

Congressional and Intergovernmental Affairs (S)



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DATE: 6-25-99 PAGES: 4

COMMENTS: _____



U.S. GENERAL SERVICES ADMINISTRATION
Office of Child Care

June 15, 1999

The Honorable Stephen Horn, Chairman
Subcommittee on Government Management, Information & Technology
Committee on Government Reform
U.S. House of Representatives
B-373 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

The General Services Administration (GSA) has been asked to respond to your request to the Director of the Office of Management and Budget for the Administration's views on H.R.28, the "Quality Child Care for Federal Employees Act". GSA supports enactment of H.R.28 and recommends a number of minor and technical modifications, detailed in an attachment to this letter.

"The Quality Child Care for Federal Employees Act" will bring more accountability to Federal child care. All Federal child care centers would be required to adhere to uniform guidelines on health and safety, and centers would have to meet standards for state/local licensing and national accreditation.

As part of our public responsibility to our employees and their children, the legislation will help improve the quality of our programs.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Susan Clampitt".

Susan Clampitt
Associate Administrator
Office of Child Care

Attachment

cc: Honorable Jim Turner

1800 F Street, NW, Washington, DC 20405-0002

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RECOMMENDED CHANGES TO H.R. 28

1. Modification to Section 3(a)(2) – Definition of Entity Sponsoring a Child Care Facility

SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

(a) DEFINITION- In this section:

(1) ADMINISTRATOR- The term 'Administrator' means the Administrator of General Services.

(2) ENTITY SPONSORING A CHILD CARE FACILITY- The term 'entity sponsoring a child care facility' means a Federal agency that operates, or *a Federal agency* that enters into a contract or licensing agreement with *an entity* to operate, a child care center primarily for the use of Federal employees.

[Note: This change will clarify the definition and assure that the agency, rather than any other entity, will be responsible for determining compliance with regulations.]

2. Modification to Section 3(b)(1) – Compliance with State and Local Licensing Requirements

SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

...(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE-

(1) STATE AND LOCAL LICENSING REQUIREMENTS-

(A) IN GENERAL- Any entity sponsoring a child care facility in an executive facility shall--

(i) comply with childcare standards that *are no less stringent than* State or local licensing requirements related to the provision of child care in that geographic area; or

(ii) obtain the appropriate State or local licenses for the facility.

3. Modification to Section 3(b)(3) – Compliance with Accreditation Standards

SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

...(b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE-

...(3) ACCREDITATION STANDARDS-

(A) IN GENERAL- The Administrator shall issue regulations requiring, to the maximum extent possible, any entity sponsoring an eligible child care center (as defined by the Administrator) in an executive facility to comply with child care accreditation standards as identified in section 2(2)(A).

(B) COMPLIANCE- The regulations shall require that, not later than *1 year* after the date of enactment of this Act--

(i) the entity shall comply, or make substantial progress (as determined by the Administrator) toward complying, with the standards; and

(ii) any contract or licensing agreement used by an Executive agency for the provision of child care services shall include a condition that the child care be provided by an entity that complies with the standards.

4. Modification to Section 3(b)(4) -- Effect of Non-Compliance

SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

... (b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE-

... (4) EVALUATION AND COMPLIANCE-

... (B) EFFECT OF NONCOMPLIANCE- On receipt of the notification of noncompliance issued by the Administrator, the head of the Executive agency shall--

(i) if the entity operating the child care center is the agency--

(I) no later than *the day they are discovered* correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm.

(II) develop and provide to the Administrator a plan, *within 30 days*, to correct any other deficiencies in the operation of the center and bring the center and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

...(V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected *on the day they are discovered*, close the facility or the affected portion of the facility, until such deficiencies are corrected and notify the Administrator of such closure; and

(ii) if the entity operating the child care facility is a contractor or licensee of the Executive agency--

(I) require the contractor or licensee no later *than the day they are discovered*, to correct any deficiencies that are determined by the Administrator to be life threatening or to present a risk of serious bodily harm;

(II) require the contractor or licensee to develop and provide to the head of the agency, *within 30 days*, a plan to correct any other deficiencies in the operation of the center and bring the center and entity into compliance with the requirements not later than 4 months after the date of receipt of the notification;

... (V) in the event that deficiencies determined by the Administrator to be life threatening or to present a risk of serious bodily harm cannot be corrected *on the day they are discovered*, close the facility or the affected portion of the facility until such deficiencies are corrected and notify the Administrator of such closure, which closure may be grounds for the immediate termination or suspension of the contract or license of the contractor or licensee.

