

OFFICE OF MANAGEMENT AND BUDGET**Legislative Reference Division
Labor-Welfare-Personnel Branch****Telecopier Transmittal Sheet****URGENT****FROM: Melinda Haskins****395-3923****DATE:** 4/7/98**TIME:** 12:30 pm**Pages sent (including transmittal sheet):** _____

COMMENTS: Attached are the Department of Education's comments on the HHS child care draft bill. Most are editorial; some are substantive. Please provide me with comments as soon as possible on the ED suggestions. Thanks.

TO: Emil Parker
Nicole Rabner
Jen Klein
Neera Tanden
Diana Fortuna

PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.

A BILL

To amend the Child Care and Development Block Grant Act of 1990 and section 418 of the Social Security Act to provide increased resources for child care programs, to establish an early learning program, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of
2 the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Child Care Quality Improvement
5 Act of 1998".

6 SEC. 2. CHILD CARE SUBSIDY FUNDING.

7 (a) APPROPRIATION; ALLOCATION.—Section 418 of the Social
8 Security Act (42 U.S.C. 618) is amended—

9 (1) by redesignating subsections (b), (c), and (d) as
10 subsections (d), (e), and (f), respectively, and

11 (2) by inserting after subsection (a) the following new
12 subsection:

13 "(b) CHILD CARE SUBSIDY FUNDING.—

14 "(1) APPROPRIATION.—There are appropriated, for
15 allocation in accordance with this subsection—

But also decides within the permissible range? Use the active voice ("the Secretary shall") to make this clear.

- 1 "(A) \$1,155,000,000 for fiscal year 1999;
- 2 "(B) \$1,280,000,000 for fiscal year 2000;
- 3 "(C) \$1,400,000,000 for fiscal year 2001;
- 4 "(D) \$1,600,000,000 for fiscal year 2002; and
- 5 "(E) \$2,065,000,000 for fiscal year 2003.

6 "(2) ALLOCATION OF APPROPRIATIONS.—Amounts appropriated
7 for each fiscal year pursuant to paragraph (1) shall be
8 allocated as follows:

9 "(A) AMOUNT FOR INDIAN TRIBES.—Up to two percent
10 of the total amount appropriated shall be allocated to
11 Indian tribes in proportional shares equal to the
12 shares received by such tribes for such fiscal year
13 under section 6580(c) of the CCDAG Act.

14 "(B) AMOUNTS FOR TERRITORIES.—An amount shall be
15 allotted to each territory that bears the same ratio to
16 one-half of one percent of the total amount
17 appropriated as the amount received by such territory
18 for fiscal year 1997 under the CCDAG Act bears to the
19 total amount received by all territories for such
20 fiscal year under such Act.

21 "(C) SECRETARY'S ACTIVITIES.—\$1,000,000 is
22 reserved to the Secretary and shall be available for

→ by whom.

Is this acronym used in the Social Security Act? See subparagraph (C), p. 3, lines 2-5

This formulation should appear in subparagraph (A) on p. 2

quality assurance and quality improvement activities

relating to programs under the Child Care and

Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) (hereafter in this section referred to as the 'CCDBG Act').

→ use the active voice

"(D) AMOUNTS FOR STATES.—From the total amount

remaining after application of subparagraphs (A), (B), and

(C), an amount shall be allocated to each State (as defined

for purposes of this subsection) that bears the same ratio

to such remainder as the amount received by such State for

fiscal year 1995 under section 403(n) (as in effect before

October 1, 1995) bears to the total amount received by all

States for such fiscal year under section 403(n).

"(3) MATCHING PAYMENTS TO STATES AND TERRITORIES.—

"(A) QUALIFYING STATE EXPENDITURES.—Payments to a

State under this subsection shall be made only with

respect to State expenditures for a fiscal year in

excess of expenditures necessary to secure payment of

the full amount of the State's allotment (if any) under

subsection (a)(2) (but without regard to subsection

(a)(2)(D)).

"(B) FEDERAL PAYMENTS.—The Secretary shall pay to

→ why not "in subsection (f) is"?

4

each State and territory for a fiscal year an amount equal to the lesser of its allotment under paragraph (2) or 80 percent of expenditures by the State or territory-

"(i) that are for any purpose authorized under the approved plan of such State or territory under the CCDBG Act;

"(ii) that, in the case of a State, meet the condition specified in subparagraph (A); and

"(iii) for which Federal matching payments or reimbursements have not otherwise been made.

"(C) REDISTRIBUTION.-The Secretary shall, to the extent necessary, determine the need for redistribution of, and redistribute, amounts allotted under this subsection to States (as defined ¹⁷ ~~for purposes of this subsection~~), ^{(f)(1)} in accordance with the procedures and formula set forth in subsection (a) (2) (D).

"(4) PAYMENTS TO INDIAN TRIBES.-The Secretary shall pay to each Indian tribe for a fiscal year an amount equal to the lesser of-

"(A) its allotment under paragraph (2) ^{(A) [p. 2]} ~~(B)~~ or

"(B) the total amount of expenditures by the tribe

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1 for purposes authorized under the CCDBG Act for which
2 Federal payments have not otherwise been made."

3 (b) INCLUSION OF TERRITORIES IN DEFINITIONS.—Section 418(f)
4 of that Act, as redesignated by ~~paragraph (1)~~, is amended to read
5 as follows: *↳ subsection (a)(1) (see p. 1)*

6 "(f) DEFINITIONS.—As used in this section—

7 "(1) STATE.—The term 'State' means each of the 50
8 States and the District of Columbia.

9 "(2) TERRITORY.—The term 'territory' means Puerto Rico,
10 the United States Virgin Islands, Guam, American Samoa, and
11 the Commonwealth of the Northern Mariana Islands."

12 (c) CONFORMING AMENDMENTS. *→ of what?*

13 (1) Section 418(a) (1) is amended by striking "this
14 section" and inserting "this subsection".

15 (2) Section 418(d) (as redesignated by subsection
16 (a)(1)) is amended in paragraphs (1) and (2) by striking
17 "under this section" each place it appears and inserting
18 "under subsection (a)".

19 SEC. 3. EARLY LEARNING PROGRAM.

20 (a) FUNDING.—Section 418 of the Social Security Act (42
21 U.S.C. 618) is amended by adding after subsection (b) (as added
22 by section 2) the following new subsection:

6

"(c) APPROPRIATIONS FOR EARLY LEARNING PROGRAM."

"(1) IN GENERAL.—There are appropriated, for carrying out activities related to early learning programs in accordance with this section and section 658T of the CCDBG Act, \$600,000,000 for each of fiscal years 1999 through 2002, which shall be allocated in accordance with this subsection.

"(2) ALLOCATION OF APPROPRIATIONS.—Amounts appropriated for each fiscal year pursuant to paragraph (1) shall be allocated as follows:

Who decides?

"(A) AMOUNT FOR INDIAN TRIBES.—Up to two percent of the total amount appropriated shall be allocated to Indian tribes in proportional shares equal to the shares received by such tribes for such fiscal year under section 6580(c) of ~~that~~ Act. *→ the CCDBG*

"(B) AMOUNTS FOR TERRITORIES.—An amount shall be allotted to each territory that bears the same ratio to one-half of one percent of the total amount appropriated as the amount received by such territory for fiscal year 1997 under the CCDBG Act bears to the total amount received by all territories for such fiscal year under such Act.

