



FAX COVER SHEET

To: Jennifer KleinDate: 1/14/98Fax #: (202) 456-2878From: KERBY T. ALVY, Ph.D.
Executive DirectorNumber of Pages (including cover page): 6

Reference: _____

*There is an urgency that you and I speak
as soon as possible! As reflected in
this letter and enclosures.*

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January 14, 1998

Jennifer Klein
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The White House
Washington, D.C.

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Dear Jennifer:

Because the time is so short before the kick-off reception for our Effective Parenting Campaign in the Los Angeles area (the 29th of this month), and because we have not had an opportunity to personally discuss with you the honoring of the President and Mrs. Clinton as America's First Parents at this event, we have decided to wait until we bring the Campaign to the Washington area later this year to honor the President and First Lady.

Another reason for postponing the award presentation is that it should involve their daughter. Having Chelsea at the event, and asking her to speak to her parents' sensitivity, love and devotion, should make for a marvelous and touching moment. The country and the world would be moved and uplifted.

Postponing the award and the D.C. Campaign for later in the year (possibly in the summer) will give all of us a chance to choose the best time and place for that reception. Maybe we can do it in the White House? I know I can get major corporate sponsorship for that event. For example, both Xerox and AT&T would be willing to sponsor it (executives from those companies are on our Board).

Now, as to the Campaign kick-off reception for local community leaders later this month, we are planning to make it into a "Call to Action" event. After indicating the importance of effective parenting for better and safer communities, we will ask the audience to commit itself to engaging in one or several actions (see chart). Then we will indicate how CICC can support them in carrying out those actions.

As part of that support, we are planning to mention our efforts to make Effective Parenting a national priority, indicating that a dialogue with the White House is in progress along these lines. Then we are planning to show the video that the First Lady did for our national conference last year. She spoke eloquently about the needs of today's parents for help in raising the next generation and acknowledged myself and CICC for our efforts.

Page 2
J. Klein
January 14, 1998

Of course, it would be better if the First Lady could be there in person or if she did a video that spoke directly about the Effective Parenting Campaign. But that doesn't seem likely at this late date. Maybe you can come instead...

In any case, we need to speak as soon as possible so that we are all on the same page for this campaign and for subsequent ones.

Warmly,

Kerby T. Alvy, Ph.D.
Executive Director

p.s. See advance coverage of the Campaign as expressed in the enclosed L.A. Times article.

enclosures

EFFECTIVE PARENTING CAMPAIGN

What You Can Do

- 1. Provide More Parenting Programs**
- 2. Train More Parenting Instructors**
- 3. Create a Local Parenting Information Service**
- 4. Establish an Effective Parenting Day**
- 5. Develop a Comprehensive Citywide Effective Parenting Initiative**
- 6. Bring Media Attention to Effective Parenting Activities**
- 7. Make Effective Parenting Projects a Funding Priority**
- 8. Join CICC's Partners for Effective Parenting**



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Effective Parenting Campaign to be Launched

Parents and communities in five Southern California counties, Los Angeles, Orange, Riverside, Ventura and San Bernardino, will be the first to benefit from a new Effective Parenting Campaign from the non-profit Center for the Improvement of Child Caring (CICC), one of America's leading parenting education organizations.

The goals of the Campaign are (1) to educate parents about the essentials of effective parenting, (2) to encourage parents to participate in local parenting programs, and (3) to help mobilize major community institutions - business, government, community agencies, civic, cultural and religious groups - to provide more opportunities for parents to improve the quality of their child rearing.

The year long campaign, which will be kicked off with a reception for community leaders on January 29, 1998, at the Bunker Hill City Club in Los Angeles, includes television and radio messages about the importance of effective parenting.

The Campaign conveys the essentials of enlightened parenting through the distribution of 100,000 free copies of a new parenting guidebook, The Power of Positive Parenting, written by the Center's founder and director, Dr. Kerby T. Alvy. A free copy of this practical guidebook is available to residents of the five counties by writing CICC at P.O. Box 41259, Los Angeles, California, 90044, or through CICC's World Wide Web Site, www.ciccparenting.org.