[Note: The current language could be misconstrued to mean that a corrective plan would need to be developed in four months. The recommended change would clarify that the plan must be developed within 30 days. In addition, any potential harm that is life-threatening should be remedied immediately. Consequently, the child care facility or its affected portion should be closed when a life-threatening condition cannot be remedied on the day it is discovered.]

5. Modification to Section 3(b)(5) – Disclosure of Prior Violations to Parents and Facility Employees

SEC. 3. PROVIDING QUALITY CHILD CARE IN FEDERAL FACILITIES.

... (b) EXECUTIVE BRANCH STANDARDS AND COMPLIANCE-

... (5) DISCLOSURE OF PRIOR VIOLATIONS TO PARENTS AND FACILITY EMPLOYEES- The Administrator shall issue regulations that require that each Executive agency that operates a child care facility, and each entity that enters into a contract or licensing agreement with an Executive agency to operate a child care facility, upon receipt by the facility or the agency or entity (as applicable) of a request by any individual who is a parent of any child enrolled at the facility, a parent of a child for whom there has been submitted an application to enroll at the facility, or an employee of the facility, shall provide to the individual--

(A) copies of all notifications of deficiencies that have been provided in the past *36 months* with respect to the facility under paragraph (4)(B) (i)(III) or (ii)(III), as applicable;

**FEDERAL CHILD CARE ACCREDITATION STATUS REPORT
AS OF MAY 1998**

AGENCY	# OF CENTERS	# CTRS ELIG FOR ACCRED	# CTRS ACCRED	% ELIG THAT ARE ACCRED	# CTRS IN PROCESS	#CTRS ELIG BUT NOT IN PROCESS
USDA	25	24	5	21%	4	15
COMMERCE	3	3	3	100%	0	0
DOD	437	437	377	86%	60	0
ENERGY	4	4	2	50%	2	0
EPA	2	2	2	100%	0	0
FDIC	1	1	0	0%	1	0
GSA	109	96	61	64%	25	10
HHS	3	3	2	67%	1	0
JUSTICE	1	1	0	0%	0	1
NARA	1	1	0	0%	1	0
NASA	8	8	3	38%	2	3
SMITHSONIAN	3	2	2	100%	0	0
DOT HQ	2	2	2	100%	0	0
COAST G.	9	8	2	25%	6	0
FAA	16	12	3	25%	7	2
TREASURY	2	2	0	0%	0	2
VA	49	45	7	16%	5	33
ARCH OF CAP.	3	3	2	67%	1	0
AO US CRTS	1	1	1	100%	0	0
TOTAL W/ DOD	679	655	474	72%	115	66
TOTAL W/O DOD	242	218	97	44%	55	66

**FEDERAL CHILD CARE ACCREDITATION STATUS REPORT
AS OF JUNE 1999**

AGENCY	# OF CENTERS	# CTRS ELIG FOR ACCRED	# CTRS ACCRED	% ELIG THAT ARE ACCRED	# CTRS IN PROCESS	#CTRS ELIG BUT NOT IN PROCESS
USDA	29	27	1	4%	26	0
COMMERCE	3	3	3	100%	0	0
DOD	439	409	362	89%	47	0
ENERGY	5	5	2	40%	3	0
EPA	2	2	2	100%	0	0
FDIC	1	1	1	100%	0	0
GSA	112	90	66	73%	24	0
HHS	3	3	3	100%	0	0
JUSTICE	2	2	0	0%	2	0
NARA	1	1	1	100%	0	0
NASA	8	8	3	38%	5	0
SMITHSONIAN	3	2	2	100%	0	0
DOT HQ.	1	1	1	100%	0	0
COAST G.	8	8	2	25%	6	0
FAA	16	12	4	33%	8	0
TREASURY	2	2	0	0%	2	0
VA	49	46	5	11%	33	8
ARCH OF CAP.	3	3	2	67%	1	0
AO US CRTS	1	1	1	100%	0	0
TOTAL W/ DOD	688	626	461	74%	157	8
TOTAL W/O DOD	249	217	99	46%	110	8

Public Law 101-647
Crime Control Act of 1990
SUBTITLE E – Child Care Worker
Employee Background Checks

SEC. 231. REQUIREMENTS FOR BACKGROUND CHECKS.