Use the active voice.

7 *by whom?* 

1
2

"(C) SECRETARY'S ACTIVITIES.—\$6,000,000 is reserved to the Secretary and shall be available for costs of providing technical assistance to, and conducting national evaluations of, State, local, and tribal early learning programs under such section 6584.

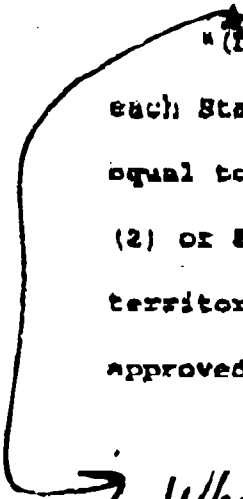
A long way from the contract over p. 6, line 4.

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"(D) AMOUNTS FOR STATES.—From the total amount appropriated remaining after application of subparagraphs (A), (B), and (C), an amount shall be allocated among the States (as defined for purposes of this subsection) that bears the same ratio to such remainder as the amount received by such State for fiscal year 1995 under section 403(n) (as in effect before October 1, 1995) bears to the total amount received by all States for such fiscal year under section 403(n).

"(3) MATCHING PAYMENTS TO STATES AND TERRITORIES.—

"(B) FEDERAL PAYMENTS.—The Secretary shall pay to each State and territory for a fiscal year an amount equal to the lesser of its allotment under paragraph (2) or 80 percent of expenditures by the State or territory for an early learning program under a plan approved under section 658T of the CCDBG Act.

 *Where's subparagraph (A)?*

A

1 (C) REDISTRIBUTION.—The Secretary shall, to the
 2 extent necessary, determine the need for redistribution
 3 of, and redistribute, amounts allotted under this
 4 subsection to States (as defined ⁱⁿ ~~for purposes of this~~
 5 subsection), ^(X1) in accordance with the procedures and
 6 formula set forth in subsection (a) (2) (D).

7 (4) PAYMENTS TO INDIAN TRIBES.—The Secretary shall pay
 8 to each Indian tribe for a fiscal year an amount equal to
 9 the lesser of its allotment under paragraph (2) (D) or the
 10 total amount of expenditures by the tribe for an early
 11 learning program under section 658T of the CCDBG Act. (800
 12 P. 6)

12 (b) ESTABLISHMENT OF EARLY LEARNING PROGRAM.—

13 (1) STATE PLAN REQUIREMENT.—Section 658E(c) of the
 14 Child Care and Development Block Grant Act of 1990 (42
 15 U.S.C. 9858c(c)) is amended by adding at the end the
 16 following new paragraph:

17 (K) EARLY LEARNING PROGRAM PLAN REQUIREMENTS.—In the
 18 case of a State electing to implement an early learning
 19 program under section 658T, the State plan shall meet the
 20 requirements specified in section 658T(b) (2)."

21 (2) EARLY LEARNING PROGRAM.—That Act is amended by
 22 adding at the end the following new section:

1 "SEC. 6587. EARLY LEARNING PROGRAM.

2 "(a) PROGRAM PURPOSE.—The purpose of the program under this
3 section is to enable States, through grants to communities, to
4 increase the availability of high ^{all} quality child care for young
5 children, ^{including those with disabilities} from birth through age 5.

6 "(b) REQUIREMENTS FOR STATE PARTICIPATION.—

7 "(1) IN GENERAL.—In order to be eligible for Federal
8 matching funds under section 418(c) of the Social Security
9 Act, the State shall have in effect under its plan under
10 section 6582 an early learning program plan meeting the
11 requirements specified in paragraph (2).

12 "(2) EARLY LEARNING PROGRAM PLAN REQUIREMENTS.—The
13 early learning program plan shall meet the following
14 requirements:

15 "(A) LEAD AGENCY.—The plan shall provide that the
16 program will be administered by the lead agency
17 designated under 6586.

18 "(B) COMMUNITY GRANT PROCEDURES.—The plan shall
19 describe the standards and procedures to be applied in
20 the review and approval of community applications, and
21 in setting amounts, terms, and conditions of community
22 grants, including the methods to be used to ensure that

Community Grants Procedures — How is "a significant share of grant funds to low income communities" defined? It seems as if there should be a benchmark level if they are going to ask states to report on number and amount of awards on Page 14. See page 14 for additional amendments on reporting for this section.

I identify potential community partners - we would like to suggest that community partners include Head Start, public school and preschool programs, Even Start, special education programs, ECEs, etc. In addition, individuals at the local level be a grantee?

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1 a significant share of grant funds are awarded to low ^{income communities} and are only awarded to programs which demonstrate compliance with the Americans with Disabilities Act.

2 (C) COMMUNITY PARTICIPATION IN PLANNING AND

3 MONITORING.--The plan shall describe the methods to be

4 used to ensure participation, in planning and

5 monitoring activities under the community plan, of

6 representatives of concerned elements of the community,

7 ^{but not limited to} including parents of young children, child care ^{early intervention}

8 providers, child development professionals, health care ^{Public School representatives, local interagency coordina}

9 providers, ^{local government, and business leaders.} ^{ting councils for children with disabilities}

10 (D) PROGRAM ACTIVITIES.--The plan shall specify

11 which of the allowable activities enumerated in ^{listed?}

12 subsection (c) may be carried out under community

13 grants under the plan.

14 (E) PERFORMANCE GOALS AND MEASURES.--The plan

15 shall specify performance goals to be achieved and the

16 performance measures to be used to assess progress

17 toward such goals under the plan, which goals and

18 measures shall be developed with appropriate input of

19 local government authorities in accordance with section

20 658D(b) (2) and designed to improve child development

21 through coordination with health care services,

specialists

11

enhanced early learning environments, parental involvement, and consumer education.

"(c) ALLOWABLE ACTIVITIES.—An early learning program under State plan under this section may provide for any or all of the following activities:

"(1) QUALITY AND AVAILABILITY.—

"(A) PROVIDER TRAINING.—Training of child care personnel (which may include training in early childhood development, health, nutrition, hygiene, first-aid and safety, and other appropriate matters).

"(B) IMPROVED STAFFING RATIOS.—Initiatives to increase ratios of child care staff to children in care and to reduce child care group sizes to levels consistent with State licensing standards.

"(C) LICENSING AND ACCREDITATION ASSISTANCE.—Assistance to entities and individuals in meeting applicable child care accreditation and licensing requirements and in obtaining licensing or accreditation.

"(D) HEALTH SERVICES.—Improving coordination of child care with appropriate health services including health and mental health consultations, hearing and

(D) Health Services - add "transition of child health records to public school at school entry"

modifications and accommodations for children with disabilities meeting other requirements of the Americans with Disabilities Act, coordination of with early intervention and special education services, and

Page 11 (1) (B) unclear as to why they indicate "reduce child care group sizes to levels consistent with State licensing standards. I see two issues here: one is that state licensing standards may not adequately limit group sizes to begin with, and second, programs operating outside of licensing standards would necessarily be operating illegally. Seems more appropriate to just state "reduce child care group sizes to levels consistent with established best practices"

12

1 vision testing, and immunizations, by methods such as
 2 co-location of health and child care services and
 3 referrals of children in child care to health care
 4 providers or screening services, but not through direct
 5 provision ^{of,} or payment ^{for} ~~of~~ health care services.