"The goals and activities of this Campaign are", according to Dr. Alvy, "in line with the types of community efforts that both President and Mrs. Clinton have been advocating. For example, in Mrs. Clinton's book, It Takes A Village, she indicates that 'as a nation we are not paying enough attention to what ought to be our highest priority: educating and empowering people to be the best parents possible.'"

"The President," Dr. Alvy continues, "has made his appeal more personal. He has indicated that 'everyday, I work hard to meet the challenges that come with being President of the United States. It's a tough job. But there's a tougher job than being President. It's being a parent. With drugs, crime and other problems facing our children today, it's tougher than ever being a good parent. It's a job that none of us can do alone.'"

Dr. Alvy will speak at the campaign kickoff reception about what community leaders can do to promote effective parenting and also report on the Center's work with the White House to make effective parenting a national priority.

This Southern California Campaign is being made possible by funding from several parent-friendly corporations, including AT&T, GTE, Home Savings and Loan, KABC-TV, Southern California Gas Company, Toyota and Xerox. Other sponsors, including government agencies, are expected to come aboard as the Campaign progresses.

CICC, which has been in existence since 1974, is also planning similar campaigns in other regions of the country like Washington, D.C. and Chicago. For information on becoming involved or bringing the Campaign to additional communities, call Dr. Alvy at CICC's toll free number: 1(800) 325-CICC.

Los Angeles Times

SUNDAY, JANUARY 11, 1998

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Southland Campaign Seeks to Prove Better Parents Make Better Employees

BALANCING ACT

NANCY RIVERA BROOKS

With the help of seven large corporations, a Los Angeles nonprofit is hoping to teach Southern Californians to be better parents.

That's a huge aspiration, and it's only the first step, a local tryout for what is intended to eventually become a national program by the Center for the Improvement of Child Caring.

"The basic thrust of the campaign is to get the entire community supportive of helping parents raise the next generation," said Dr. Kerby T. Alvy, director of the CICC and author of "Parent Training Today, a Social Necessity."

The CICC contends that corporations can save money and improve employee morale by becoming "parent-friendly." A parent-friendly company strives to improve the parenting skills of its employees through seminars, classes and support materials, and to improve parenting in the community through philanthropy.

The Southern California project starts in late January, when the CICC will begin distribution of a guidebook called "The Power of Positive Parenting" and launch an advertising campaign on effective parenting. The project will seek to educate all Southern California parents about the essentials of effective parenting, encourage them to participate in local parenting programs, and help push local institutions and corporations to provide more opportunities for parents to improve their child-rearing skills.

Rearing children has always been a demanding job for which most people receive no formal training, Alvy said. The challenges are even greater today, as more parents must work, schools are setting higher standards and children must learn to relate to others from diverse cultural backgrounds, he said.

The guidebook will be free to everyone in Los Angeles, Orange, Riverside, San Bernardino and Ventura counties through the CICC, which can be reached at its Web site (<http://www.ciccparenting.org>), or by writing P.O. Box 41259, Los Angeles, CA 90044. Corporations can join the campaign by calling (800) 325-2422.

In addition to the 717,

The guidebook distribution effort and advertising campaign in the five-county area are being under-



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November 26, 1997

Jennifer Klein
Domestic Policy Council
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Dear Jennifer:

I am writing in response to our meeting last week about the Effective Parenting Initiative we have been discussing for months. You wanted me to summarize the parenting projects of various federal government agencies with which I was consulting during my week's visit in the Capital.

(1) The Office of National Drug Control Policy (ONDCP) is embarking on some major adolescent drug abuse prevention projects that have a focus on helping parents to be more informed and effective in orienting children away from drugs. Their largest project is a 185 million dollar a year media campaign which is scheduled to be piloted in 12 cities early in 1998. A goodly portion of the television and radio messages that will be aired through commercial (as contrasted with public service) time will focus on what parents can do to prevent adolescent substance abuse. I have suggested that part of this gigantic campaign be positioned around the theme of: Effective Parents: Drug-Free Children. ONDCP will be contracting this campaign out to a major advertising group.

In support of this and other similar projects, ONDCP has organized a Civic Alliance of thirty national service organizations (the Elks, Kiwanis, Optimists, the Links, 100 Black Men, the Boys and Girls Clubs, YMCA's, Boy and Girl Scouts, etc.) that have pledged to support and participate in these national efforts. I was asked to speak to these groups about the parenting aspects of these projects.