(a) **IN GENERAL** – (1) Each agency of the Federal Government, and every facility operated by the Federal Government (or operated under contract with the Federal Government), that hires (or contracts for hire) individuals involved with the provision to children under the age of 18 of child care services shall assure that all existing and newly-hired employees undergo a criminal history background check. All existing staff shall receive such checks not later than 6 months after the date of enactment of this chapter, and no additional staff shall be hired without a check having been completed.

(2) For the purposes of this section, the term "child care services" means child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child(day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional, or treatment services.

(b) **CRIMINAL HISTORY CHECK** – (1) A background check required by subsection (a) shall be –

(A) based on a set of the employee's fingerprints obtained by a law enforcement officer and on other identifying information;

(B) conducted through the Identification Division of the Federal Bureau of Investigation and through the State criminal history repositories of all States that an employee or prospective employee lists as current and former residences in an employment application; and

(C) initiated through the personnel programs of the applicable Federal agencies.

(2) The results of the background check shall be communicated to the employing agency.

(c) **APPLICABLE CRIMINAL HISTORIES** – Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be ground for denying employment or for dismissal of an employee in any of the positions listed in subsection (a)(2). In the case of an incident in which an individual has been charged with one of those offenses, when the charge has not yet been disposed of, an employer may suspend an employee from having any contact with children while on the job until the case is resolved. Conviction of a crime other than a sex crime may be considered if it bears on an individual's fitness to have responsibility for the safety and well-being of children.

(d) **EMPLOYMENT APPLICATIONS** – (1) Employment applications for individuals who are seeking work for an agency of the Federal Government, or for a facility or program operated by (or through contract with) the Federal Government, in any of the positions listed in subsection (a)(1), shall contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so requiring a description of the disposition of the arrest or charge. An application shall state that it is being signed under penalty of perjury, with the applicable Federal punishment for perjury stated on the application.

(2) A Federal agency seeking a criminal history record check shall first obtain the signature of the employee or prospective employee indicating that the employee or prospective employee has been notified of the employer's obligation to require a record check as a condition of employment and the employee's right to obtain a copy of the criminal history report made available to the employing Federal agency and the right to challenge the accuracy and completeness of any information contained in the report.

(e) **ENCOURAGEMENT OF VOLUNTARY CRIMINAL HISTORY CHECKS FOR OTHERS WHO MAY HAVE CONTACT WITH CHILDREN** – Federal agencies and facilities are encouraged to submit identifying information for criminal history checks on volunteers working in any of the positions listed in subsection (a) and on adult household members in places where child care or foster care services are being provided in a home.

H.R. 2100 by ASPIN (D-WI) -- National Defense Authorization Act for Fiscal Years 1992 and 1993; Missile Defense Act of 1991; Warrent Officer Management Act; Military Construction Authorization Act for Fiscal Year 1992; Panama Canal Commission Authorization Act for Fiscal Year 1992 (Pub. L. 102-190, approved 12/5/91)

SEC. 1094. PROVISIONAL SUPERVISED EMPLOYMENT OF FEDERAL CHILD CARE SERVICES PERSONNEL.

(a) Employment Pending Completion of Background Check.--Section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) is amended--

(1) in the second sentence of subsection (a)(1), by striking out "6 months after the date of enactment of this chapter, and no additional staff" and inserting in lieu thereof "May 29, 1991. Except as provided in subsection (b)(3), no additional staff"; and

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) An agency or facility described in subsection (a)(1) may hire a staff person provisionally prior to the completion of a background check if, at all times prior to receipt of the background check during which children are in the care of the person, the person is within the sight and under the supervision of a staff person with respect to whom a background check has been completed."

(b) Additional Safety Measures for Federal Child Care Service Facilities.-- It is the sense of Congress that each agency of the Federal Government, each facility operated by the Federal Government, and each facility operated under contract with the Federal Government, that provides child care services to children under the age of 18--

(1) modify child care facilities to the extent necessary to ensure that, except for restrooms, there are no secluded areas not open to the general view of persons in such facilities;

(2) provide for regular oversight of the management and operations of child care facilities by an agency official who is not directly in charge of the operation of the facility; and

(3) to the maximum extent feasible allow parental access to children in child care facilities at all times.



U.S. GENERAL SERVICES ADMINISTRATION
Administrator

July 8, 1998

The President
The White House
Washington, DC 20500

Dear Mr. President:

On March 10, 1998, you directed Federal agencies to take significant new steps to improve the quality of Federally sponsored child care and requested the General Services Administration and the Department of Defense to report back to you on the status of accreditation rates and background checks. Because of fundamental differences in the systems used by DOD and by the other Federal agencies, we are providing two separate reports.

