

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—113th Cong., 1st Sess.**

**S. 1086**

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

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Care and Development Block Grant Act of 2013”.

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

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

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

2 “(a) SHORT TITLE.—This subchapter may be cited  
3 as the ‘Child Care and Development Block Grant Act of  
4 1990’.

5 “(b) PURPOSES.—The purposes of this subchapter  
6 are—

7 “(1) to allow each State maximum flexibility in  
8 developing child care programs and policies that best  
9 suit the needs of children and parents within that  
10 State;

11 “(2) to promote parental choice to empower  
12 working parents to make their own decisions regard-  
13 ing the child care that best suits their family’s  
14 needs;

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

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

23 “(5) to improve school readiness by having chil-  
24 dren, families, and child care providers engage in ac-  
25 tivities, in child care settings, that are develop-  
26 mentally appropriate and age-appropriate for the

1 children and that promote children’s language and  
2 literacy and mathematics skills, social and emotional  
3 development, physical health and development, and  
4 approaches to learning;

5 “(6) to encourage States to provide consumer  
6 education information to help parents make in-  
7 formed choices about child care services and to pro-  
8 mote involvement by parents and family members in  
9 the education of their children in child care settings;

10 “(7) to increase the number and percentage of  
11 low-income children in high-quality child care set-  
12 tings; and

13 “(8) to improve the coordination and delivery of  
14 early childhood education and care (including child  
15 care).”.

16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 658B of the Child Care and Development  
18 Block Grant Act of 1990 (42 U.S.C. 9858) is amended  
19 by striking “subchapter” and all that follows, and insert-  
20 ing “subchapter, such sums as may be necessary for each  
21 of fiscal years 2014 through 2019.”.

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

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

1 (1) by striking “chief executive officer” and in-  
2 sserting “Governor”; and

3 (2) by striking “designate” and all that follows  
4 and inserting “designate an agency (which may be  
5 an appropriate collaborative agency), or establish a  
6 joint interagency office, that complies with the re-  
7 quirements of subsection (b) to serve as the lead  
8 agency for the State under this subchapter.”.

9 (b) COLLABORATION WITH TRIBES.—Section  
10 658D(b)(1) of the Child Care and Development Block  
11 Grant Act of 1990 (42 U.S.C. 9858b(b)(1)) is amended—

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

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

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

17 “(E) at the option of an Indian tribe or  
18 tribal organization in the State, collaborate and  
19 coordinate with such Indian tribe or tribal orga-  
20 nization in the development of the State plan.”.

21 **SEC. 5. APPLICATION AND PLAN.**

22 (a) PERIOD.—Section 658E(b) of the Child Care and  
23 Development Block Grant Act of 1990 (42 U.S.C.  
24 9858c(b)) is amended, by striking “2-year” and inserting  
25 “3-year”.

1 (b) POLICIES AND PROCEDURES.—Section 658E(c)  
2 of such Act (42 U.S.C. 9858c(c)) is amended—

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

5 (2) in paragraph (2)—

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

8 (B) by striking subparagraphs (D) through  
9 (H); and

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

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

1 results shall also include information on the  
2 date of such an inspection and, where applica-  
3 ble, information on corrective action taken.

4 “(E) CONSUMER EDUCATION INFORMA-  
5 TION.—The plan shall include a certification  
6 that the State will collect and disseminate  
7 (which dissemination may be done, except as  
8 otherwise specified in this subparagraph,  
9 through resource and referral organizations or  
10 other means as determined by the State) to  
11 parents of eligible children and the general pub-  
12 lic—

13 “(i) information that will promote in-  
14 formed child care choices and that con-  
15 cerns—

16 “(I) the availability of child care  
17 services provided through programs  
18 authorized under this subchapter and,  
19 if feasible, other child care services  
20 and other programs provided in the  
21 State for which the family may be eli-  
22 gible;

23 “(II) if available, information  
24 about the quality of providers, includ-

1 ing information from a Quality Rating  
2 and Improvement System;

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

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

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

1 out under the Head Start Act (42  
2 U.S.C. 9831 et seq.), the program  
3 carried out under the Low-Income  
4 Home Energy Assistance Act of 1981  
5 (42 U.S.C. 8621 et seq.), the supple-  
6 mental nutrition assistance program  
7 established under the Food and Nutri-  
8 tion Act of 2008 (7 U.S.C. 2011 et  
9 seq.), the special supplemental nutri-  
10 tion program for women, infants, and  
11 children established by section 17 of  
12 the Child Nutrition Act of 1966 (42  
13 U.S.C. 1786), the child and adult care  
14 food program established under sec-  
15 tion 17 of the Richard B. Russell Na-  
16 tional School Lunch Act (42 U.S.C.  
17 1766), and the Medicaid and State  
18 children's health insurance programs  
19 under titles XIX and XXI of the So-  
20 cial Security Act (42 U.S.C. 1396 et  
21 seq., 1397aa et seq.);

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



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

3 “(VII) research and best prac-  
4 tices concerning children’s develop-  
5 ment, including language and cog-  
6 nitive development, development of  
7 early language and literacy and math-  
8 ematics skills, social and emotional  
9 development, meaningful parent and  
10 family engagement, and physical  
11 health and development (particularly  
12 healthy eating and physical activity);

13 “(ii) information on developmental  
14 screenings, including—

15 “(I) information on existing (as  
16 of the date of submission of the appli-  
17 cation containing the plan) resources  
18 and services the State can deploy, in-  
19 cluding the coordinated use of the  
20 Early and Periodic Screening, Diag-  
21 nosis, and Treatment program under  
22 the Medicaid program carried out  
23 under title XIX of the Social Security  
24 Act (42 U.S.C. 1396 et seq.) and de-  
25 velopmental screening services avail-

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

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

19                       “(iii) information, for parents receiv-  
20           ing assistance under the program of block  
21           grants to States for temporary assistance  
22           for needy families under part A of title IV  
23           of the Social Security Act (42 U.S.C. 601  
24           et seq.), and low-income parents, about eli-

1                   gibility for assistance provided in accord-  
2                   ance with this subchapter.

3                   “(F) COMPLIANCE WITH STATE LICENSING  
4                   REQUIREMENTS.—

5                   “(i) IN GENERAL.—The plan shall in-  
6                   clude a certification that the State involved  
7                   has in effect licensing requirements appli-  
8                   cable to child care services provided within  
9                   the State, and provide a detailed descrip-  
10                  tion of such requirements and of how such  
11                  requirements are effectively enforced.