(2) Two other new parenting projects that ONDCP is supporting (and which they are contracting out to HHS's Center for Substance Abuse Prevention) have to do with providing technical assistance on parent training programs to state and local agencies, and assisting parenting organizations to mobilize on behalf of prevention. Again, we are being asked to help with these projects.

- (3) The Maternal and Child Health Branch of HHS held meetings on their efforts to integrate and coordinate child health services, which includes helping child health agencies incorporate more parent training services. They are planning 50 state conferences on service integration which will alert agencies to new parenting programs that they can provide, including some of the national model programs that our organization has created like Effective Black Parenting.
- (4) I also visited with the leadership of the Office of Juvenile Justice and Delinquency Prevention about their family strengthening emphasis which includes several parenting projects.
- (5) I also shared information about the Effective Parenting Campaigns that our non-profit organization will be initiating in various cities next year, including a campaign in Washington, D.C.. We are prepared to adjust the start of our Campaign in the District to whenever the White House might choose to embrace the various Effective Parenting Initiatives that we have been discussing (the Presidential Council on Effective Parenting, a White House Conference on Effective Parenting and Parenting Education, etc.).
- (6) We also discussed our work with the Faith Communities about involving them in the overall Effective Parenting Initiative. We have been discussing this possibility with groups like the National Council of Churches and they are very interested. One of our contacts with the National Council is an individual well known to you, Dr. Eileen Lindner, who now serves on our volunteer Board of Directors.

Finally, you will find enclosed a partial list of the federal government agencies and offices who have on-going parenting initiatives and the leadership of those initiatives.

So there you have it, Jennifer. Hopefully the Domestic Policy Council and the First Lady's Office will use this exciting information to move the overall Effective Parenting Initiative forward!

With warmest regards,



Kerby T. Avy, Ph.D.
Executive Director

enclosures

P.S. Did the first Lady read our Position Papers on the Presidential Council? What were her reactions?



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THE EFFECTIVE PARENTING INITIATIVE

Putting Children First by Helping Their Parents To Be More Effective in Raising Them

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1. Actions and Projects to Make Effective Parenting and Parenting Education National Priorities
2. The Effective Parenting Movement to Improve the Overall Quality of Parenting in America: A Series of Mini-Movements in Many Fields
3. Position Papers on Family Values and a Presidential Council on Effective Parenting, February 1997
4. Memorandum on Telling America's Parents How to Raise Children, July 1997
5. Related Newspaper Articles

Washington Post, March 31, 1997, William Raspberry,
"Music to My Ears"

Los Angeles Daily News, March 23, 1997, Kerby T. Alvy,
"Parenting Skills Crucial to People Working Way Off Welfare"

Los Angeles Daily News, October 29, 1997, Kerby T. Alvy,
"White House Raising Focus on Proper Child Care"



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Making Effective Parenting and Parenting Education

National Priorities

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- **Presidential Council or Commission (see February 1997 Position Papers)**
- **White House Conference on Effective Parenting and Parenting Education**
- **Interdepartmental Committee**
- **Training Thousands of Parenting Instructors: National Parenting Instructor Training Center**
- **Informing Parents about Parenting Education Opportunities: National Parenting Information Service via telephone, the Internet, television and radio**
- **Further Research on Effective Parenting and Parenting Education: National Research Center**
- **Parenting Education as a Necessary Welfare-to-Work Facilitation Service**
- **Presidential Certificate of Appreciation for Parents Who Complete Parenting Education Programs**



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Nationwide Effective Parenting Movement

Composed of Mini-Movements Within

The Following Fields:

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Child Abuse Treatment and Prevention