We have made tremendous progress over the past 13 years to make the Federal child care system a model for the nation. In many ways, our system is already the best in terms of accreditation rates and in ensuring the safety of our children. Quality is not uniform across the system. There are some truly excellent centers run by competent and caring staff, using curricula that fosters child development in a safe and healthy environment. Other centers need work, and we are committed to making them the best they can be with the resources we have. And we're prepared to be tough where toughness is required.

Child care is not just about being "family-friendly." Having child care available makes parents more productive and our agencies perform better. We provide child care because it is good for the business of Government. The resources devoted to this program are an investment in Government's most valuable asset -- its people.

Here are the broad strokes. Since children spend the majority of their waking hours in our care, child development is necessary. Let us put the emphasis on early education and child development instead of "child care." Let us look for champions at each agency and the Congress. Let us develop a single licensing agreement to be used by all agencies to improve quality and safety. Let us use the Internet and the experience of DOD as well as the private sector to create a child development network to improve accreditation. Let us find out whether a direct contracting relationship with our vendors would be more cost-effective and improve the overall quality of our centers.

1800 F Street, NW, Washington, DC 20405-0002

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The steps outlined in this report, when implemented, will improve accreditation rates and the timeliness of criminal background checks for child care workers in Federal facilities. But the report does not address the fundamental issue of affordability.

Money is an issue for every Federal agency which sponsors child care centers; money is an issue for child care professionals who are among the most poorly paid professionals; and money is an issue for any Federal employee seeking child care. Too many of our employees, particularly those who need it the most, simply cannot afford to put their children in our care.

Thank you for your personal commitment to implementing fundamental changes to the way we invest in our working families who need child care. With your leadership, we will keep building on the sound platform we have constructed.

Respectfully,

A handwritten signature in black ink, appearing to read "David Barram", with a long horizontal flourish extending to the right.

David J. Barram
Administrator

Enclosure

A Report to the President

Steps to Improve Federally Sponsored Child Care

Accreditation and Criminal Background Checks

Children enrolled in child care centers sponsored by Federal agencies are in good hands. Since 1985, when Government agencies formally began providing child care centers in Federal buildings, issues of quality and safety have been paramount. Accreditation rates, which measure quality, are nine times higher in Federally sponsored child care centers than in the private sector. Criminal background checks for workers at child care centers are required by most agencies; and, while they take too much time to complete, those checks help create safe environments for the children. We can improve accreditation rates and the timeliness of background checks, but the fact remains that many Federal employees cannot afford to enroll their children at Federally sponsored child care centers.

On March 10, 1998, the President directed his Administration to take significant new steps to improve the quality of Federally sponsored child care in the executive branch by: 1) ensuring proper criminal background checks for all child care staff who work in Federal buildings, 2) achieving 100 percent independent accreditation of all eligible centers, 3) exploring partnerships among Federal agencies and with the private sector to improve child care quality and affordability, and 4) ensuring that Federal workers become better informed about child care tax credits and other available benefits.

The General Services Administration (GSA) and the Department of Defense (DOD) were charged with reporting back on the status of accreditation rates and background checks. Under the auspices of the newly-chartered Interagency Federal Child Care Council (IFCCC) (see attached list of member agencies), we surveyed those agencies that sponsor child care and identified certain barriers--structural, legislative, financial, and operational--that must be removed or overcome in order to improve Federal child care.

This report focuses on those centers sponsored by civilian Federal agencies. It is worth noting, in brief, the fundamental differences between DOD centers and those sponsored by civilian agencies. DOD has a centralized structure dedicated to child development, operates its own centers, and allocates appropriated funds to the Military services, which in turn subsidize centers and offer a sliding fee scale based on total family income. Because of this commitment, DOD has an 86 percent accreditation rate for 437 centers that are part of a variety of its child development options, which include family care homes, and out-of-school care. Since it has an entirely different nature and scope for its child care system, DOD has provided a separate report.

What is the state of Federally-sponsored child care now?

The Federal Government sponsors the largest employer child care program in the Nation. Civilian agencies sponsor 240 child care centers at which 15,000 children are nurtured and educated. Unlike DOD, which operates its own centers, other Federal agencies do not run child care centers. Instead, they sponsor child care, and the centers are operated by either non-profit boards or by for-profit or not-for-profit vendors.