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

23                  “(iii) REQUESTS FOR RELIEF.—As de-  
24                  scribed in section 658I(d), a State may re-  
25                  quest relief from a provision of Federal law

1 other than this subchapter that might con-  
2 flict with a requirement of this subchapter,  
3 including a licensing requirement.

4 “(G) TRAINING REQUIREMENTS.—

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

15 “(ii) REQUIREMENTS.—The plan shall  
16 provide an assurance that such training re-  
17 quirements—

18 “(I) provide a set of workforce  
19 and competency standards for child  
20 care providers that provide services  
21 described in clause (i);

22 “(II) are developed in consulta-  
23 tion with the State Advisory Council  
24 on Early Childhood Education and  
25 Care (designated or established pursu-

1 ant to section 642B(b)(1)(A) of the  
2 Head Start Act (42 U.S.C.  
3 9837b(b)(1)(A));

4 “(III) include an evidence-based  
5 training framework that is designed to  
6 promote children’s learning and devel-  
7 opment and school readiness and to  
8 improve child outcomes, including  
9 school readiness;

10 “(IV) incorporate knowledge and  
11 application of the State’s early learn-  
12 ing and developmental guidelines  
13 (where applicable), and the State’s  
14 child development and health stand-  
15 ards; and

16 “(V) to the extent practicable,  
17 are appropriate for a population of  
18 children that includes—

19 “(aa) different age groups  
20 (such as infants, toddlers, and  
21 preschoolers);

22 “(bb) English learners;

23 “(cc) children with disabili-  
24 ties; and

1                   “(dd) Indians, as the term is  
2                   defined in section 4 of the Indian  
3                   Self-Determination and Edu-  
4                   cation Assistance Act (25 U.S.C.  
5                   450b), including Alaska Natives  
6                   within the meaning of that term.

7                   “(iii) PROGRESSION OF PROFES-  
8                   SIONAL DEVELOPMENT.—In developing the  
9                   requirements, the State shall develop a  
10                  statewide progression of professional devel-  
11                  opment designed to improve the skills and  
12                  knowledge of the workforce—

13                  “(I) which may include the acqui-  
14                  sition of course credit in postsec-  
15                  ondary education or of a credential,  
16                  aligned with the framework; and

17                  “(II) which shall be accessible to  
18                  providers supported through Indian  
19                  tribes or tribal organizations that re-  
20                  ceive assistance under this sub-  
21                  chapter.

22                  “(iv) ALIGNMENT.—The State shall  
23                  engage the State Advisory Council on  
24                  Early Childhood Education and Care, and  
25                  may engage institutions of higher edu-

1 cation (as defined in section 102 of the  
2 Higher Education Act of 1965 (20 U.S.C.  
3 1002)), and other training providers in  
4 aligning training opportunities with the  
5 State’s training framework.

6 “(v) CREDENTIALS.—The Secretary  
7 shall not require an individual or entity  
8 that provides child care services for which  
9 assistance is provided in accordance with  
10 this subchapter to acquire a credential to  
11 provide such services. Nothing in this sec-  
12 tion shall be construed to prohibit a State  
13 from requiring a credential.

14 “(H) CHILD-TO-PROVIDER RATIO STAND-  
15 ARDS.—

16 “(i) STANDARDS.—The plan shall de-  
17 scribe child care standards, for child care  
18 for which assistance is made available in  
19 accordance with this subchapter, appro-  
20 priate to the type of child care setting in-  
21 volved, that address—

22 “(I) group size limits for specific  
23 age populations;

24 “(II) the appropriate ratio be-  
25 tween the number of children and the

1 number of providers, in terms of the  
2 age of the children in child care, as  
3 determined by the State; and

4 “(III) required qualifications for  
5 such providers.

6 “(ii) CONSTRUCTION.—The Secretary  
7 may offer guidance to States on child-to-  
8 provider ratios described in clause (i) ac-  
9 cording to setting and age group but shall  
10 not require that States maintain specific  
11 child-to-provider ratios for providers who  
12 receive assistance under this subchapter.

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

22 “(i) shall relate to matters including  
23 health and safety topics (including preven-  
24 tion of shaken baby syndrome and abusive  
25 head trauma) consisting of—



1                   “(I) the prevention and control of  
2                   infectious diseases (including immuni-  
3                   zation) and the establishment of a  
4                   grace period that allows homeless chil-  
5                   dren to receive services under this  
6                   subchapter while their families are  
7                   taking any necessary action to comply  
8                   with immunization and other health  
9                   and safety requirements;

10                   “(II) handwashing and universal  
11                   health precautions;

12                   “(III) the administration of  
13                   medication, consistent with standards  
14                   for parental consent;

15                   “(IV) the prevention of and re-  
16                   sponse to emergencies due to food and  
17                   other allergic reactions;

18                   “(V) prevention of sudden infant  
19                   death syndrome and use of safe sleep-  
20                   ing practices;

21                   “(VI) sanitary methods of food  
22                   handling;

23                   “(VII) building and physical  
24                   premises safety;

1                   “(VIII) emergency preparedness  
2                   and response planning for emer-  
3                   gencies resulting from a natural dis-  
4                   aster, or a man-caused event (such as  
5                   violence at a child care facility), with-  
6                   in the meaning of those terms under  
7                   section 602(a)(1) of the Robert T.  
8                   Stafford Disaster Relief and Emer-  
9                   gency Assistance Act (42 U.S.C.  
10                   5195a(a)(1));

11                   “(IX) the handling and storage  
12                   of hazardous materials and the appro-  
13                   priate disposal of biocontaminants;

14                   “(X) identification of and protec-  
15                   tion from hazards that can cause bod-  
16                   ily injury such as electrical hazards,  
17                   bodies of water, and vehicular traffic;

18                   “(XI) for providers that offer  
19                   transportation, if applicable, appro-  
20                   priate precautions in transporting  
21                   children;

22                   “(XII) first aid and cardiopulmo-  
23                   nary resuscitation; and

24                   “(XIII) minimum health and  
25                   safety training, to be completed pre-

1 service or during an orientation pe-  
2 riod, appropriate to the provider set-  
3 ting involved that addresses each of  
4 the requirements relating to matters  
5 described in subclauses (I) through  
6 (XII); and

7 “(ii) may include requirements relat-  
8 ing to nutrition, access to physical activity,  
9 or any other subject area determined by  
10 the State to be necessary to promote child  
11 development or to protect children’s health  
12 and safety.