Substance Abuse Treatment and Prevention

Delinquency Treatment and Prevention

Crime Treatment and Prevention

Divorce Treatment and Prevention

Mental Health Treatment and Prevention

Child Health Treatment and Prevention

Education Improvement and Reform

Preparation for Parenthood

Family Ministry

Corporate Work/Family

Welfare Reform

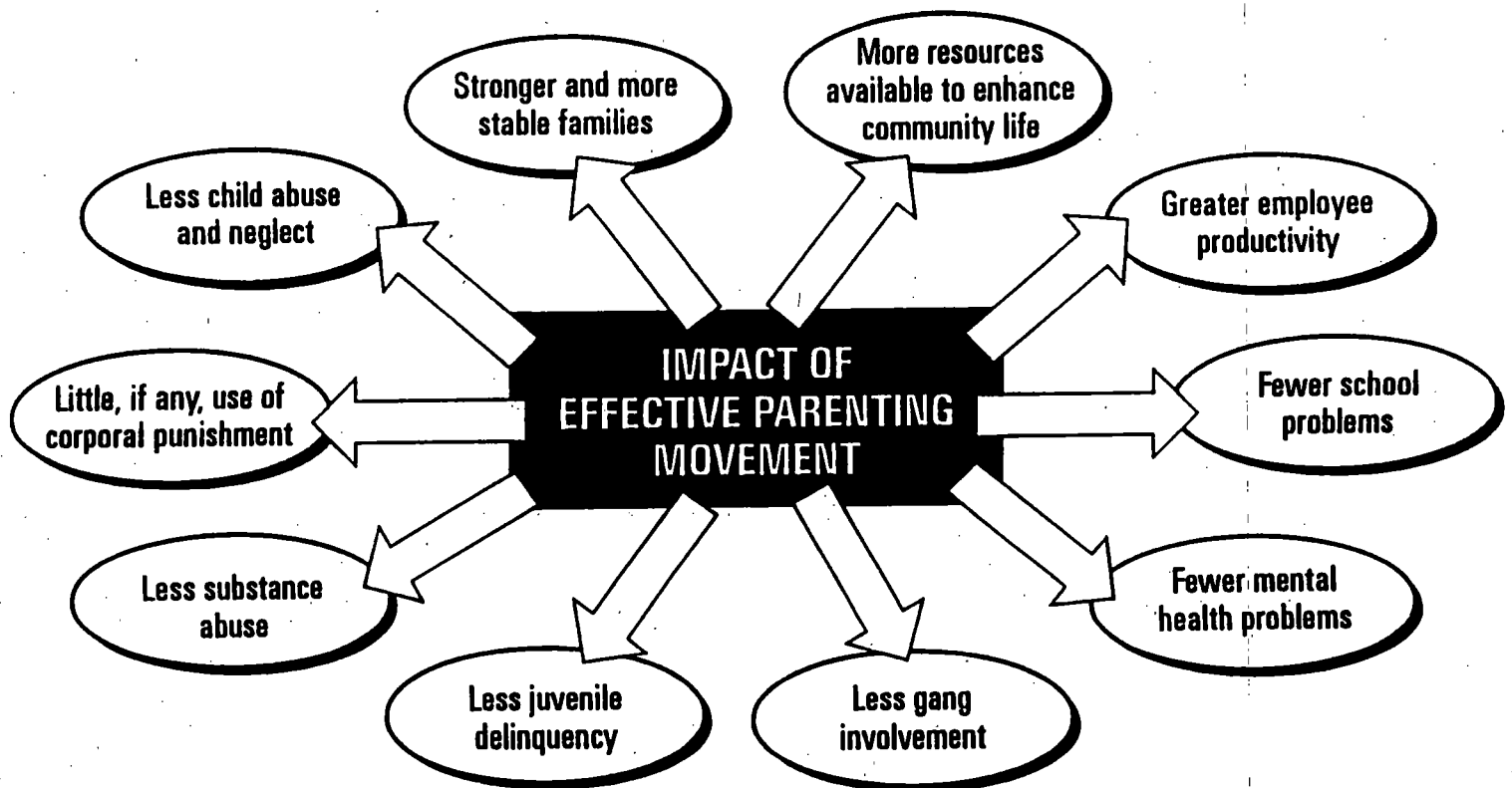


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POSITION PAPERS - FEBRUARY 1997



Family Values and Effective Parenting

Presidential Council on Effective Parenting

Family Values and Effective Parenting

The issue of family values has taken center stage in debates about what is wrong with American society. Problems such as crime, violence, drug abuse, divorce, teen pregnancy and welfare dependence are all being discussed as consequences of a diminished respect for family values. A broad consensus has emerged from one end of the political spectrum to the other, that family values must be upheld and supported if we are to solve these seemingly intractable problems.