Under existing law (40 U.S.C. 490b), Federal agencies may provide space in existing buildings, lease additional space, or construct new space and playgrounds to accommodate child care centers. Agencies also may provide: (1) the office and classroom equipment used by the staff and children, and (2) operational support through provision of utilities, telecommunications, maintenance, and security. Some agencies elect to pay for the costs of processing the Federal Bureau of Investigation (FBI) and State criminal background checks that are required by the Crime Control Act of 1990, as amended, Public Law 101-647.

Current legislation does not allow the use of agency funds to subsidize staff salaries, training, or tuition assistance. Most civilian Federally sponsored child care is affordable primarily to higher-grade employees. Lower-grade employees cannot afford tuition unless they are qualified for and can access subsidy funding.

How can we improve the Federal civilian child care system?

The good news is that remarkable progress in the provision of quality on-site child care for Federal employees has been made over the past dozen years. We can take great pride in that accomplishment, yet much work remains. The President has directed the DOD to share its expertise with non-DOD centers, and that process has begun through the IFCCC. Certainly, we can use the best practices from DOD and learn from the private sector.

Affordability, however, remains the single-largest concern. If we are to make quality child care available on-site to the majority of Federal employees with young children, there must be significant changes in the way the Government-sponsored child care centers are organized structurally and how they are funded. While this report does not address the possible solutions to the affordability problem, it should be noted that we seek additional legislative authority on oversight and for exploring expansive collaborations with the private sector to increase the quality, quantity, and affordability of child care. Some of our specific recommendations for accreditation and background checks require legislative relief, and others have fiscal and/or personnel consequences.

ACCREDITATION

The national accreditation rate for all child care centers in the private sector is approximately five percent. To determine accreditation rates among Federally sponsored centers, GSA polled the members of the IFCCC. We received responses from civilian agencies responsible for 240 centers. Of the civilian agencies that have provided data, 216 of the centers are eligible for accreditation. Of the eligible centers, 95 are accredited, 54 have begun the process, and 67 have not started the process. The current accreditation rate for Federally sponsored child care is 44 percent. The following section identifies barriers to accreditation and offers steps for improvement.

Staff Turnover

The most frequently cited barrier was director and teacher turnover that disrupts the accreditation process. Continuous staff turnover usually indicates low wages, lack of benefits, and little or no staff development or training.

Lack of Quality Providers

The Federally sponsored child care system has a mix of different types of providers, including for-profit and non-profit entities, national chains, and community-based entities. The mix complicates not only the development of an effective system of performance measurement and a standardized-control system, but it significantly and adversely affects compliance with accreditation requirements. Quality providers that pay decent wages, provide benefits, implement stimulating and engaging curricula and are committed to attaining and maintaining accreditation are often in short supply, especially in non-urban areas.

Recommendations:

1. *The IFCCC should explore establishing a list of qualified providers.* In the interim, Federal agencies should use available information. For example, the National Association for the Education of Young Children has prepared information on how to choose quality providers, and it maintains a database of accredited providers by location. The proposed mentoring network (see General Recommendations) should link to this advice, so that boards can have ready access to this information.
2. *Enforce the vendor/Federal agreement.* When a Federal agency agrees to provide space to a child care entity, the agency should require the entity to take all necessary steps to attain accreditation within two years as a condition of occupying the space. The sponsoring agency should monitor and enforce this requirement, working with or through, as appropriate, the non-profit board.

3. *Use Interagency teams to address accreditation issues.* The IFCCC should establish Specialist Teams, drawn from its membership, for onsite review and assessment of non-accredited centers. These teams will determine if the provider (a) will not achieve accreditation within two years and should be replaced; (b) could take advantage of the network to provide additional training; (c) should use the mentoring system for their self-study process; and (d) should undertake other assignments, such as working with the agency, to facilitate accreditation requirements.
4. *Aggressively explore direct contracting.* (See the General Recommendations.) One benefit of direct contracting would be to give agencies immediate oversight of the quality of centers and the ability to terminate contracts with vendors who do not achieve accreditation within the allotted time period.
5. *Build on small, quality local providers.* Small local providers that are committed to quality and that have successfully been accredited should be encouraged and supported to expand their businesses to other locations.