13 “(J) COMPLIANCE WITH STATE AND LOCAL  
14 HEALTH AND SAFETY REQUIREMENTS.—The  
15 plan shall include a certification that proce-  
16 dures are in effect to ensure that child care  
17 providers within the State, that provide services  
18 for which assistance is made available in ac-  
19 cordance with this subchapter, comply with all  
20 applicable State and local health and safety re-  
21 quirements as described in subparagraph (I).

22 “(K) ENFORCEMENT OF LICENSING AND  
23 OTHER REGULATORY REQUIREMENTS.—

24 “(i) CERTIFICATION.—The plan shall  
25 include a certification that the State, not

1 later than 2 years after the date of enact-  
2 ment of the Child Care and Development  
3 Block Grant Act of 2013, shall have in ef-  
4 fect policies and practices, applicable to li-  
5 censing or regulating child care providers  
6 that provide services for which assistance  
7 is made available in accordance with this  
8 subchapter and the facilities of those pro-  
9 viders, that—

10 “(I) ensure that individuals who  
11 are hired as licensing inspectors in the  
12 State are qualified to inspect those  
13 child care providers and facilities and  
14 have received training in related  
15 health and safety requirements, child  
16 development, child abuse prevention  
17 and detection, program management,  
18 and relevant law enforcement;

19 “(II) require licensing inspectors  
20 (or a qualified inspector designated by  
21 the lead agency) of those child care  
22 providers and facilities to perform in-  
23 spections, with—

24 “(aa) not less than 1  
25 prelicensure inspection for com-

1                   pliance with health, safety, and  
2                   fire standards, of each such child  
3                   care provider and facility in the  
4                   State; and

5                   “(bb) not less than annually,  
6                   an inspection (which shall be un-  
7                   announced) of each such child  
8                   care provider and facility in the  
9                   State for compliance with all  
10                  child care licensing standards,  
11                  which shall include an inspection  
12                  for compliance with health, safe-  
13                  ty, and fire standards (although  
14                  inspectors may or may not in-  
15                  spect for compliance with all 3  
16                  standards at the same time); and

17                  “(III) require the ratio of licens-  
18                  ing inspectors to such child care pro-  
19                  viders and facilities in the State to—

20                  “(aa) be maintained at a  
21                  level sufficient to enable the  
22                  State to conduct inspections of  
23                  such child care providers and fa-  
24                  cilities on a timely basis in ac-

1 cordance with Federal and State  
2 law; and

3 “(bb) be consistent with re-  
4 search findings and best prac-  
5 tices.

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

15 “(L) COMPLIANCE WITH CHILD ABUSE RE-  
16 PORTING REQUIREMENTS.—The plan shall in-  
17 clude a certification that child care providers  
18 within the State will comply with the child  
19 abuse reporting requirements of section  
20 106(b)(2)(B)(i) of the Child Abuse Prevention  
21 and Treatment Act (42 U.S.C.  
22 5106a(b)(2)(B)(i)).

23 “(M) MEETING THE NEEDS OF CERTAIN  
24 POPULATIONS.—The plan shall describe how  
25 the State will develop and implement strategies

1 (which may include the provision of compensa-  
2 tion at higher payment rates and bonuses to  
3 child care providers, the provision of direct con-  
4 tracts or grants to community-based organiza-  
5 tions, or other means determined by the State)  
6 to increase the supply and improve the quality  
7 of child care for—

8 “(i) children in underserved areas;

9 “(ii) infants and toddlers;

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

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

14 “(N) PROTECTION FOR WORKING PAR-  
15 ENTS.—

16 “(i) MINIMUM PERIOD.—

17 “(I) 12-MONTH PERIOD.—The  
18 plan shall demonstrate that each child  
19 who receives assistance under this  
20 subchapter in the State will be consid-  
21 ered to meet all eligibility require-  
22 ments for such assistance and will re-  
23 ceive such assistance, for not less than  
24 12 months before the State redeter-  
25 mines the eligibility of the child under

1                   this subchapter, regardless of a tem-  
2                   porary change in the ongoing status  
3                   of the child’s parent as working or at-  
4                   tending a job training or educational  
5                   program or a change in family income  
6                   for the child’s family, if that family  
7                   income does not exceed 85 percent of  
8                   the State median income for a family  
9                   of the same size.

10                   “(II) FLUCTUATIONS IN EARN-  
11                   INGS.—The plan shall demonstrate  
12                   how the State’s processes for initial  
13                   determination and redetermination of  
14                   such eligibility take into account ir-  
15                   regular fluctuations in earnings.

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



1 in order to comply with the State's require-  
2 ments for redetermination of eligibility for  
3 assistance provided in accordance with this  
4 subchapter.

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

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

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

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

12 “(i) IN GENERAL.—The plan shall de-  
13 scribe how the State, in order to expand  
14 accessibility and continuity of quality early  
15 childhood education and care, and assist  
16 children enrolled in prekindergarten, Early  
17 Head Start, or Head Start programs to re-  
18 ceive full-day services, will coordinate the  
19 services supported to carry out this sub-  
20 chapter with—

21 “(I) programs carried out under  
22 the Head Start Act (42 U.S.C. 9831  
23 et seq.), including the Early Head  
24 Start programs carried out under sec-

1                   tion 645A of that Act (42 U.S.C.  
2                   9840a);

3                   “(II) programs carried out under  
4                   part A of title I, and part B of title  
5                   IV, of the Elementary and Secondary  
6                   Education Act of 1965 (20 U.S.C.  
7                   6311 et seq., 7171 et seq.);

8                   “(III) programs carried out  
9                   under section 619 and part C of the  
10                  Individuals with Disabilities Edu-  
11                  cation Act (20 U.S.C. 1419, 1431 et  
12                  seq.);

13                  “(IV) the maternal, infant, and  
14                  early childhood home visiting pro-  
15                  grams authorized under section 511  
16                  of the Social Security Act (42 U.S.C.  
17                  711), as added by section 2951 of the  
18                  Patient Protection and Affordable  
19                  Care Act (Public Law 111–148);

20                  “(V) State, tribal, and locally  
21                  funded early childhood education and  
22                  care programs;

23                  “(VI) programs serving homeless  
24                  children and services of local edu-  
25                  cational agency liaisons for homeless

1 children and youths designated under  
2 subsection (g)(1)(J)(ii) of section 722  
3 of the McKinney-Vento Homeless As-  
4 sistance Act (42 U.S.C.  
5 11432(g)(1)(J)(ii)); and

6 “(VII) other Federal programs  
7 supporting early childhood education  
8 and care activities, and, where appli-  
9 cable, child care programs funded  
10 through State veterans affairs offices.