While a consensus exists that this needs to be done, no one has come up with a vehicle for how it can be done. However, such a vehicle does exist. The key is: effective parenting. Parenting that instills in children the values that are needed for them to become responsible, healthy and productive adults.

Everyone needs to become aware of this solution. An action-oriented Presidential Council on Effective Parenting could lead the way. A Presidential Council on this critical issue would find an extremely receptive audience because an Effective Parenting Movement has already taken root to improve the overall quality of parenting in America.

Literally thousands of individuals and institutions from all regions of the country, from all cultural and religious groups, and from all walks of life are already involved. Through their commitment to and delivery of parenting enhancement services, they have begun to bring the persons who are entrusted with the awesome responsibility of raising the next generation the training, education and emotional support that they need and deserve.

The leaders of the Effective Parenting Movement include such institutions as the schools and the instructors who teach parenting classes through the schools. Schools in our country have traditionally viewed parent training as a form of adult education. Currently, parent training is also being viewed as an important vehicle for involving parenting in their children's education and for preventing school dropout and failure. Schools are also delivering parenting training services to help reduce child abuse, drug abuse and gangs. The other societal institutions that are mandated to address these horrendous problems, child welfare, health, mental health and law enforcement institutions, are also delivering and/or supporting parent training. In addition, progressive government employers and private corporations, who recognize that working parents need help in balancing job and parenting responsibilities, have begun offering and/or supporting parent training. Universities, colleges, extension programs, family resource centers, Head Start agencies, child care centers, and military bases are also participants, as are churches, temples and mosques and various civic and cultural groups who deliver and support parent training as an excellent means to strengthen families and build group solidarity.

These institutions and their instructional staffs teach parents the skills of effective contemporary parenting: nurturing, communication, disciplining and non-violent conflict resolution skills. In so doing, they provide parents with the tools to instill in their children the important values of mutual respect, empathy, compassion,

cooperation, hard work, self-discipline and non-violence. They are doers when it comes to family values, not just talkers.

The leading participants in the Effective Parenting Movement include a variety of non-profit national organizations with tremendous outreach through local chapters, member agencies, and networks of parenting instructors. Included are groups like the National Committee to Prevent Child Abuse, the Center for the Improvement of Child Caring, the Family Resource Coalition, the National Council on Family Relations, the National Coalition for Parent Involvement in Education, the National PTA, the National Parents' Day Coalition, the Child Welfare League of American, and the National Urban League. Proprietary groups like Active Parenting, Family Development Resources, Effectiveness Training International and American Guidance Services are also major participants. Vast professional organizations like the American Psychological Association are also involved, as are numerous federal, state and local government agencies, as well as faith community groups like the American Baptist Church.

Recent efforts to bring these parenting instructors from these groups together have shown special promise, and have been acknowledged by the President and Mrs. Clinton. For example, the President and Mrs. Clinton were very laudatory and supportive of the efforts of the National Parenting Instructors Association (a project of the Center for the Improvement of Child Caring). As the front page story in the enclosed Parenting Instructor publication reflects, both the President and Mrs. Clinton shared their appreciations of the value of parenting education before a summer 1996 conference.

The President indicated that the work of those in the Effective Parenting Movement and in the parenting education field "is a vital investment in America's future and an inspiration to all who seek to improve our world." Mrs. Clinton concluded that such work "will pay huge dividends for our children, the health of our families and communities, as well as the future of our nation."

The logical next step is to have the issue of effective parenting and the importance of parenting education become a central part of the public dialogue on how best to improve America as we move into the 21st century.

A dialogue at the national level would alert millions of parents to the pivotal role that they play in creating a stronger and safer America, and would orient them to take advantage of parenting education programs and opportunities that currently exist in their communities and through the mass media, including through the Internet. Such a dialogue would also lead to more communities having a wider range of parenting programs available, as the general public would become more knowledgeable about the full spectrum of modern parenting education programs that our country has developed.

An excellent vehicle for the President to employ in initiating this important national dialogue would be an action-oriented Presidential Council on Effective Parenting.