6 "(E) CARE FOR CHILDREN WITH SPECIAL

7 NEEDS.—Increasing the availability and quality of child
 8 care for young children with special health care needs, *developmental*
 9 *delays* and disabilities, *and coordinating with early intervention and*
 10 *preschool special education services.*

11 "(F) SALARY AND BENEFIT ENHANCEMENT.—Assistance to
 12 child care programs to increase quality and continuity
 13 of care through enhanced compensation to child care
 14 staff working directly with children.

15 "(G) MONITORING AND TECHNICAL
 16 ASSISTANCE.—Technical assistance to grantees, and
 17 monitoring of programs, assisted under this section.

18 An amount not to exceed 10 percent of the payment to
 19 the State under section 618(c) may be used for
 20 activities under this subparagraph.

21 "(2) INFORMATION AND RESOURCES.—

22 "(A) PARENTING EDUCATION.—Provision of parenting
 23 *including use of collaboration with Even Start.*
 24 education *for* parents of young children by means

Page 12 (G) Monitoring and Technical Assistance - add "coordinate technical assistance efforts with other early care and education technical assistance centers and laboratories" (i.e., Head Start, Title I, regional education labs, Goals 2000)

Page 12 (G) Monitoring and Technical Assistance. There should be some reference that links these activities, those in Section (C) Licensing and Accreditation, and those in Section 5. Child Care Standards Enforcement Program.

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Would it be appropriate to incorporate English as a second language programs here, for parents with limited English proficiency?

with parenting education components

11

including use of community-based resource centers, ^{early intervention} public elementary schools, collaboration with preschool programs, centers that ^{providers of services for children} serve children with special health care needs or disabilities and their families, and home visits by child development specialists or other appropriate professionals or paraprofessionals.

family literacy programs

"(B) INFORMATION AND REFERRAL.—Initiatives to

develop or increase the availability of information and referral services and other resources to assist parents to locate and assess the quality of available child care services.

"(C) FAMILY CHILD CARE NETWORKS.—Development of

support networks, information and referral services, and other supportive services addressing needs of family child care providers for access to such resources as education, training, and community support services."

(c) ANNUAL REPORT. Section 665K(a)(2) of the Act (42 U.S.C.

98541(a)(2)) is amended—

(1) by striking "and" at the end of the subparagraph

(D);

(2) by striking the period at the end of the

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14

subparagraph (E) and inserting a semicolon; and
 (3) by inserting after and below subparagraph (E) the
 following new subparagraph:

"(F) the early learning program under section
 658T, including--

"(i) the number and average dollar amount of
 grants awarded;

"(ii) the number and average dollar amount of
 such grants made to low-income communities;

"(iii) the number of early learning programs;

"(iv) the number of children served with
 special health care needs, ~~and disabilities~~ or developmental
 delays;

"(v) the number of early learning programs
 that assist children with special needs;

"(vi) progress toward achievement of
 performance goals; and

"(vii) such other data as the Secretary may
 require; and".

(d) ~~44 MINIMUM QUALITY EXPENDITURES.--For an additional
 amendment relating to the provisions added by this section, see
 section 6.~~

~~SEC. 4. . NATIONAL CHILD CARE PROVIDER SCHOLARSHIP PROGRAM.~~

*Why is this written as if it were bill
 language?*

15

1 (a) ESTABLISHMENT OF PROGRAM.—Section 658G of the Child Care
2 and Development Block Grant Act of 1990 (42 U.S.C. 9858a) is
3 amended—

4 (1) by inserting "(a)" before "A State"; and

5 (2) by adding at the end the following new subsection;

6 "(b) CHILD CARE PROVIDER SCHOLARSHIP PROGRAM.—

7 "(1) STATE PLAN REQUIREMENT.—In order to be eligible
8 for funds under section 658J(a)(2), a State shall include in
9 its plan under section 658J a child care provider
10 scholarship program plan, meeting the requirements of this
11 subsection, designed to further the goals of child care
12 provider recruitment, training, credentialing, and
13 retention.

14 "(2) ELIGIBILITY CRITERIA FOR SCHOLARSHIP
15 APPLICANTS.—The state plan must provide that, in order for
16 an individual to be eligible for a scholarship grant under
17 this subsection, the following requirements shall be met:

18 "(A) DEMONSTRATED COMMITMENT TO CHILD CARE
19 CAREER.—The individual—

20 "(i) must be a child care worker who is (or
21 is employed by) a licensed or registered child
22 care provider, or has a commitment for employment

16

1 from a licensed or registered child care provider;
2 and

3 "(ii) must agree in writing to continue to be
4 employed in the field of child care for at least
5 one year after receiving the training for which
6 assistance is provided.

7 "(B) COST SHARING BY APPLICANT.—

8 "(1) IN GENERAL.—The individual (either as
9 provided in clause (ii) or otherwise) will provide
10 funds for payment of a share of the cost of the
11 education or training.

12 "(ii) APPLICATION FOR PELL GRANTS OR OTHER
13 FINANCIAL ASSISTANCE.—In the case of an

14 application for a scholarship intended for use in
15 an educational institution *participating in any*
any such program ~~eligible for the~~
16 program under title IV of the Higher Education

17 Act, the individual shall apply for a grant under
18 *any* such program *for which the individual is eligible*

19 "(C) EMPLOYER REQUIREMENTS.—In the case of an
20 individual employed by (or who has a commitment for
21 employment from) a licensed or registered child care
22 provider—

→ Clarifying amendments to reflect what we assume is intended. There are multiple programs in Title IV; an institution could be eligible but not participating; and we assume you want the student to apply for any Title IV program for which he or she is eligible.

17

1 " (1) COST SHARING.—The individual's employer
2 must pay a share of the cost of the education or
3 training.

4 " (11) EMPLOYMENT AND REMUNERATION.—The
5 individual's employer must agree to provide
6 increased compensation to the individual, in the
7 form of either a bonus or a salary increase, when
8 the individual completes the education or
9 training.

10 " (3) QUALIFYING EDUCATIONAL INSTITUTIONS.—The state
11 plan shall specify the types of educational and training
12 programs for which scholarships granted under the state
13 program may be used, which shall be limited to (but may
14 include any or all) programs that—

15 " (A) are administered by institutions of higher
16 education that are eligible to participate in student
17 financial assistance programs under title IV of the
18 Higher Education Act of 1965; and

19 " (B) that lead to a state or national credential
20 in child care or early childhood ^{or early childhood special} education, or to an
21 associate or bachelor's degree in child development or
22 early childhood education.

Page 17 (ii) Employment and Remuneration — what are remuneration strategies for individuals who are self-employed, i.e., family child care workers? Only those who are employed by others will be required to receive salary enhancements as currently written.

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1 " (1) SUPPLEMENTATION OF OTHER FUNDING.--The State plan
2 shall contain assurances that Federal funds provided to the
3 State under this subsection will not be used to supplant
4 Federal or non-Federal funds for existing services and
5 activities ~~which~~ *that* promote the purposes of this subsection.

6 (b) AUTHORIZATION OF APPROPRIATIONS.--Section 658B of that
7 Act (42 U.S.C. 9858) is amended--

8 (1) by striking "There is authorized" and inserting the
9 following:

10 "(a) BASIC GRANT.--There are authorized"; and

11 (2) by adding at the end the following new subsection:

12 "(b) CHILD CARE PROVIDER SCHOLARSHIP PROGRAM.--There are
13 authorized to be appropriated to carry out section 658B(b)
14 \$50,000,000 for each of fiscal years 1999 through 2003."