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

16 “(P) PUBLIC-PRIVATE PARTNERSHIPS.—  
17 The plan shall demonstrate how the State en-  
18 courages partnerships among State agencies,  
19 other public agencies, Indian tribes and tribal  
20 organizations, and private entities to leverage  
21 existing service delivery systems (as of the date  
22 of the submission of the application containing  
23 the plan) for early childhood education and care  
24 and to increase the supply and quality of child  
25 care services for children who are less than 13

1 years of age, such as by implementing voluntary  
2 shared services alliance models.

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

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

19 “(S) PAYMENT PRACTICES.—The plan  
20 shall include a certification that the payment  
21 practices of child care providers in the State  
22 that serve children who receive assistance under  
23 this subchapter reflect generally accepted pay-  
24 ment practices of child care providers in the  
25 State that serve children who do not receive as-

1           sistance under this subchapter, so as to provide  
2           stability of funding and encourage more child  
3           care providers to serve children who receive as-  
4           sistance under this subchapter.

5           “(T) EARLY LEARNING AND DEVELOP-  
6           MENTAL GUIDELINES.—

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

19                           “(I) be licensed or regulated  
20                           under State law; and

21                           “(II) not be a relative of all chil-  
22                           dren for whom the provider provides  
23                           child care services.

24                           “(ii) ALIGNMENT.—The guidelines  
25                           shall be research-based, be developmentally

1 appropriate, and be aligned with State  
2 standards for education in kindergarten  
3 through grade 3.

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

10 “(I) will be the sole basis for a  
11 child care provider being determined  
12 to be ineligible to participate in the  
13 program carried out under this sub-  
14 chapter;

15 “(II) will be used as the primary  
16 or sole basis to provide a reward or  
17 sanction for an individual provider;

18 “(III) will be used as the primary  
19 or sole method for assessing program  
20 effectiveness; or

21 “(IV) will be used to deny eligi-  
22 bility to participate in the program  
23 carried out under this subchapter.

24 “(iv) EXCEPTIONS.—Nothing in this  
25 subchapter shall preclude the State from

1 using a single assessment (if appropriate)  
2 for children for—

3 “(I) supporting learning or im-  
4 proving a classroom environment;

5 “(II) targeting professional devel-  
6 opment to a provider;

7 “(III) determining the need for  
8 health, mental health, disability, de-  
9 velopmental delay, or family support  
10 services;

11 “(IV) obtaining information for  
12 the quality improvement process at  
13 the State level; or

14 “(V) conducting a program eval-  
15 uation for the purposes of providing  
16 program improvement and parent in-  
17 formation.

18 “(v) NO FEDERAL CONTROL.—Noth-  
19 ing in this section shall be construed to au-  
20 thorize an officer or employee of the Fed-  
21 eral Government to—

22 “(I) mandate, direct, or control a  
23 State’s early learning and develop-  
24 mental guidelines, developed in ac-  
25 cordance with this section;



1                   “(II) establish any criterion that  
2                   specifies, defines, or prescribes the  
3                   standards or measures that a State  
4                   uses to establish, implement, or im-  
5                   prove—

6                   “(aa) early learning and de-  
7                   velopmental guidelines, or early  
8                   learning standards, assessments,  
9                   or accountability systems; or

10                   “(bb) alignment of early  
11                   learning and developmental  
12                   guidelines with State standards  
13                   for education in kindergarten  
14                   through grade 3; or

15                   “(III) require a State to submit  
16                   such standards or measures for re-  
17                   view.”;

18                   (3) in paragraph (3)—

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

22                   (B) in subparagraph (B)—

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

25                   “(i) IN GENERAL.—The State”;



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

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

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

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

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

15 “(cc) collect and analyze  
16 data on the coordination of serv-  
17 ices and supports, including serv-  
18 ices under section 619 and part  
19 C of the Individuals with Disabil-  
20 ities Education Act (42 U.S.C.  
21 1419, 1431 et seq.), for children  
22 with disabilities (as defined in  
23 section 602 of such Act (20  
24 U.S.C. 1401));

1           “(dd) collect and analyze  
2 data on the supply of and de-  
3 mand for child care in political  
4 subdivisions or regions within the  
5 State and submit such data and  
6 analysis to the State;

7           “(ee) work to establish part-  
8 nerships with public agencies and  
9 private entities to increase the  
10 supply and quality of child care  
11 services in the State; and

12           “(ff) as appropriate, coordi-  
13 nate their activities with the ac-  
14 tivities of the State lead agency  
15 and local agencies that admin-  
16 ister funds made available in ac-  
17 cordance with this subchapter.”;

18 (C) in subparagraph (D)—

19           (i) by striking “1997 through 2012”  
20 and inserting “2014 through 2019”; and

21           (ii) by striking “paragraph (2)(H)”  
22 and inserting “paragraph (2)(M)”; and

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

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

4           “(i) reserve the minimum amount re-  
5 quired to be reserved under section 658G,  
6 and the funds for costs described in sub-  
7 paragraph (C); and

8           “(ii) from the remainder, use not less  
9 than 70 percent to fund direct services  
10 (provided by the State) in accordance with  
11 paragraph (2)(A).”;

12           (4) by striking paragraph (4) and inserting the  
13 following:

14           “(4) PAYMENT RATES.—

15           “(A) IN GENERAL.—The State plan shall  
16 certify that payment rates for the provision of  
17 child care services for which assistance is pro-  
18 vided in accordance with this subchapter are  
19 sufficient to ensure equal access for eligible  
20 children to child care services that are com-  
21 parable to child care services in the State or  
22 substate area involved that are provided to chil-  
23 dren whose parents are not eligible to receive  
24 assistance under this subchapter or to receive  
25 child care assistance under any other Federal

1 or State program and shall provide a summary  
2 of the facts relied on by the State to determine  
3 that such rates are sufficient to ensure such ac-  
4 cess.