Presidential Council on Effective Parenting

A results-oriented Presidential Council would be the most immediate and visible symbol of a national commitment to effective parenting. It would also clarify the need for all parents to receive the best possible education, training and support to enable them to instill the cherished values in America's children.

The Council's overriding goal would be to set in motion and support the forces that will lead to every community in the United States becoming knowledgeable about effective parenting and to every parent having the opportunity to receive the types of parental enhancement programs, services and information that are appropriate for her/his specific parenting situation. Decades of research confirm that when parents receive the latest skill-building programs and services, their families are strengthened and the lives of their children are significantly improved.

The Council would draw upon the expertise and consist of luminaries in the parenting and parental instruction fields; researchers and conceptualizers; ethnic and religious community leaders; political leaders with a strong commitment to effective parenting, and the government agencies associated with effective parenting. The Council would also consist of business, corporate and entertainment giants; major philanthropic foundations and personalities; non-profits coalition leaders, law enforcement and substance abuse prevention authorities.

The Council would accomplish its goals by creating several task forces with specific action-oriented outcomes:

A Task Force on Parenting Enhancement Programs and Services would focus on identifying and making available the extraordinary array of effective parenting programs that now exist in our country, including programs for parents of different aged children, programs for parents of different cultural backgrounds, programs for parents of special need children, and programs for parents that are at the highest risk for social, health and legal problems. This task force would develop its information base from all the federal government agencies that are currently supporting parenting enhancement programs and/or including them in manuals for use by local institutions. Its goal would be to create as comprehensive a database as possible about effective parenting programs.

A second Task Force on Parenting Program Implementation would be responsible for expediting the education of the general public about the existence and availability of these invaluable resources for enhancing parenting. This task force would also be charged with accelerating the education of leaders of all relevant societal institutions (schools, business, religious, civic and cultural groups, community agencies, etc..) in how they can bring the full array of high quality programs and services to the families they serve. The general public is currently not aware of this rich spectrum of parenting programs and only five percent have ever taken a multi-session parenting skill-building program. In addition, even the most progressive societal institutions are not aware of the range and variety of excellent programs that now exist.

This task force would determine the best ways of getting this information out, such as through national, state and/or local telephone information and referral services (Parenting Information Services), through the information superhighway, through national and local television and radio programs and other creative means. It would also bring the public's attention to various community-wide effective parenting projects that could serve as models. In addition, it would also show how existing public and private funding sources could be used to facilitate the availability of these programs to all interested parents in every community, and the task force would also orient parents to budget annually to support their own education for parenthood.

A third Task Force on Standards for Parenting Instructors would focus on how parenting instructors are being trained and supported with the goal of having well-trained instructors in all communities so that every community will be able to provide the full spectrum of effective parenting programs. The promotion of national, state or local training academies may be the emphasis of this important task force. The task force would also show how existing public and private sector funding sources can be utilized to support training academies and programs. In addition, it would orient all of the professional groups whose members historically become parenting instructors (educators, counselors, social workers, psychologists, etc..) how they can include training in parenting instruction as part of their regular degree programs at colleges, universities and professional schools.

The charge of a fourth Task Force on Research and Evaluation would be to make sure that the information that is share on what constitutes effective parenting in our modern, multi-cultural, technological society is informed by what is known scientifically about effective parenting. Numerous federal government and private sector research institutes, hospitals and university-based research projects have produced a mountain of research on those patterns of parenting that predispose children to healthy and productive lives and on the conditions that promote effective parenting. This task force would summarize and bring attention to this important body of knowledge, which would be used for public education purposes. The task force would also be charged with showing how the various federal government research institutes can coordinate their efforts so that a clear national research strategy on effective parenting can be established.

The Research and Evaluation Task Force would also be responsible for summarizing the research on the various effects and effectiveness of parenting enhancement programs and services. In addition, it would show how evaluation methods and procedures can be incorporated into the regular delivery of these programs and services, so that program modifications and improvements can be made.

Taken as a whole, the action-oriented work of these task forces would provide the foundation for the best national system for promoting and realizing effective parenting. In so doing, the Council would serve to accelerate cultural transformations in preparing our country's parents for the awesome responsibility of raising the next generation and in restoring critically important family values. Its work would position the United States as the world's foremost parent and family-friendly country.