15 (c) ALLOTMENT.--Section 658D of that Act (42 U.S.C. 9858m) is
16 amended--

17 (1) in subsection (a) (1), by striking "this subchapter"
18 and inserting "each subsection of section 658B";

19 (2) in subsection (a) (2), by striking "section 658D"
20 and inserting "section 658B(a)";

21 (3) in subsection (b) (1), in the matter preceding
22 subparagraph (A), by inserting "each subsection of" before

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19

1 "section 650D"; and

2 (4) in subsection (c)(1), by striking "the allotment
3 under subsection (b)" and inserting "an allotment under
4 subsection (b)".

5 (d) PAYMENTS.—Section 658J(a) of that Act (42 U.S.C. 9858h)
6 is amended—

7 (1) by moving the text two ems to the right;

8 (2) by striking everything through "a State" and
9 inserting the following:

10 "(a) IN GENERAL.—

11 (1) BASIC GRANT.—A State"; *and*

12 (3) by adding at the end the following new paragraph:

13 "(2) CHILD CARE SCHOLARSHIP PROGRAM.—A State described
14 in paragraph (1) whose plan under section 658E provides for
15 a child care scholarship program under section 658G(c) shall
16 be entitled to payment under this section in an amount equal
17 to the lesser of its allotment under section 658D or 80
18 percent of expenditures by the State for such program."

19 (e) ANNUAL REPORT.—Section 658K(a)(2) (as amended by section
20 1(c)) is further amended by inserting after and below
21 subparagraph (F) the following new subparagraph:

22 "(G) the child care scholarship program,

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including ~~9~~ --

"(i) the number of child care workers
receiving scholarship grants;

"(ii) the amount of each scholarship
grant;

"(iii) the number of course credits or
credentials completed by individuals
receiving scholarships; and

"(iv) such other data as the Secretary
may require;"

~~(f) ACTIVITIES TO IMPROVE CHILD CARE QUALITY AMENDMENT.--For
an additional amendment relating to the provisions added by this
section, see section 6.~~

SEC. 5. CHILD CARE STANDARDS ENFORCEMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.--Section 658G of the Child Care
and Development Block Grant Act of 1990 (42 U.S.C. 9858e) (as
amended by sections ^(a) 3(c)(2) and 4), is further amended by adding
at the end the following new subsection:

"(e) CHILD CARE STANDARDS ENFORCEMENT.--

"(1) STATE PLAN REQUIREMENT.--In order to be eligible
for funds under section 658J(a)(2), a State shall include in
its plan under section 658E a child care standards

→ this amend § 658K(c)(2); see p. 13

21

enforcement plan, describing the activities to be carried out with funds allotted to the State from amounts appropriated under section 658(c), which may include--

"(A) initiatives to increase numbers of qualified staff engaged in licensing of child care providers and enforcement of licensing, health, safety, and other applicable standards;

"(B) increased monitoring and enforcement activities, including unannounced inspections; and

→ "(C) other activities designed to ensure provider compliance with applicable standards.

Add →
 *
 "(2) SUPPLEMENTATION OF OTHER FUNDING.--The State plan described in paragraph (1) shall contain assurances that Federal funds provided to the State under this subsection will not be used to supplant Federal or non-Federal funds for existing services and activities ~~that~~ promote the purpose of this subsection."

(b) AUTHORIZATION OF APPROPRIATIONS.--Section 658B of that

Act (as amended by section 4) is further amended by adding at the end the following new subsection:

"(c) CHILD CARE STANDARDS ENFORCEMENT.--There is authorized to be appropriated to carry out section 658C(c) \$100,000,000 for

* (D) activities to assist centers to comply with the Americans with Disabilities Act.

Page 21 (C) add "including coordination with section 658T Early Learning Program (C) Allowable Activities (C) Licensing and Accreditation (Page 11) and (G) Monitoring and Technical Assistance (Page 12)"

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1 each of fiscal years 1999 through 2003."

2 (c) PAYMENTS.—Section 658J of that Act is amended by adding
3 at the end the following new paragraph:

4 " (3) CHILD CARE STANDARDS ENFORCEMENT PROGRAM.—A State
5 described in paragraph (1) whose plan under section 658K
6 provides for child care standards enforcement under section
7 658G(d) shall be entitled to payment under this section in
8 an amount equal to the lesser of its expenditures or
9 allotment for such purpose under section 658G."

10 (d) ANNUAL REPORT.—Section 658K(a) (2) (as amended by section
11 (c) (2) P. 13) and section 6(e) is further amended by inserting after and
12 below subparagraph (C) the following new subparagraph:

13 " (II) enforcement of child care quality and
14 safety standards, including data, by type of
15 provider, only --

16 " (i) the number of facilities inspected
17 (and the number of facilities receiving more
18 than one inspection);

19 " (ii) the numbers and types of
20 deficiencies identified (and the numbers of
21 serious deficiencies presenting risks to
22 health or safety); and

Page 22 (d) Annual Report (iv) add "types of technical assistance and resources to help providers comply with child care standards"

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1 "(iii) such other data as the Secretary
2 may require."

3 (e) ~~4% MINIMUM QUALITY EXPENDITURES~~ For an additional
4 amendment relating to the ~~provisions added by this section~~, see
5 section ~~4~~.

6 SEC. 6. 4% MINIMUM QUALITY EXPENDITURES.

7 Section 658G(a) (as redesignated by section 4(a)) is
8 amended-

9 (1) by moving the text two one to the right;

10 (2) by striking "A State" and inserting the following:

11 "(a) 4% MINIMUM QUALITY EXPENDITURES.-

12 "(1) IN GENERAL.-Subject to paragraph (2), a State";

13 and

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

15 "(2) DISREGARD.-For purposes of paragraph (1), the
16 following amounts shall be disregarded:

17 "(A) amounts received by the State from amounts
18 appropriated under section 410(c) of the Social
19 Security Act and expended under a plan in accordance
20 with section 658T.

21 "(B) amounts received by the State from amounts
22 appropriated under section 658B(b) and expended under a

24

plan in accordance with subsection (b),

(2) "(C) amounts received by the State from amounts
appropriated under 658B(c) and expended under a plan in
accordance with subsection (c).".

SEC. 7. RESEARCH AND DEMONSTRATIONS.

(a) ESTABLISHMENT OF RESEARCH AND DEMONSTRATION

ACTIVITIES.--The Child Care and Development Block Grant Act of
1990 is amended by adding at the end the following new section:

"SEC. 658C. RESEARCH AND DEMONSTRATIONS.

"(a) IN GENERAL.--The Secretary is authorized, either
directly or through grants, contracts, cooperative agreements, or
other arrangements, to carry out research, demonstration
projects, and other activities relating to child care, including
activities designed to improve the quality and increase the
availability of child care.

"(b) ALLOWABLE ACTIVITIES.--Activities under this section may
include the following:

"(1) RESEARCH ON CHILD CARE NEEDS OF LOW INCOME
FAMILIES.--Research designed to identify and overcome
barriers restricting availability, affordability, and
quality of child care for low-income families.