5 “(B) SURVEY.—The State plan shall—

6 “(i) demonstrate that the State has,  
7 after consulting with the State Advisory  
8 Council on Early Childhood Education and  
9 Care, local child care program administra-  
10 tors, local child care resource and referral  
11 agencies, and other appropriate entities,  
12 developed and conducted (not earlier than  
13 2 years before the date of the submission  
14 of the application containing the State  
15 plan) a statistically valid and reliable sur-  
16 vey of the market rates for child care serv-  
17 ices in the State (that reflects variations in  
18 the cost of child care services by geo-  
19 graphic area, type of provider, and age of  
20 child);

21 “(ii) demonstrate that the State pre-  
22 pared a detailed report containing the re-  
23 sults of the State market rates survey con-  
24 ducted pursuant to clause (i), and made  
25 the results of the survey widely available

1 (not later than 30 days after the comple-  
2 tion of such survey) through periodic  
3 means, including posting the results on the  
4 Internet;

5 “(iii) describe how the State will set  
6 payment rates for child care services, for  
7 which assistance is provided in accordance  
8 with this subchapter—

9 “(I) in accordance with the re-  
10 sults of the market rates survey con-  
11 ducted pursuant to clause (i);

12 “(II) taking into consideration  
13 the cost of providing higher quality  
14 child care services than were provided  
15 under this subchapter before the date  
16 of enactment of the Child Care and  
17 Development Block Grant Act of  
18 2013; and

19 “(III) without, to the extent  
20 practicable, reducing the number of  
21 families in the State receiving such  
22 assistance to carry out this sub-  
23 chapter, relative to the number of  
24 such families on the date of enact-  
25 ment of that Act; and



1                   “(iv) describe how the State will pro-  
2                   vide for timely payment for child care serv-  
3                   ices provided in accordance with this sub-  
4                   chapter.

5                   “(C) CONSTRUCTION.—

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

9                   “(ii) NO PROHIBITION OF CERTAIN  
10                  DIFFERENT RATES.—Nothing in this sub-  
11                  chapter shall be construed to prevent a  
12                  State from differentiating the payment  
13                  rates described in subparagraph (B)(iii) on  
14                  the basis of such factors as—

15                         “(I) geographic location of child  
16                         care providers (such as location in an  
17                         urban or rural area);

18                         “(II) the age or particular needs  
19                         of children (such as the needs of chil-  
20                         dren with disabilities and children  
21                         served by child protective services);

22                         “(III) whether the providers pro-  
23                         vide child care during weekend and  
24                         other nontraditional hours; or

1                   “(IV) the State’s determination  
 2                   that such differentiated payment rates  
 3                   are needed to enable a parent to  
 4                   choose child care that is of high qual-  
 5                   ity.”; and

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

9                   (c) TECHNICAL AMENDMENT.—Section 658F(b)(2)  
 10 of the Child Care and Development Block Grant Act of  
 11 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking  
 12 “section 658E(c)(2)(F)” and inserting “section  
 13 658E(c)(2)(I)”.

14 **SEC. 6. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD**  
 15 **CARE.**

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

19 **“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF**  
 20 **CHILD CARE.**

21                   “(a) RESERVATION.—

22                   “(1) RESERVATION FOR ACTIVITIES RELATING  
 23 TO THE QUALITY OF CHILD CARE SERVICES.—A  
 24 State that receives funds to carry out this sub-  
 25 chapter for a fiscal year referred to in paragraph (2)

1 shall reserve and use a portion of such funds, in ac-  
2 cordance with paragraph (2), for activities provided  
3 directly, or through grants or contracts with local  
4 child care resource and referral organizations or  
5 other appropriate entities, that are designed to im-  
6 prove the quality of child care services and increase  
7 parental options for, and access to, high-quality  
8 child care, provided in accordance with this sub-  
9 chapter.

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

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

14 “(i) 6 percent of the funds described  
15 in paragraph (1), for the first and second  
16 full fiscal years after the date of enact-  
17 ment;

18 “(ii) 8 percent of such funds, for the  
19 third and fourth full fiscal years after the  
20 date of enactment; and

21 “(iii) 10 percent of such funds, for  
22 the fifth full fiscal year after the date of  
23 enactment and each succeeding fiscal year;  
24 and

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

9           “(b) ACTIVITIES.—Funds reserved under subsection  
10          (a) shall be used to carry out not less than 2 of the fol-  
11          lowing activities:

12           “(1) Supporting the training, professional de-  
13          velopment, and professional advancement of the  
14          child care workforce through activities such as—

15           “(A) offering child care providers training  
16          and professional development that is intentional  
17          and sequential and leads to a higher level of  
18          skill or certification;

19           “(B) establishing or supporting programs  
20          designed to increase the retention and improve  
21          the competencies of child care providers, includ-  
22          ing wage incentive programs and initiatives that  
23          establish tiered payment rates for providers  
24          that meet or exceed child care services guide-  
25          lines, as defined by the State;

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

15          “(D) providing training concerning the  
16          State early learning and developmental guide-  
17          lines, where applicable, including training con-  
18          cerning early mathematics and early language  
19          and literacy development and effective instruc-  
20          tional practices to support mathematics and  
21          language and literacy development in young  
22          children;

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

1           “(F) including effective behavior manage-  
2           ment strategies and training, including positive  
3           behavioral interventions and supports, that pro-  
4           mote positive social and emotional development  
5           and reduce challenge behaviors;

6           “(G) at the option of the State, incor-  
7           porating feedback from experts at the State’s  
8           institutions of higher education, as defined in  
9           section 102 of the Higher Education Act of  
10          1965 (20 U.S.C. 1002), and other early learn-  
11          ing and development experts and early child-  
12          hood experts;

13          “(H) providing training corresponding to  
14          the nutritional and physical activity needs of  
15          children to promote healthy development;

16          “(I) providing training or professional de-  
17          velopment for child care providers to serve and  
18          support children with disabilities;

19          “(J) providing training and outreach on  
20          engaging parents and families in culturally and  
21          linguistically appropriate ways to expand their  
22          knowledge, skills, and capacity to become mean-  
23          ingful partners in supporting their children’s  
24          learning and development; and

1           “(K) providing training or professional de-  
2           velopment for child care providers regarding the  
3           early neurological development of children.