CENTER FOR THE IMPROVEMENT OF CHILD CARING

11331 VENTURA BOULEVARD, SUITE 103 • STUDIO CITY, CALIFORNIA 91604-3147
(818) 980-0903 • FAX: (818) 753-1054

Memorandum

To: Jennifer Klein and the
Domestic Policy Council

From: Kerby T. Alvy, Ph.D.

Re: Concern About the Federal Government
"Telling Parents How To Raise Children"

Date: July 9, 1997

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In discussions about President Clinton becoming the Champion of the nationwide Effective Parenting Movement to improve the overall quality of child rearing in our country, which has included our proposals and position papers on creating a Presidential Council on Effective Parenting, a National Parenting Instructors Training Center and Presidential Certificates for parents who complete parent education classes, you and others have raised the possibility that such actions would be negatively perceived as the federal government overstepping its role by "telling parents how to raise their children." This is clearly a central concern, and one that seems to hold up any substantial action or organized strategy on your part.

This memorandum is intended to address this concern in anticipation that you and the Council will feel more comfortable in acting upon these proposals.

The Federal Government Has and Is Very Much Involved in Helping Parents

First of all, the proposals are in total harmony with other administration initiatives to "provide parents with the tools they need to solve their problems on their own." Championing that parents turn to local agencies, schools, hospitals, civic, cultural and religious groups to receive education and training to be more effective, and helping those infrastructure entities in supplying the best parenting information and training, is certainly consistent with the idea of the federal government providing parents with basic tools.

Indeed, both the idea of the federal government supplying parents with effective parenting information and supporting the local infrastructures are not new ideas. Many federal agencies throughout the 20th Century have been creating educational materials and effective parenting programs. Some have even supported the creation of national models to train parenting instructors in local communities. These activities are currently going on in several current federal agencies.

Before providing some examples of current federal programs to train parents, it is important to point out that these government efforts are not being carried out as effectively as possible. There is little if any coordination and mutual planning among the various agencies that focus on parenting, and they often create programs for the same populations of parents without knowing they are doing so. These are some of the reasons that we indicated that all of the relevant federal agencies need to have representatives on the Presidential Council on Effective Parenting.

Some of the current federal programs that actively promote the education and training of parents includes the nationwide Head Start Program in the Department of Health and Human Services. Head Start has always been distinguished by its emphasis on parent involvement and its provision of parenting materials and parenting education programs - and every administration has supported Head Start.

The Center for Substance Abuse Prevention in HHS, which began under the Reagan Administration, has also promoted parenting education as a means of decreasing the demand for drugs, as poor parenting is often a root cause of children and youth turning to drugs. CSAP initiated a "Parent Training To Prevention" initiative in the 1980s in which our organization played a major role. Currently, they continue to fund and promote parenting education within community partnership programs to prevent substance abuse.

Both the National Institute of Mental Health and the National Institute on Drug Abuse, from HHS, have a long history of providing research and demonstration grants to create new parent training programs and initiatives to build infrastructure capabilities. Our organization received such grants in the 1970s and 1980s which enabled us to create national model parenting programs for ethnic minority parents, including the program for African American parents, Effective Black Parenting, which President Clinton acknowledged and honored during the 1995 National Parents' Day Awards Ceremony in the White House. These grants also enabled us to create a national model for training personnel who work for schools and local agencies to deliver the best parenting programs for the populations they serve.

The Department of Justice, through its Office of Juvenile Justice and Delinquency Prevention, has a current Strengthening America's Families Project to disseminate information on both government-created and private sector-created parenting programs, so that they can be used by more local groups in helping to stop children from joining gangs and committing crimes.

The Department of Agriculture has been providing some form of parenting education for almost a century, through its nationwide cooperative extension program with the land grant colleges. The Department of Defense has been training parents through the family support centers that are run by each of the armed service branches. The Department of Education is heavily supporting parental involvement with pamphlets on effective parenting and more substantial parenting programs.

Thus, the President's championing the ideas of effective parenting and parenting education is in line with actions taken by numerous administrations for decade upon decade - and which are being taken by numerous federal agencies now!