"(2) DEMONSTRATIONS OF TECHNOLOGY-BASED EDUCATION AND

p. 24-25 Section 7 -- "Research and Demonstrations" "Demonstration Projects for
New Methods" after "single parents" can we add "homeless families" and "migrant
families"

25

1 TRAINING.—Demonstration projects testing use of remote site
2 and interactive computer technology to provide education and
3 training to child care providers and parents.

4 "(1) DEMONSTRATION PROJECTS FOR NEW

5 METHODS.—Demonstration projects addressing the particular

6 child care needs of certain parents, such as stay at home
7 parents of newborns or newly adopted children, low-income
8 families, single parents, disabled parents, and parents of foster parents,
9 children with special health care needs or disabilities.

10 "(4) NATIONAL CENTER ON CHILD CARE

11 STATISTICS.—Establishment and operation of a NATIONAL CENTER
12 ON CHILD CARE STATISTICS for the collection and
13 dissemination of data and information on child care.

14 "(5) HOTLINE AND CONSUMER EDUCATION.—Establishment and
15 operation of a hotline to assist parents to locate their
16 local child care resource and referral agency and public
17 education activities to assist parents in becoming informed
18 consumers of quality child care.

19 "(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized
20 to be appropriated to carry out this section \$30,000,000 for each
21 of fiscal years 1999 through 2003."

22 (b) REPORT TO CONGRESS.—Section 658L of the Child Care and

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FROM:DADZ, J.

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① Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended
② by inserting after "under section 658X" and progress on
3 development of research and demonstration projects as carried out
4 under section 658U".

5 SEC. 2. TECHNICAL ASSISTANCE TO COMMUNITIES.

6 Section 658I(a)(3) of the Child Care and Development Block
7 Grant Act of 1990 is amended by inserting "and communities" after
8 "States".

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THE "CHILD CARE QUALITY IMPROVEMENT ACT OF 1998"

Section-by-Section Summary

SEC. 1. SHORT TITLE.

This section provides that this bill, if enacted, ^{may} will be cited as the "Child Care Quality Improvement Act of 1998". ✓

SEC. 2. CHILD CARE SUBSIDY FUNDING.

Section 2(a) adds to section 418 of the Social Security Act (funding for child care) a new subsection (b) which appropriates additional child care subsidy funds of \$1,155,000,000 for FY 1999, \$1,280,000,000 for FY 2000, \$1,400,000,000 for FY 2001, \$1,600,000,000 for FY 2002, and \$2,065,000,000 for FY 2003. Such funds are to be allocated for each fiscal year as follows: ✓

- Up to two percent of the total is to be set aside for Indian tribes, and allocated among them in shares in the same proportions as shares the tribes receive for the fiscal year under section 4580(c) of the CCDBG Act. (switch) ✓
- One-half of one percent of the total is set aside for territories (as defined below), and allocated among them in amounts bearing the same ratio to the set-aside as the amounts they received for FY ~~1997~~ 1997 under the CCDBG Act here to the total amount received by all such territories for FY 1997 under the CCDBG Act section. ?
- \$1,000,000 is available to the Secretary for quality assurance and quality improvement activities under the Child Care and Development Block Grant Act of 1990 (the CCDBG Act). ✓
- The remainder is allocated among the States ⁹ according to the "at-risk child" formula under the section 403(n) allotment formula. ✓

Subsidy payments will be available to States only for expenditures above amounts necessary to secure payment of the full amount of the State's allotment under section 418(a)(2). States and territories will be entitled to Federal matching

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2 of
 payments equal to the lesser to 80 percent of program expenditures or their total allotments. Subsidy funds may be used for any purpose authorized by the CCDBG Act. Any unused State allotments will be redistributed in accordance with subsection (a) (2) (D).

Section 2(b) amends section 418(f) of the Social Security Act to provide that, for purposes of the subsidy grants under new section 418(b) and the early learning funds provided for under section 3 of the bill, the term "territory" includes Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Section 2(c) makes conforming amendments to section 418 of the Social Security Act.

SEC. 3. EARLY LEARNING FUNDS.

FUNDING

Section 3(a) adds to section 418 of the Social Security Act a new subsection (c) which appropriates \$600,000,000 for each of FY's 1999 through 2003 to carry out early learning program activities under section 658T of the CCDBG Act. Such funds are to be allocated as follows:

- Up to two percent of the total is to be set aside for Indian tribes, and allocated among them in shares in the same proportions as shares the tribes receive for the fiscal year under section 6580 of the CCDBG Act.
- One-half of one percent of the total is set aside for territories, and allocated among them in amounts bearing the same ratio to the set-aside as the amounts they received for FY 1997 under the CCDBG Act bore to the total amount received by all such territories for FY 1997 under the CCDBG Act.
- \$6,000,000 is available to the Secretary for costs of providing technical assistance to and conducting national evaluations of State, local and tribal early learning programs.

conducting?

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- The remainder is allocated among the States according to the "at-risk child" formula under the section 403(n) allotment formula.

States and territories will be entitled to Federal matching payments equal to the lesser of 80 percent of early learning program expenditures or their total allotments. Any unused State allotments will be redistributed in accordance with subsection (a) (2) (D).

ESTABLISHMENT OF EARLY LEARNING PROGRAM

Section 3(b) amends section 658E(c) of the CCDBG Act to require inclusion of an early learning program element in the CCDBG plans of States and territories electing that program, and adds a new section 658T to the CCDBG Act with the following provisions:

SEC. 658T. EARLY LEARNING PROGRAM

PROGRAM PURPOSE

Subsection (a) states that the purpose of the program is to enable States, through community grants, to increase the availability of high-quality child care to children from birth through age 5.

REQUIREMENTS FOR STATE PARTICIPATION

Subsection (b) provides that the early learning plan must--

- (A) be administered by the designated State lead agency;
- (B) describe community grant procedures applicable to review and approval of community applications and in setting amounts, terms and conditions, including methods to be used to ensure that a significant share of grant funds are awarded to low-income communities;
- (C) describe the methods to be used to ensure community participation in planning and monitoring activities;

- (D) specify which of the activities permitted by section 659T(c) may be carried out under community grants; and *De*
- (E) specify performance goals and measures to be used to assess such plan goals that improve child development through coordination with health care services, enhanced early learning environments, parental involvement and consumer education and that such goals and measures will be subject to the State plan public review process. ✓

ALLOWABLE ACTIVITIES

Subsection (c) provides that allowable activities under a State's early learning plan may include any or all of the following:

QUALITY AND AVAILABILITY

- (A) Provider training.
- (B) Initiatives to increase child care staff-child ratios and to reduce group sizes to levels consistent with State licensing standards.
- (C) Assistance to child care providers in obtaining licensing and accreditation.
- (D) Improve *ing* coordination of child care with appropriate health services by methods such as co-location of health and child care services and referrals to health services, but not through direct provision or payment *of* such services. ✓
- (E) Increasing availability and quality *of* care for young children with special health care needs and disabilities. ✓
- (F) Assistance to child care providers in increasing salary and benefits for child care staff working directly with children.

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- (D) Technical assistance to grantees and monitoring of grant programs. (Not more than 10 percent of the State's early learning grant may be used for this purpose.)

INFORMATION AND RESOURCES

- (A) Parenting education for parents of young children.
- (B) Initiatives to improve the availability of information and referral services and other resources that assist parents in locating and assessing the quality of child care.
- (C) Development of support and resource networks for family care providers.