4           “(2) Supporting the use of the early learning  
5           and developmental guidelines described in section  
6           658E by—

7           “(A) developing and implementing the  
8           State’s early learning and developmental guide-  
9           lines; and

10          “(B) providing technical assistance to en-  
11          hance early learning for preschool and school-  
12          aged children in order to promote language and  
13          literacy skills, foster school readiness, and sup-  
14          port later school success.

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

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

20          “(B) build on licensing standards and  
21          other State regulatory standards for such pro-  
22          viders;

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

1           “(D) describe the quality of early learning  
2 facilities;

3           “(E) build the capacity of State early  
4 learning programs and communities to promote  
5 parents’ and families’ understanding of the  
6 State’s early learning system and the ratings of  
7 the programs in which the child is enrolled; and

8           “(F) provide, to the maximum extent prac-  
9 ticable, financial incentives and other supports  
10 designed to achieve and sustain higher levels of  
11 quality.

12           “(4) Improving the supply and quality of child  
13 care programs and services for infants and toddlers  
14 through activities which may include—

15           “(A) establishing or expanding neighbor-  
16 hood-based high-quality comprehensive family  
17 and child development centers, which may serve  
18 as resources to child care providers in order to  
19 improve the quality of early childhood education  
20 and care and early childhood development serv-  
21 ices provided to infants and toddlers from low-  
22 income families and to help eligible child care  
23 providers improve their capacity to offer high-  
24 quality care to infants and toddlers from low-  
25 income families;



1           “(B) establishing or expanding the oper-  
2           ation of community or neighborhood-based fam-  
3           ily child care networks;

4           “(C) supporting statewide networks of in-  
5           fant and toddler child care specialists, including  
6           specialists who have knowledge regarding infant  
7           and toddler development and curriculum and  
8           program implementation as well as the ability  
9           to coordinate services with early intervention  
10          specialists who provide services for infants and  
11          toddlers with disabilities under part C of the  
12          Individuals with Disabilities Education Act (20  
13          U.S.C. 1431 et seq.);

14          “(D) carrying out initiatives to improve  
15          the quality of the infant and toddler child care  
16          workforce, such as providing relevant training,  
17          professional development, or mentoring oppor-  
18          tunities and linking such opportunities to career  
19          pathways, developing career pathways for such  
20          providers, and improving the State credential-  
21          ing of eligible providers caring for infants and  
22          toddlers; and

23          “(E) if applicable, developing infant and  
24          toddler components within the State’s quality  
25          rating system described in paragraph (3) for

1 child care providers for infants and toddlers, or  
2 the development of infant and toddler compo-  
3 nents in a State’s child care licensing regula-  
4 tions or early childhood guidelines;

5 “(F) improving the ability of parents to ac-  
6 cess information about high-quality infant and  
7 toddler care; and

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

18 “(5) Promoting broad child care provider par-  
19 ticipation in the quality rating system described in  
20 paragraph (3).

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

23 “(7) Facilitating compliance with State require-  
24 ments for inspection, monitoring, training, and

1 health and safety, and with State licensing stand-  
2 ards.

3 “(8) Evaluating and assessing the quality and  
4 effectiveness of child care programs and services of-  
5 fered in the State, including evaluating how such  
6 programs and services may improve the overall  
7 school readiness of young children.

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

12 “(10) Supporting State or local efforts to de-  
13 velop or adopt high-quality program standards relat-  
14 ing to health, mental health, nutrition, physical ac-  
15 tivity, and physical development and providing re-  
16 sources to enable eligible child care providers to  
17 meet, exceed, or sustain success in meeting or ex-  
18 ceeding, such standards.

19 “(11) Carrying out other activities determined  
20 by the State to improve the quality of child care  
21 services provided in the State, and for which meas-  
22 urement of outcomes relating to improved provider  
23 preparedness, child safety, child well-being, or school  
24 readiness is possible.

1       “(c) CERTIFICATION.—Beginning with fiscal year  
2 2014, at the beginning of each fiscal year, the State shall  
3 annually submit to the Secretary a certification containing  
4 an assurance that the State was in compliance with sub-  
5 section (a) during the preceding fiscal year and describes  
6 how the State used funds received under this subchapter  
7 to comply with subsection (a) during that preceding fiscal  
8 year.

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

13           “(1) the amount of funds that are reserved  
14 under subsection (a);

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

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

20       “(e) TECHNICAL ASSISTANCE.—The Secretary shall  
21 offer technical assistance, in accordance with section  
22 658I(a)(3), which may include technical assistance  
23 through the use of grants or cooperative agreements, to  
24 States for the activities described in subsection (b).

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

5 **SEC. 7. CRIMINAL BACKGROUND CHECKS.**

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

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

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

12 “(1) requirements, policies, and procedures to  
13 require and conduct criminal background checks for  
14 child care staff members (including prospective child  
15 care staff members) of child care providers described  
16 in subsection (c)(1); and

17 “(2) licensing, regulation, and registration re-  
18 quirements, as applicable, that prohibit the employ-  
19 ment of child care staff members as described in  
20 subsection (c).

21 “(b) REQUIREMENTS.—A criminal background check  
22 for a child care staff member under subsection (a) shall  
23 include—

24 “(1) a search of each State criminal and sex of-  
25 fender registry or repository in the State where the

1 child care staff member resides and each State  
2 where such staff member resided during the pre-  
3 ceding 10 years;

4 “(2) a search of State-based child abuse and  
5 neglect registries and databases in the State where  
6 the child care staff member resides and each State  
7 where such staff member resided during the pre-  
8 ceding 10 years;

9 “(3) a search of the National Crime Informa-  
10 tion Center;

11 “(4) a Federal Bureau of Investigation finger-  
12 print check using the Integrated Automated Finger-  
13 print Identification System; and

14 “(5) a search of the National Sex Offender  
15 Registry established under the Adam Walsh Child  
16 Protection and Safety Act of 2006 (42 U.S.C.  
17 16901 et seq.).