Lack of Federal Agency Support

Child care has been given a low priority at some agencies. Insufficient funding has been allocated for appropriate agency staffing, travel to child care centers and national conferences, and oversight responsibilities to monitor the accreditation process. Problems and issues appear to occur with the mid-level management that agency child care support staff turn to for program needs. In some cases, agencies do not encourage their employees to participate on boards or to attend meetings during working hours, which reduces the ability of the board to function effectively. Resources have not been made available to address board turnover.

Recommendation: The President should direct agencies to appoint accountable senior-level employees, who are trained or are knowledgeable about the delivery of child care, to monitor the sponsored centers in the agency and to assure that the child care entity takes all appropriate steps to achieve and maintain accreditation. Trained program-level employees should monitor operations of the centers. Further, agencies should consider establishing policies that would permit agency employees to spend a specifically defined amount of time on board-related issues.

Facility Issues

Some agencies lack expertise to identify necessary alterations and equipment, and do not budget adequate funding to procure alterations and equipment. In some centers, the appropriate level of cleaning and proper maintenance has not been provided, leading to health and safety deficiencies.

Recommendation: After an agency identifies centers that they believe require facility upgrades and/or expansions in order to become accredited, an IFCCC Specialist Team should inspect the site, develop a list of needed improvements, and work with agency architects to design changes. Those alterations, equipment, furnishings and other materials required for accreditation should be addressed, and the sponsoring agency should fund upgrades and equipment, as allowed under the law.

Board Turnover

Frequent board turnover disrupts and delays the accreditation process. Because of the frequency of board turnover, there is a continuing need to train boards on their roles and responsibilities, especially if they are operating the center.

Recommendation: Agencies should use the mentoring network to access information on non-profit boards and to share best practices with one another; explore community resources available to provide training for non-profit providers; and procure consultants to provide board training if community or agency resources are not available.

CRIMINAL BACKGROUND CHECKS

GSA surveyed civilian Federal agencies to determine their practices and procedures for criminal background checks. Agencies generally require such checks, but they are not being completed in a timely manner. Civil child abuse background checks are not performed by any civilian Federal agency. Background checks for child abuse and neglect bring out many complex issues, primarily those concerned with privacy. While we make no recommendations on civil child abuse and neglect background checks, we note that in April 1998, the Department of Justice's (DOJ's) Office of Juvenile Justice and Delinquency Prevention issued "Guidelines for the Screening of Persons Working With Children, the Elderly, and Individuals With Disabilities in Need of Support." These guidelines identify many issues and make recommendations for State governments to consider.

The Crime Control Act

The specific language of the Crime Control Act applies only to child care workers who are employees of the Federal Government or work under contract. Child care employees in civilian Federally sponsored child care centers are not employees of the Federal Government, and in most cases, they do not work for vendors who are Federal contractors. Most vendors who operate the centers contract directly with a non-profit board.

Though most agencies require FBI and State criminal background checks on every child care employee as a condition for operating in Federal space, a few agencies do not. Some agencies do not believe that they have authority to use appropriated funds to process criminal background checks.

Recommendation: The President should propose legislation that would amend the Crime Control Act to state clearly that all child care workers in Federally sponsored or operated child care centers must have FBI and state criminal background checks. The legislation should be amended to clarify that appropriated funds may be used for the specific purpose of obtaining background checks. The licensing agreement between a Federal agency and a child care provider must define appropriate screening requirements. The sponsoring agency must be accountable for full compliance with the Crime Control Act and must have appropriate management controls in place to assure that compliance.

Timeliness of FBI Background Checks

Agencies reported considerable variation on the amount of time it takes to receive documentation of a completed FBI background check, with an average of five months from the time of the completion of the forms to receiving the documentation of completion of the check. Rejection of fingerprint cards was cited by agencies as the major reason for the delay.

Recommendation: The President should direct the FBI to give high priority to working with agencies to institute a clearly delineated, standardized, and timely method for background checks, including a routine schedule for child care workers to have their fingerprints taken at FBI offices in urban areas near their centers. Expansion of digital fingerprinting for Government employees should be a priority.

No "Quick Check"

At this time, there is no standardized Governmentwide method to conduct pre-employment screenings for child care staff who work in Federal buildings. Confusion about the process and what it covers leads to delays and the admittance of employees who have not been cleared into the centers located in Federal buildings.

Quick name checks prior to the child care employees beginning to work in a Federal building are not done routinely because of restrictions on using the National Crime Information Center (NCIC) for employment screening purposes. Some agencies have received a letter of waiver from DOJ allowing the use of NCIC for "quick checks." This waiver is not Governmentwide, and the waiver letter has not been widely distributed or fully incorporated into agency practices.