ANNUAL REPORT

Subsection (c) amends section 658K(a)(2) of the CCDBG Act (the requirement for annual reports by States receiving CCDBG grants) to require reporting concerning the early learning program, to include information on: the number and average dollar amount of total grants and low-income communities grants awarded; the number of early learning programs (and those that assist children with special needs); the number of children with special needs served; and progress toward achievement of performance goals.

~~4. MINIMUM QUALITY EXPENDITURES~~

~~Subsection (d) notes that section 6 of the bill makes an amendment concerning the relationship of early learning fund activities to the CCDBG Act requirement for minimum quality expenditures.~~

SEC. 4. NATIONAL CHILD CARE PROVIDER SCHOLARSHIP PROGRAM.

Section 4(a) adds to 658G of the CCDBG Act (activities to improve the quality of child care) a new subsection (b) (child care provider scholarship program) with the following provisions:

STATE PLAN REQUIREMENT

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Subsection (b) (1) requires that a State electing to operate a program under this subsection include in its State plan under section 558E a child care provider scholarship program plan designed to further the goals of child care provider recruitment, training, credentialing and retention. ✓

ELIGIBILITY CRITERIA FOR SCHOLARSHIP APPLICANTS

Subsection (b) (2) provides the following individual eligibility requirements for scholarships:

- (A) The applicant must be a child care worker who is (or is employed by or has a commitment for employment from) a licensed or registered child care provider, and must agree in writing to continue to be employed in the child care field for at least one year after receiving scholarship-funded education or training.
- (B) The applicant must provide funds for a share of in education or training (and must apply for a Pell grant if the institution concerned is eligible).
- (C) The applicant's employer (or employer from which the applicant has a commitment for employment) must pay a share of the education or training costs, and must agree upon completion of the training or education to give the applicant a bonus or salary increase.

QUALIFYING EDUCATIONAL INSTITUTIONS

Subsection (b) (3) requires that the plan specify the types of educational and training programs for which scholarships may be used. Participation is to be limited to programs that are administered by institutions of higher education eligible to receive assistance under title IV of the Higher Education Act of 1965, and that lead to a State or national license, credential, or accreditation as a child development associate or child care provider, or to an associate or bachelor degree programs in child development or early childhood education.

SUPPLEMENTATION OF OTHER FUNDING

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Subsection (b)(4) requires that the State plan contain assurances that program funding will supplement and not supplant other Federal or non-Federal funds for existing services and activities that promote the scholarship program purposes.

AUTHORIZATION OF APPROPRIATIONS

Section 4(b) adds to section 658B of the CCDBG Act a new subsection (b), authorizing appropriations of \$50,000,000 for each of FYs 1999 through 2003 for the child care provider scholarship program.

ALLOTMENT

Section 4(c) amends section 658C of the CCDBG Act to allot the appropriations for child care scholarships according to the same formula used for basic State CCDBG grants.

PAYMENTS

Section 4(d) amends section 658J of the CCDBG Act to provide for payment to States with approved child care scholarship program plans of the lesser of their allotments under section 658C or 80 percent of program expenditures.

ANNUAL REPORT

Section 4(e) amends section 658K (a)(2) of the CCDBG Act (the requirement for annual reports by States receiving CCDBG grants) to require reporting, with respect to the child care scholarship program, of data including: the number of child care workers receiving scholarship grants, and grant amount; and the number of course credits or credentials completed by scholarship recipients.

~~4. MINIMUM QUALITY EXPENDITURES~~

~~Section 4(f) notes that section 6 of the bill makes an amendment concerning the relationship of child care scholarship program activities to the CCDBG Act requirement for minimum quality expenditures.~~

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SEC. 5 CHILD CARE STANDARDS ENFORCEMENT PROGRAM.

Section 5(a) adds to section 6580 of the CCDBG Act (activities to improve the quality of child care), as previously amended by section 3(c)(2) and section 4, a new subsection (c) (child care standards enforcement program) with the following provisions:

STATE PLAN REQUIREMENT

Subsection (c)(1) requires that a State electing to operate a program under this subsection include in its State plan under section 6582 a child care standards enforcement plan, describing the activities to be carried out, which may include:

- (A) initiatives to increase numbers of qualified child care licensing and standards enforcement staff;
- (B) increased monitoring and enforcement activities; and
- (C) other activities designed to ensure provider compliance with applicable standards.

SUPPLEMENTATION OF OTHER FUNDING

Subsection (c)(2) requires that the State plan contain assurances that program funding will supplement and not supplant other Federal or non-federal funds for existing services and activities that promote the purposes of this subsection.

AUTHORIZATION OF APPROPRIATIONS

Section 5(b) adds to section 6582 of the CCDBG Act a new subsection (d), authorizing appropriations of \$100,000,000 for each of FYs 1999 through 2003.

PAYMENTS

Section 5(c) amends section 6580 of the CCDBG Act to provide for payment, to a State with an approved child care standards enforcement program plan, of the lesser of its expenditures under such program or its allotment under section 6580.

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Section 5(d) amends section 658X(a)(2) of the CCDBG Act (the requirement for annual reports by States receiving CCDBG grants) to require reporting concerning enforcement of child care quality and safety standards, including data, by type of provider, on:

(1) the number of facilities inspected (and the number of facilities receiving more than one inspection);

(2) the numbers and types of deficiencies identified (and the number of serious deficiencies presenting risks to health or safety).

~~14 MINIMUM QUALITY EXPENDITURES~~

~~Section 5(a) notes that Section 6 of the bill makes an amendment concerning the relationship of activities under the child care standards enforcement program to the CCDBG Act requirement for minimum quality expenditures.~~

SEC. 6. 14 MINIMUM QUALITY EXPENDITURES.

Section 6 amends section 658G of the CCDBG Act (which requires that at least 4 percent of a State's basic grant under the Act be used for activities to improve the quality of child care) to provide that, in determining State compliance with this requirement, the following payments to and expenditures by the State shall be disregarded:

- (A) payments under section 418(c) of the Social Security Act, and expenditures under section 658T of the CCDBG Act, for early learning programs;
- (B) payments and expenditures for child care scholarship programs under section 658G(b) of the CCDBG Act; and
- (C) payments and expenditures for child care standards enforcement, activities under section 658G(c) of the CCDBG Act.

SEC. 7. RESEARCH AND DEMONSTRATIONS.

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ESTABLISHMENT OF RESEARCH AND DEMONSTRATION ACTIVITIES

Section 7(a) adds to the CCDBG Act a new section 658U (research and demonstrations) with the following provisions:

IN GENERAL

Section 658U(a) authorizes the Secretary, either directly or through grants, contracts, cooperative agreements, or other arrangements, to carry out research, demonstration projects, and other activities relating to child care, including activities designed to improve the quality and increase the availability of child care.

ALLOWABLE ACTIVITIES

Section 658U(b) provides that allowable research, demonstration, and other activities may include:

- (1) Research on child care needs of low income families. ✓
- (2) Demonstrations of technology-based education and training, including use of remote site and interactive computer technology.
- (3) Demonstrations addressing the particular child care needs of certain parents.
- (4) Establishment and operation of a national center on child care statistics.
- (5) Establishment and operation of a hotline to assist parents to locate local child care resources and public education activities.