18 “(c) PROHIBITIONS.—

19 “(1) CHILD CARE STAFF MEMBERS.—A child  
20 care staff member shall be ineligible for employment  
21 by a child care provider that is licensed, regulated,  
22 or registered by the State or for which assistance is  
23 provided in accordance with this subchapter, if such  
24 individual—

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

3           “(B) knowingly makes a materially false  
4 statement in connection with such criminal  
5 background check;

6           “(C) is registered, or is required to be reg-  
7 istered, on a State sex offender registry or the  
8 National Sex Offender Registry established  
9 under the Adam Walsh Child Protection and  
10 Safety Act of 2006 (42 U.S.C. 16901 et seq.);  
11 or

12           “(D) has been convicted of a felony con-  
13 sisting of—

14               “(i) murder, as described in section  
15 1111 of title 18, United States Code;

16               “(ii) child abuse or neglect;

17               “(iii) a crime against children, includ-  
18 ing child pornography;

19               “(iv) spousal abuse;

20               “(v) a crime involving rape or sexual  
21 assault;

22               “(vi) kidnaping;

23               “(vii) arson;

24               “(viii) physical assault or battery; or

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

4                   “(2) CHILD CARE PROVIDERS.—A child care  
5                   provider described in paragraph (1) shall be ineli-  
6                   gible for assistance provided in accordance with this  
7                   subchapter if the provider employs a staff member  
8                   who is ineligible for employment under paragraph  
9                   (1).

10                  “(d) SUBMISSION OF REQUESTS FOR BACKGROUND  
11 CHECKS.—

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

18                  “(2) STAFF MEMBERS.—Subject to paragraph  
19                  (4), in the case of an individual who became a child  
20                  care staff member before the date of enactment of  
21                  the Child Care and Development Block Grant Act of  
22                  2013, the provider shall submit such a request—

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



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

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

9           “(A) prior to the date the individual be-  
10          comes a child care staff member of the pro-  
11          vider; and

12          “(B) not less often than once during each  
13          5-year period following the first submission date  
14          under this paragraph for that staff member.

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

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

21                 “(i) within 5 years before the latest  
22                 date on which such a submission may be  
23                 made; and

1                   “(ii) while employed by or seeking em-  
2                   ployment by another child care provider  
3                   within the State; and

4                   “(B) the State provides to the provider a  
5                   qualifying background check result, consistent  
6                   with this subchapter, for the child care staff  
7                   member, who may have become separated from  
8                   employment from a child care provider within  
9                   the State for a period of not more than 180  
10                  consecutive days.

11                  “(e) BACKGROUND CHECK RESULTS AND AP-  
12                  PEALS.—

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

20                  “(2) PRIVACY.—

21                  “(A) IN GENERAL.—The State shall pro-  
22                  vide the results of the criminal background  
23                  check to the provider in a statement that indi-  
24                  cates whether a child care staff member (in-  
25                  cluding a prospective child care staff member)

1 is eligible or ineligible for employment described  
2 in subsection (c), without revealing any dis-  
3 qualifying crime or other related information  
4 regarding the individual.

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

12 “(C) PUBLIC RELEASE OF RESULTS.—No  
13 State shall publicly release or share the results  
14 of individual background checks, however such  
15 results of background checks may be included  
16 in the development or dissemination of local or  
17 statewide data related to background checks, if  
18 such results are not individually identifiable.

19 “(3) APPEALS.—

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

1 information contained in such member's crimi-  
2 nal background report.

3 “(B) APPEALS PROCESS.—The State shall  
4 ensure that—

5 “(i) the appeals process is completed  
6 in a timely manner for each child care  
7 staff member;

8 “(ii) each child care staff member  
9 shall be given notice of the opportunity to  
10 appeal; and

11 “(iii) a child care staff member will  
12 receive instructions about how to complete  
13 the appeals process if the child care staff  
14 member wishes to challenge the accuracy  
15 or completeness of the information in his  
16 or her criminal background report.

17 “(4) REVIEW.—The State may allow for a re-  
18 view process through which the State may determine  
19 that a child care staff member (including a prospec-  
20 tive child care staff member) disqualified for a crime  
21 specified in subsection (c)(1)(D)(ix) is eligible for  
22 employment described in subsection (c)(1), notwith-  
23 standing subsection (c). The review process shall be  
24 consistent with title VII of the Civil Rights Act of  
25 1964 (42 U.S.C. 2000e et seq.).

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

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

10          “(g) CONSTRUCTION.—

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

19           “(2) RIGHTS AND REMEDIES.—Nothing in this  
20           section shall be construed to alter or otherwise affect  
21           the rights and remedies provided for child care staff  
22           members residing in a State that disqualifies individ-  
23           uals as child care staff members for crimes not spe-  
24           cifically provided for under this subchapter.

25          “(h) DEFINITIONS.—In this section—

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

5                   “(A) is not an individual who is related to  
6                   all children for whom child care services are  
7                   provided; and

8                   “(B) is licensed, regulated, or registered  
9                   under State law or receives assistance provided  
10                  in accordance with this subchapter; and

11           “(2) the term ‘child care staff member’ means  
12           an individual (other than an individual who is re-  
13           lated to all children for whom child care services are  
14           provided)—

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

17                   “(B) whose activities involve the care or  
18                   supervision of children for a child care provider  
19                   or unsupervised access to children who are  
20                   cared for or supervised by a child care provider;  
21                   or

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

23           “(i) EFFECTIVE DATE.—

24                   “(1) IN GENERAL.—A State that receives funds  
25                   under this subchapter shall meet the requirements of

1       this section for the provision of criminal background  
2       checks for child care staff members described in sub-  
3       section (d)(1) not later than the last day of the sec-  
4       ond full fiscal year after the date of enactment of  
5       the Child Care and Development Block Grant Act of  
6       2013.

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

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

19   **SEC. 8. REPORTS AND INFORMATION.**

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

23                      (1) in subsection (a)—

24                              (A) in paragraph (2)—

1 (i) by inserting a comma after “pub-  
2 lish”; and

3 (ii) by striking “and” at the end;

4 (B) by striking paragraph (3) and insert-  
5 ing the following:

6 “(3) provide technical assistance to States  
7 (which may include providing assistance on a reim-  
8 bursable basis), consistent with (as appropriate) sci-  
9 entifically valid research, to carry out this sub-  
10 chapter; and”; and

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

12 “(4) disseminate, for voluntary informational  
13 purposes, information on practices that scientifically  
14 valid research indicates are most successful in im-  
15 proving the quality of programs that receive assist-  
16 ance under this subchapter.”; and

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

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

23 (b) REQUESTS FOR RELIEF.—Section 658I of such  
24 Act, as amended by subsection (a), is further amended by  
25 adding at the end the following:



1 “(d) REQUEST FOR RELIEF.—

2 “(1) IN GENERAL.—The State may submit to  
3 the Secretary a request for relief from any provision  
4 of Federal law (including a regulation, policy, or  
5 procedure) other than this subchapter that might  
6 conflict with a requirement of this subchapter for  
7 the delivery of services.

