be eligible to re-
12 ceive the grant, the agency shall submit an ap-
13 plication at such time and in such manner as
14 the Secretary may require.

15 “(B) PRIORITY.—In making grants under
16 this paragraph, the Secretary shall give priority
17 to a migrant and seasonal Head Start agency
18 operating for fewer than 8 months per year.

19 “(c) USE OF FUNDS.—

20 “(1) IN GENERAL.—A Head Start agency re-
21 ceiving a grant under this section shall use the grant
22 funds to cover the costs associated with extending
23 those hours of service for the current enrollment,
24 such as additional costs for—

1 “(A) the purchase, rental, renovation, and
2 maintenance of additional facilities;

3 “(B) ongoing purchases of classroom sup-
4 plies;

5 “(C) staff providing services during the ex-
6 tended hours; and

7 “(D) professional development to staff
8 transitioning to providing services during the
9 extended hours.

10 “(2) EXCEPTION.—The Head Start agency
11 shall not use the grant funds to expand the number
12 of children served in the Head Start (including
13 Early Head Start) programs of the agency.

14 “(d) RESERVATIONS.—

15 “(1) ACTIVITIES.—From the total amount ap-
16 propriated to carry out this section, the Secretary
17 shall—

18 “(A) for making grants for the activities
19 described in subsection (c)(1)(A), reserve
20 \$3,600,000,000 of the funds appropriated for
21 fiscal year 2018; and

22 “(B) for making grants for the activities
23 described in any of subparagraphs (B) through
24 (D) of subsection (c)(1), reserve—

1 “(i) \$276,000,000 of the funds appro-
2 priated for fiscal year 2018;

3 “(ii) \$648,000,000 of the funds ap-
4 propriated for fiscal year 2019; and

5 “(iii) \$1,019,000,000 of the funds ap-
6 propriated for fiscal year 2020.

7 “(2) MIGRANT OR SEASONAL HEAD START PRO-
8 GRAMS.—From the amount appropriated to carry
9 out this section for a fiscal year and reserved under
10 paragraph (1)(B), the Secretary shall reserve 4.5
11 percent for migrant or seasonal Head Start pro-
12 grams.

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this sec-
15 tion—

16 “(1) \$3,876,000,000 for fiscal year 2018;

17 “(2) \$648,000,000 for fiscal year 2019; and

18 “(3) \$1,019,000,000 for fiscal year 2020.

19 “(f) DEFINITIONS.—In this section:

20 “(1) FULL SCHOOL DAY; FULL SCHOOL
21 YEAR.—The terms ‘full school day’ and ‘full school
22 year’ mean such a day and year, respectively, within
23 the meaning of the Head Start Program Perform-
24 ance standards issued under section 641A(a) of the
25 Head Start Act (42 U.S.C. 9836a(a)).

1 “(2) MIGRANT AND SEASONAL HEAD START
2 AGENCY.—The term ‘migrant and seasonal Head
3 Start agency’ means an agency that is funded under
4 this subchapter to provide a migrant and seasonal
5 Head Start program.”.

6 (b) CONFORMING AMENDMENTS.—Section 640 of the
7 Head Start Act (42 U.S.C. 9835) is amended—

8 (1) in subsection (a)(6), by striking “appro-
9 priated under this subchapter” each place it appears
10 and inserting “appropriated under section 639”; and

11 (2) in subsection (g)(3)(A)—

12 (A) by striking “amount appropriated”
13 each place it appears and inserting “amount
14 appropriated under section 639”;

15 (B) by striking “services provided under
16 this subchapter” and inserting “services pro-
17 vided under this subchapter (other than section
18 657C)”; and

19 (C) by striking “agency under this sub-
20 chapter” and inserting “agency under this sub-
21 chapter (other than section 657C)”.