AUTHORIZATION OF APPROPRIATIONS

Section 658U(c) authorizes appropriations of \$30,000,000 for each of FYs 1999 through 2003 to carry out the Secretary's activities under this section.

REPORT TO CONGRESS

APR-07-1998 12:49 TO:N RABNER
FROM: 4/1-1998 10:45 TO:30 - EDUCATION

FROM:HASKINS, M.

FROM:DADE, J.

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Section 7(b) amends section 6582 of the CCDBG Act (which requires the Secretary, beginning in 1998, to report biennially to Congress on data and information reported by States receiving grants under this Act) to require the Secretary to report on development of research and demonstration projects carried out under section 6502.

SEC. 8. TECHNICAL ASSISTANCE TO COMMUNITIES.

Section 8 amends section 6581 of the CCDBG Act to authorize the Secretary to provide technical assistance to communities as well as to States.

**DATE: 5/1/98**

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 INDEPENDENCE AVE., SW
WASHINGTON, D.C. 20201**

PHONE: (202) 690-6311**FAX: (202) 690-8425**

**OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION
HUMAN SERVICES LEGISLATION
ROOM 413 H HUMPHREY BUILDING**

FROM:TO : Jen/Nicole/Neera[XX] MARY M. BOURDETTE
Deputy Asst. Sec.OFFICE : WH/DPC

ROOM NO : _____

PHONE NO : _____

FAX NO : 456-2078TOTAL PAGES
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REMARKS: Here's what we sent to OMB today....for discussion on Monday.
I've starred the ones that are particularly important to us. Have a nice
weekend.

Pls share

**DATE: 5/1/98**

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 INDEPENDENCE AVE., SW
WASHINGTON, D.C. 20201**

PHONE: (202) 690-6311**FAX: (202) 690-8425**

**OFFICE OF THE ASSISTANT SECRETARY FOR LEGISLATION
HUMAN SERVICES LEGISLATION
ROOM 413 H HUMPHREY BUILDING**

FROM:

TO : Melinda Haskins [XX] MARY M. BOURDETTE
Deputy Asst. Sec.

OFFICE : OMB

ROOM NO : _____

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FAX NO : 395-6148

**TOTAL PAGES
INCLUDING COVER):** 3

REMARKS: As promised, here's the HHS reaction to the OMB passback on the child care bill for discussion at the Monday meeting. On Monday, we will also have something to indicate which of the Dept of Ed comments we are comfortable with. As you know, several of those are at odds with the OMB passback, so we assumed those particular ones were moot.

Also for the Monday meeting, it would be useful to discuss where we are on the section of the child care initiative that the Dept of Ed is drafting -- I don't think we've ever seen that or the Treasury drafts.

p. 21, line 10 - ~~NO~~ - Discuss

more acceptable

p. 22, line 9 - No - The allotment reference in the draft bill is correct as written. ☐

p. 22, line 18 - OK

p. 23, line 1 - No - how?

sample basis

p. 24, line 22 - OK for (2) and (3)

p. 25, lines 4-9 - OK

Add section at end re regulations -- ~~NO~~, a section permitting the Secretary to promulgate rules is unnecessary. The Secretary is generally authorized to issue regulations under 5 U.S.C. § 301. Also, regulations have been issued to implement existing provisions of the CCDBG Act without a rulemaking provision. Finally, adding a rulemaking provision to the bill would set bad precedents. It would imply that a rulemaking provision is always necessary and that such provisions should be added to all new legislation. It could also provide a basis for legal challenges for those instances in which the Secretary has engaged in rulemaking under a statute that did not have a specific rulemaking provision.

okay

HHS views on OMB CC passback

p. 3, line 9 - OK

p. 4, line 21 -- OK

Definition of Indian tribe - Not needed

Section 8 re tech assistance - OK

p. 7, line 6 - Discuss

p. 8, line 9 - OK

p. 9, line 2 - OK

p. 9, line 22 - OK for significant share, **No** on 70% in statute

p. 10, line 15-22 etc

new E - OK

new F - OK

p. 11, line 6 - OK

p. 11, line 13 - OK

p. 12, line 10-13 - OK on language, **No** on 10% cap

p. 12, line 14-19 - No - Discuss

p. 13, lines 4-6 - OK to add visiting programs, recommend to add it to our language, rather than replace.

p. 13, line 8 - OK

p. 14, lines 15 and 16 - OK

p. 14, new (vii) -- **No - WHY?**

p. 14, new G -- OK

p. 15-20 - \$1500 cap - OK

p. 17, subsection i -- NO - Discuss *such as.*

p. 19, line 15 - OK

p. 20, line 9 - ?? *okay*

p. 20, Chafee language -- NO, Discuss benchmarks

p. 20, line 17 -3(c)(2) reference should be deleted

p. 21, line 3 - OK

*HAS to
craft
a re-draft*

*** TX REPORT ***

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COMMENTS:

first 8 pages - original packet
tray sent to
last 16 pages - packet tray
sent today

-- DRAFT --

OMB comments on HHS Draft Bill: Child Care Quality Improvements Act of 1998

p. 3, line 9: Strike all from "that bears..." through the end of line 13, and replace with "based on the formula used for determining the amount of Federal payments to the State under section 403(n) (as such section was in effect before October 1, 1995)."

p. 4, lines 3 - 4. Strike everything that follows (2) and insert, "or the Federal medical assistance percentage for the State for the fiscal year (as defined by section 1905(b) of the Social Security Act)--" *CCDBG?*

p. 4, line 21: Replace "(2)(B)" with "(2)(A)".

p. 6, line 11. Replace "up to two percent" . . . shall be allocated to Indian tribes with "two percent." *can we do?*

The definition of "Indian tribe" does not appear in the draft bill. We would recommend for inclusion in section 2(b) of the draft bill the definition in 25 U.S.C. Sec. 479a: "'Indian tribe'" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe."

Section 8 of the draft bill should be modified so that technical assistance is available to States and communities, "including Indian tribes."

p. 7, lines 6 - 15. Amend this section so that funds are allotted to states according to the CCDBG formula and not the at-risk formula. The at-risk formula is based on children under age 13. The CCDBG formula is based on children under age 5 and the proportion of children receiving free or reduced price school lunches. *why?*

p. 7, line 10: Strike all from "that bears..." through the end of line 15, and replace with "based on the formula used for determining the amount of Federal payments to the State under section 403(n) (as such section was in effect before October 1, 1995)."

p. 8, line 9: Replace "(2)(B)" with "(2)(A)".

p. 9, line 2: Replace existing subsection (a) -- program purpose language -- with the following:

"(a) PROGRAM PURPOSE.--The purpose of the program under this section is to enable States, through grants to communities, to support activities that promote children's healthy development during the earliest years of life and improve the quality of child care children receive from birth through age five.

p. 9, line 22 and p. 10, line 1. Requires States to "ensure that a significant share of grant funds [Early Learning Fund] are awarded to low income communities." The statute should define a minimum "significant share." Draft language for 70%.

p. 10, lines 15 - 22 and p. 11, lines 1-2, strike (E) and insert the following:

"(E) PERFORMANCE GOALS AND MEASURES.--The plan shall specify performance goals to be achieved and the performance measures to be used to assess progress toward such goals under the plan. The goals and measures shall be developed pursuant to guidance provided by the Secretary and with appropriate input of local government authorities in accordance with section 658D(b)(2). Such goals and measures shall be designed to improve child development through coordination with health care services, enhanced early learning environments, parental involvement and consumer education. The State shall also describe, pursuant to guidance provided by the Secretary, the remedial steps to be taken by the State and/or grantees if sufficient progress is not made toward the performance goals during the time period covered by the plan.