Recommendation: The President should direct the DOJ to ensure that Federal law enforcement organizations in all agencies have the authority to request "quick name checks" on every child care employee who works in a Federal building. The President should direct the Director of the FBI to issue a memorandum granting the exception for use of the NCIC system for employment screening purposes for child care employees located in Federal buildings or in leased space on a government-wide basis. Agencies should be directed to implement the "quick check" as a condition for allowing child care workers to begin work in a Federally-sponsored or operated child care center.

Criminal Background Check Database

Most agencies do not maintain a centralized database on completed criminal background checks, but rely instead on the child care provider/vendor to maintain such records. Although GSA's Federal Protective Service maintains a database, they do not perform all agency checks. In addition, no centralized database is kept by agencies or Governmentwide about terminations for cause of child care workers.

Recommendation: The IFCCC should explore the creation of a centralized Governmentwide database for completed background checks on child care workers. Also, the IFCCC should review the feasibility of including the names of workers who have been terminated for causes that reflect their unsuitability to work with children. This review should include the legal constraints, if any, associated with such a practice.

GENERAL RECOMMENDATIONS: CREATING CONTEXT AND CULTURE

As the Nation's largest employer, the Federal Government should take the lead and be a model for quality, affordable child development centers for its employees. In order to do so, we must first create a context and culture among Federal agencies that reinforces child care as a priority. Building on the strengths and experience of the Federal child care system, we recommend these next steps.

1. *New Language*

"Child care" is an outdated term that discounts the need to nurture and educate young children. Child care is not baby-sitting. Our best centers use curricula that stimulate and engage children, helping to develop their intellectual, social and emotional intelligences.

Recommendation: Re-name Government-sponsored child care centers as "child development centers" to reinforce our responsibility to provide good care and early education. DOD runs child development centers, and adoption of that terminology would provide for Governmentwide consistency.

2. Champions

The lack of consistency of standards and policies throughout Government-sponsored child care has created a loosely organized system which has no "parent" agency. In many agencies, child care is a "foster child," with responsibility and accountability fragmented across the agency.

Recommendations: A common element of all successful child care programs is strong, dedicated, and consistent leadership. A great opportunity exists for the President to create "champions" for child care, beginning with the Cabinet and the heads of every agency.

We recommend that the President:

- Direct the leaders of all agencies that sponsor child care centers to identify a single trained person who will be directly responsible for the accreditation of every eligible center and for 100 percent compliance with criminal background checks for all child care staff by the year 2000.
- Send a strong message to agency heads that these goals require a commitment to provide financial and human resources and full participation in the IFCCC.

3. Governmentwide Consistency

Federal civilian agencies and departments generally do not directly operate child care centers or directly contract with vendors for the operation of the centers. Agencies that do not contract directly have adopted a variety of methods to allow the vendors to occupy space. There is no standard licensing agreement between vendors and agencies for the use of Federally controlled space for operation of a child care center.

Recommendation: On June 29, 1993, GSA published in the Federal Register "Special Conditions to Licensing Agreement for Child Care Centers in GSA-Controlled Space," which represented the terms and conditions under which child care providers would be licensed to occupy space in GSA-controlled facilities. In consultation with the IFCCC, GSA's licensing agreement should be revised to ensure that it includes terms and conditions that promote quality and affordable child care for Federal employees.

Among other things, that agreement should state specifically what services and supports the Federal agencies **may** provide, and must clearly set forth the requirements that a vendor, or a board-operated center, **must** agree to in order to operate in Government-controlled space, including but not limited to specific accreditation and employee background screening requirements. The President should direct Federal agencies to use the revised licensing agreement and to have appropriate management controls in place to ensure that the agreements are enforced.

4. System Assessment

Government sponsored child care began as a facility-based program. Over the years, agencies have taken more responsibility for the selection of vendors, the quality of the program, and the safety and design of the space the center occupies. Civilian agencies have just over 10 years of experience in the child care business, and it is now time to evaluate the method by which we provide child care services for Government employees to determine whether there is a more effective and less costly delivery system.

Recommendation: The President should direct GSA, in consultation with the IFCCC, to analyze the feasibility of direct contracting with vendors to determine whether it would improve the quality of Federally sponsored child development centers. The study should include a cost/benefit assessment of the impact of direct contracting.