1 **TITLE IV—APPROPRIATIONS**
2 **FOR SUPPORTS AND SERV-**
3 **ICES FOR INCLUSIVE CHILD**
4 **CARE FOR INFANTS, TOD-**
5 **DLERS, AND CHILDREN WITH**
6 **DISABILITIES**

7 **SEC. 401. APPROPRIATIONS FOR SUPPORTS AND SERVICES**
8 **FOR INCLUSIVE CHILD CARE FOR INFANTS,**
9 **TODDLERS, AND CHILDREN WITH DISABIL-**
10 **ITIES.**

11 There is authorized to be appropriated and there is
12 appropriated for each State for each quarter an amount
13 that is equal to 5 percent of the payment to such State
14 for such quarter under section 658J of the Child Care and
15 Development Block Grant Act of 1990 (42 U.S.C. 9858h)
16 to be used by—

17 (1) the State’s lead agency designated or estab-
18 lished under section 635(a)(10) of the Individuals
19 with Disabilities Education Act (20 U.S.C.
20 1435(a)(10)) to provide early intervention services
21 for infants and toddlers with disabilities (as defined
22 in section 632 of the Individuals with Disabilities
23 Education Act (20 U.S.C. 1432)) and their families
24 in settings that provide high-quality inclusive care to
25 such children; and

1 (2) the State to provide services and supports
2 to children with disabilities (as defined in section
3 658P of the Child Care and Development Block
4 Grant Act of 1990 (42 U.S.C. 9858n)) in settings
5 that provide high-quality inclusive care to such chil-
6 dren.

7 **TITLE V—MATERNAL, INFANT,**
8 **AND EARLY CHILDHOOD**
9 **HOME VISITING PROGRAM**

10 **SEC. 501. SENSE OF SENATE.**

11 It is the sense of the Senate that—

12 (1) from the prenatal period to the first day of
13 kindergarten, children’s development rapidly pro-
14 gresses at a pace exceeding that of any subsequent
15 stage of life;

16 (2) as reported by the National Academy of
17 Sciences in 2001, striking disparities exist in what
18 children know and can do that are evident well be-
19 fore they enter kindergarten; these differences are
20 strongly associated with social and economic cir-
21 cumstances, and they are predictive of subsequent
22 academic performance;

23 (3) research has consistently demonstrated that
24 investments in high-quality programs that serve in-
25 fants and toddlers better position those children for

1 success in elementary, secondary, and postsecondary
2 education as well as helping children develop the
3 critical physical, emotional, social, and cognitive
4 skills that they will need for the rest of their lives;

5 (4) in 2011, there were 11,000,000 infants and
6 toddlers living in the United States and 49 percent
7 of these children came from low-income families liv-
8 ing with incomes at or below 200 percent of the
9 Federal poverty guidelines;

10 (5) the Maternal, Infant, and Early Childhood
11 Home Visiting (MIECHV) program was authorized
12 by Congress to facilitate collaboration and partner-
13 ship at the Federal, State, and community levels to
14 improve health and development outcomes for at-risk
15 children, including those from low-income families,
16 through evidence-based home visiting programs;

17 (6) MIECHV is an evidence-based policy initia-
18 tive and its authorizing legislation requires that at
19 least 75 percent of funds dedicated to the program
20 must support programs to implement evidence-based
21 home visiting models, which includes the home-based
22 model of Early Head Start;

23 (7) in fiscal year 2016, MIECHV served ap-
24 proximately 160,000 parents and children, which is
25 only a small portion of those eligible, in 893 counties

1 covering all 50 States, the District of Columbia, and
2 5 territories; and

3 (8) Congress should increase its investment in
4 MIECHV to support the work of States to help
5 more at-risk families voluntarily receive home visits
6 from home visitors to—

7 (A) promote maternal, infant, and child
8 health;

9 (B) improve school readiness and achieve-
10 ment;

11 (C) prevent potential child abuse or neglect
12 and injuries;

13 (D) support family economic self-suffi-
14 ciency;

15 (E) reduce crime or domestic violence; and

16 (F) improve coordination or referrals for
17 community resources and supports.

○