Each objective should include both interim benchmarks and a long term timetable, as appropriate, for achieving the objective. The outcome performance and reporting language should be written so that it would apply for the Early Learning Fund money and the 4% Quality Set-Aside money. This will require the State to provide a comprehensive and coordinated picture of monies spent to enhance the overall quality of child care.

p. 11, line 6 reorder the sequence of allowable activities to make INFORMATION AND RESOURCES first (1).

p. 11, line 13: Strike all from "to levels" through the end of line 14.

p. 12, lines 10 - 13, Salary and Benefit enhancement have not been included in previous discussions of allowable activities for the Early Learning Fund, and there are no measures in place to ensure that all the money does not simply get divided up among all the providers in a community as a salary enhancement. The bill should cap the amount of the state grant that can be used for salary enhancement at 10% and limit increases to staff working directly with children. Add the following underlined language:

"Assistance to child care programs to increase the quality and continuity of care by

retaining highly qualified child care staff working directly with children through enhanced compensation.

p. 12, lines 14 - 19, Monitoring and Technical Assistance. Prior discussions of allowable activities for the Early Learning Fund have not included this provision. Furthermore, 10 percent is too high given the proposed State match requirement (20%).



p. 13, lines 4-6: delete everything that follows "home" until the end of (A) and insert, "visiting programs."

p. 13, line 8, Add "consumer education information" to the list of allowable activities.

p. 14, lines 15 and 16, Subsection vi: Replace with - "progress, for each specific, quantifiable and measurable objective toward achievement of each performance goal."

p. 14, insert new (vii) and renumber.

"(vii) the type of services provided and the number and average dollar amount expended on each type of service;

p. 15 - 20, add a section limiting the amount of the scholarship to a maximum of \$1,500, the cap cited in the roll-out documents.

p. 17, Subsection ii, fourth line - replace "salary increase" with "additional financial incentive." *such as bonus - or s.i.*

p. 19, line 15: Replace 658G(c) with 658G(b).

p. 20, Provide additional funding to States that inspect a high proportion of child care centers using an approach similar to S. 1577 (Chafee) (see attached language). Reduce funding to States (and require State funding) for States that review a low percentage of child care centers. Require that an increasing proportion of State centers be inspected each year.



p. 20, line 9, insert new sections and renumber.

(iv) the number and percentage of child care workers receiving scholarship grants in the previous year who fulfilled their 1 year commitment;

(v) the number and percentage of child care workers receiving scholarship grants two or more years prior to the reporting year that are still employed at the same center or are still employed in the child care field.

p. 20, line 17: Is this reference to section 3(c)(2) of the draft bill correct?

p. 21, line 3: Replace 658(C) with 658B(b).

p. 21, line 10. Add the following sections and renumber.

(c) assistance to child care centers in complying with child care center accreditation standards issued by a nationally recognized accreditation organization;

(d) development and dissemination of local report cards on child care providers;

p. 22, line 9: What allotment under Section 658O?

p. 22, line 19, add the underlined language:

(l) the number and percentage of facilities inspected (and the number of facilities receiving more than one inspection) and a comparison to the prior year's inspection rate.

p. 23, line 1, insert the following and renumber.

(iii) the number of deficiencies remedied upon subsequent inspection, by type of deficiency;

(iv) the type of activities undertaken to assist in accreditation efforts of child care centers, the number and percentage of centers accredited, and a comparison to the prior year's accreditation rate.

p. 24, line 22, insert the following and renumber.

(2) RESEARCH ON GOOD POLICIES AND PRACTICES. - Research designed to identify good child care policies and practices, including the types of child care settings, parent activities, and provider training that most benefit the early development of children.

p. 25, lines 4 - 9 delete the existing language for DEMONSTRATION PROJECTS and add the following:

"(3) DEMONSTRATION PROJECTS FOR NEW METHODS.--Demonstration projects addressing ways to assist parents, such as parents who choose to stay at home with their children and parents with particular child care needs, such as low-income parents, and parents of children with special health care needs or disabilities.

of children

*are we
going to
have?
Also in
ECF)*

Child Care Standards Enforcement Program funds allocation language (from S.1577)

(b) INCREASED OR DECREASED ALLOTMENTS- Section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amended--

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting
, subject
to paragraph (5),' after `shall'; and

(2) by adding at the end the following:

`(5) INCREASED OR DECREASED ALLOTMENT BASED ON STATE INSPECTION RATE-

 ` (A) INCREASED ALLOTMENT FOR FISCAL YEARS 1999, 2000, AND 2001-

for
percent
State--
 ` (I) IN GENERAL- Subject to clause (iii), for fiscal years 1999, 2000, and 2001, the allotment determined for a State under paragraph (1) each such fiscal year shall be increased by an amount equal to 10 of such allotment for the fiscal year involved with respect to any

the
 ` (I) that certifies to the Secretary that the State has not reduced scope of any State child care health or safety standards or requirements that were in effect in calendar year 1996; and

 ` (II) that, with respect to the preceding fiscal year, had a percentage of completed child care provider inspections (as required to be reported under section 658E(c)(2)(G)), that equaled or exceeded the target inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

 ` (ii) TARGET INSPECTION AND ENFORCEMENT PERCENTAGE- For purposes of clause (I)(II), the target inspection and enforcement percentage is--

 ` (I) for fiscal year 1999, 75 percent;

` (II) for fiscal year 2000, 80 percent; and

` (III) for fiscal year 2001, 100 percent.

` (iii) PRO RATA REDUCTIONS IF INSUFFICIENT

APPROPRIATIONS- The Secretary shall make pro rata reductions in the percentage increase otherwise required under clause (I) for a

State

allotment for a fiscal year as necessary so that the aggregate of all

the

allotments made under this section do not exceed the amount appropriated for that fiscal year under section 658B.

` (B) DECREASED ALLOTMENT FOR FISCAL YEARS 2000 AND 2001-

` (I) IN GENERAL- The allotment determined for a State under paragraph (1) for each of fiscal years 2000 and 2001 shall be

decreased

by an amount equal to 10 percent of such allotment for the fiscal

year

involved with respect to any State that, with respect to the preceding fiscal year, had a percentage of completed child care provider

inspections

(as required to be reported under section 658E(c)(2)(G)) that was

below

the minimum inspection and enforcement percentage specified under clause (ii) for the fiscal year for which the allotment is to be paid.

` (ii) MINIMUM INSPECTION AND ENFORCEMENT

PERCENTAGE- For purposes of clause (I), the minimum inspection

and

enforcement percentage is--

` (I) for fiscal year 2000, 50 percent; and

` (II) for fiscal year 2001, 75 percent.

` (iii) REQUIREMENT TO EXPEND STATE FUNDS TO REPLACE

REDUCTION- If the allotment determined for a State for a fiscal year

is

reduced by reason of clause (I), the State shall, during the

immediately

succeeding fiscal year, expend additional State funds under the State

plan

funded under this subchapter by an amount equal to the amount of

such