5. A Mentoring Network

Communication among Government-sponsored child care centers is negligible. Most child care centers that operate in Federally sponsored space do not use the Internet, and some do not have computers at all. This lack of access to technology can significantly affect the ability of centers to obtain information about best practices, subsidies, and other resource and referral tools, and contributes to a lack of efficient and ongoing staff training, particularly in remote areas.

Recommendation: The President should direct all agencies that sponsor child care to ensure that all of their centers have computers and access to the Internet by January 1999. The IFCCC should initiate a public/private partnership to create an electronic network for their child development centers. Internet access will also enable distance learning for child care personnel. The IFCCC will create technical assistance to supplement Web-based training and Internet mentoring among the centers. The network also will facilitate face-to-face mentoring with professionals from DOD centers and the private sector.

THE WHITE HOUSE

WASHINGTON

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March 10, 1998

MEMORANDUM FOR THE HEADS OF FEDERAL DEPARTMENTS AND AGENCIES

SUBJECT: Steps to Improve Federally Sponsored Child Care

Now more than ever, America's working parents are struggling to balance their obligations to be good workers -- and their more important obligations to be good parents. By choice or by financial necessity, millions of Americans rely on child care to care for their children for part of each day. Parents deserve to know that their children are safe and nurtured in child care.

One of my highest priorities is to make child care better, safer, and more affordable. That is why my balanced budget includes the most significant investment in child care in our Nation's history and proposes specific measures to improve child care quality.

As a supplier of child care and as an employer that must recruit and retain a strong workforce, the Federal Government should lead the way in improving child care. I am proud that our military has developed one of the finest child care delivery systems in the world, and that the Department of Defense, at my request, is sharing its expertise with the public and private sectors. Still, we need to do more. The executive branch of the Federal Government has responsibility for over 1,000 child care centers -- 788 through the military, 109 through the General Services Administration, and 127 through other Federal departments. In addition, the military oversees nearly 10,000 professional family child care providers. In total, approximately 215,000 children are in our care.

Today I am directing my Administration to take significant new steps to improve the quality of Federally sponsored child care in the executive branch by (1) ensuring proper background checks of child care workers; (2) achieving 100 percent independent accreditation of all eligible centers; (3) exploring partnerships among Federal agencies and with the private sector to improve child care quality and affordability; and (4) ensuring that all Federal workers become better informed of child care benefits and the options available to them.

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First, all child care workers in Federally sponsored centers should undergo thorough background checks to make sure that our children are safe. The vast majority of child care workers are caring people who have dedicated their lives to teaching and nurturing children. But one tragedy in child care is too many, and criminal and civil background checks are necessary to determine whether the people caring for our children are fit for this responsibility. The military already has a model system to conduct background checks of child care workers. I now want to guarantee that workers at all nonmilitary, Federal child care facilities undergo such background checks in a thorough and timely fashion.

I therefore direct the Administrator of General Services ("Administrator") to report to me, within 90 days, with a plan to ensure complete and timely background checks, to the fullest extent possible, for all child care workers in nonmilitary, Federally sponsored child care settings. Agencies with oversight of nonmilitary child care settings will report to the Administrator within 60 days on this matter.

Second, all Federally sponsored child care centers should receive nationally recognized, independent accreditation as soon as they are eligible to do so. Currently, only 76 percent of military centers, and 35 percent of other Federally sponsored centers, are accredited. By the year 2000, 100 percent should be accredited. I therefore direct the Secretary of Defense and the Administrator to provide me, within 90 days, with a plan to ensure, to the fullest extent possible, independent, nationally recognized accreditation of all eligible, Federally sponsored child care by the year 2000. Agencies with oversight of non-military child care settings shall report to the Administrator within 60 days on this matter.

Third, partnerships among Federal agencies and with the private sector are an increasingly important way to maximize existing resources and improve child care. I therefore direct the Administrator to work with the heads of all Federal departments and agencies to explore opportunities for collaboration both within Government and with the private sector to improve child care quality and affordability in Federally sponsored settings.

Finally, employers have a responsibility to make sure that their workers are better informed on child care and the options available to them at the national, State, and local levels. I therefore direct the Director of the Office of Personnel Management ("Director") to ensure that, to the fullest extent possible, all Federal workers receive full information about child care benefits available to them on the Federal, State, and local levels, including information on resource and referral

networks, available tax credits such as the Child and Dependent Care Tax Credit and Child Tax Credit, as well as public subsidies. The Director shall also host a nationwide summit designed to showcase model public and private sector solutions to child care needs.

William L. Clinton