8 “(2) CONTENTS.—Such request shall—

9 “(A) detail the provision of Federal law  
10 that might conflict with that delivery of services  
11 and the requirement of this subchapter;

12 “(B) describe how modifying compliance  
13 with that provision of Federal law to meet the  
14 requirements of this subchapter alone will im-  
15 prove delivery of services for children in the  
16 State; and

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

21 “(3) CONSULTATION.—The Secretary shall con-  
22 sult with the State submitting the request and the  
23 head of each Federal agency with responsibility for  
24 administering the Federal law detailed in the State’s

1 request. The consulting parties shall jointly iden-  
2 tify—

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

8 “(B) any corresponding waiver.

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

18 “(5) APPROVAL.—Within 90 days after the re-  
19 ceipt of a State’s request under this subsection, the  
20 Secretary shall inform the State of the Secretary’s  
21 approval or disapproval of the request. If the plan  
22 is disapproved, the Secretary shall inform the State,  
23 in writing, of the reasons for the disapproval and  
24 give the State the opportunity to amend the re-  
25 quest.”.

1 (c) REPORTS.—Section 658K(a) of such Act (42  
2 U.S.C. 9858i(a)) is amended—

3 (1) in paragraph (1)(B)—

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

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

8 (C) by inserting after clause (x), the fol-  
9 lowing:

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

13 (2) in paragraph (2)—

14 (A) in the matter preceding subparagraph  
15 (A), by striking “1997” and inserting “2014”;  
16 and

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

19 (d) REPORT BY SECRETARY.—Section 658L of such  
20 Act (42 U.S.C. 9858j) is amended—

21 (1) by striking the section heading and insert-  
22 ing the following:

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

24 (2) by striking “Not later” and inserting the  
25 following:

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

2 (3) by striking “1998” and inserting “2015”;

3 and

4 (4) by striking “to the Committee” and all that

5 follows through “of the Senate” and inserting “to

6 the Committee on Education and the Workforce of

7 the House of Representatives and the Committee on

8 Health, Education, Labor, and Pensions of the Sen-

9 ate”; and

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

11 “(b) NATIONAL TOLL-FREE HOTLINE AND WEB

12 SITE.—

13 “(1) IN GENERAL.—The Secretary shall operate

14 a national toll-free hotline and Web site, to—

15 “(A) develop and disseminate publicly

16 available child care consumer education infor-

17 mation for parents and help parents access

18 safe, affordable, and quality child care in their

19 community; and

20 “(B) to allow persons to report (anony-

21 mously if desired) suspected child abuse or ne-

22 glect, or violations of health and safety require-

23 ments, by an eligible child care provider that re-

24 ceives assistance under this subchapter.

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

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

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

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

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

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

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

3 “(iv) referrals to local resource and  
4 referral organizations from which con-  
5 sumers can find more information about  
6 child care providers, and a recommenda-  
7 tion that consumers consult with the orga-  
8 nizations when selecting a child care pro-  
9 vider; and

10 “(v) State information about child  
11 care subsidy programs and other financial  
12 supports available to families.

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

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

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

1           “(F) HIGH-QUALITY CONSUMER EDU-  
2           CATION AND REFERRAL.—The Web site and  
3           hotline shall ensure that families have access to  
4           child care consumer education and referral serv-  
5           ices that are consistent and of high quality.

6           “(3) PROHIBITION.—Nothing in this subsection  
7           shall be construed to allow the Secretary to compel  
8           States to provide additional data and information  
9           that is currently (as of the date of enactment of the  
10          Child Care and Development Block Grant Act of  
11          2013) not publicly available, or is not required by  
12          this subchapter.”.

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

16          Section 6580 of the Child Care and Development  
17          Block Grant Act of 1990 (42 U.S.C. 9858m) is amend-  
18          ed—

19               (1) in subsection (a), by adding at the end the  
20          following:

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

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

3 (2) in subsection (c)(2), by adding at the end  
4 the following:

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

20 **SEC. 10. DEFINITIONS.**

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

23 (1) by striking paragraph (4) and inserting the  
24 following:



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

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

6                   “(B) a child who is eligible for early inter-  
7                   vention services under part C of the Individuals  
8                   with Disabilities Education Act (20 U.S.C.  
9                   1431 et seq.);

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

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

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

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

19                   “(B) whose family income does not exceed  
20                   85 percent of the State median income for a  
21                   family of the same size; and

22                   “(C) who—

23                           “(i) resides with a parent or parents  
24                           who are working or attending a job train-  
25                           ing or educational program; or

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

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

6                   (3) by inserting before paragraph (6), as reded-  
7                   ignated by paragraph (2), the following:

8                   “(5) ENGLISH LEARNER.—The term ‘English  
9                   learner’ means an individual who is limited English  
10                  proficient, as defined in section 9101 of the Elemen-  
11                  tary and Secondary Education Act of 1965 (20  
12                  U.S.C. 7801) or section 637 of the Head Start Act  
13                  (42 U.S.C. 9832).”;

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

16                   (A) in clause (i), by striking “section  
17                   658E(c)(2)(E)” and inserting “section  
18                   658E(c)(2)(F)”;

19                   (B) in clause (ii), by striking “section  
20                   658E(c)(2)(F)” and inserting “section  
21                   658E(c)(2)(I)”;

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

1           (6) in paragraph (10), as redesignated by para-  
2           graph (2), by inserting “, foster parent,” after  
3           “guardian”; and

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

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

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

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

15           (1) are eligible to receive assistance under the  
16 Child Care and Development Block Grant Act of  
17 1990 (42 U.S.C. 9858 et seq.);

18           (2) have applied for the assistance; and

19           (3) have been placed on a waiting list for the  
20 assistance.

21          (b) REPORT.—The Comptroller General shall prepare  
22 a report containing the results of each study and shall sub-  
23 mit the report to the appropriate committees of Con-  
24 gress—

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

3           (2) every 2 years thereafter.

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