The Federal Government as a Partner

Secondly, we are proposing initiatives that include the federal government as a partner in supporting the Effective Parenting Movement and not as its sole supporter. In recommending the composition of the Presidential Council on Effective Parenting, we have noted many of the private sector groups who are very much involved in the Effective Parenting Movement, including corporations that provide work/family programs that include parenting education; religious organizations who promote and provide parenting education through their family ministries; and civic and cultural groups who see the progress of their members as being closely tied to the quality of child rearing that parents provide. Professional organizations like the American Academy of Pediatrics and the American Psychological Association are also very much involved in the Movement, as they see efforts to improved child rearing as the most basic form of help. Numerous non-profit parenting organizations like ours are waiting for substantial White House leadership and partnership.

Thus, a White House-supported initiative can be developed with the involvement of the full spectrum of private-sector groups who are already striving to improve how our children are raised. The leaders of these groups can stand beside the President when he announces an organized initiative and they can articulate it to their constituencies.

Little Additional Funding is Needed

Thirdly, an organized initiative need not require a substantial amount of additional federal spending, as much of what can be done by the federal government can be accomplished through a re-prioritization of current federal funding. For example, nearly all federal government agencies support some form of training for service providers through national or regional training and technical assistance centers. A percentage of the funding of these numerous centers could be re-prioritized to support a new National Parenting Instructor Training and Resource Center, with each federal agency providing some of the needed funding. Various federal agencies could also issue directives to

place parenting education higher on their list of projects and programs, such as emphasizing funding for parenting education as part of family preservation and unification projects.

A President-led initiative would also inspire both private foundations and federated funding groups like the United Way to place a higher priority on supporting parenting education efforts. This would supplement the federal governments' re-prioritization of current funding to create a public/private nexus of financial support.

Thus, by (1) clarifying the federal government's long-standing tradition of providing parents with information and training to be more effective and humane in raising America's children and youth; (2) by demonstrating a true partnership with private sector organizations; and (3) by more wisely utilizing current federal dollars and inspiring private sector complementary funding, President Clinton can solidify the Effective Parenting Movement and set in motion a series of powerful forces that will transform for the better the overall quality of family life in our country. This would certainly be a legacy worth leaving.

We trust that these facts and ideas are helpful in your thinking about, and counteracting, the anticipated negative perceptions of the federal government playing a highly visible and substantive role in educating America's parents. We stand ready, as always, to further assist you and the Domestic Policy Council to move these proposals and the overall effective parenting initiative forward.

The Washington Post

MONDAY, MARCH 31, 1997

William Raspberry

Music to My Ears

Have I become a Johnny One-Note on parenting education? A computer check of several years' worth of columns suggests maybe so. On columns dealing with everything from youthful crime and school failure to drug abuse, intergenerational poverty and welfare, I have sung my one-note song.

If only parents could be taught what the lucky ones learn by familial osmosis—the importance of making children feel loved and valued, the power of modeling values we want our children to embrace, the use of children's natural curiosity as a base for academic success—almost all the social problems that occupy us would be a lot easier to deal with.

The responses to those columns, however, lead me to believe that there are a lot of one-noters out there: people who either are involved in parenting education, or who know someone who is or who wish someone in their hometown would get such a program going.

What brings all this up now is that I've just been talking to Kerby Alvy, a California psychologist who tells me he's making serious headway in turning his effective parenting movement into a virtual one-note choir.

Alvy, speaking at a conference here called Strengthening America's Families, ticked off dozens of parenting education programs gathering steam across the country—in churches, in schools and recreation centers, in Head Start programs—many led by people who have been

trained at Alvy's Center for the Improvement of Child Caring, either at its Studio City headquarters or at one of its regional satellites.

"The goal," he says, "is to increase the numbers of children who are effectively and humanely raised."

It's a deceptively powerful goal. Just imagine an America in which most children were effectively and humanely raised. It's hard to think of an area of our lives that wouldn't be vastly improved. Effective parents get their children ready for school learning, for civic engagement, for personal and social responsibility, for hopeful futures. And children who are both competent and hopeful are overwhelmingly likely to avoid such things as adolescent pregnancy, drug abuse, violent crime, suicidal behavior—and even sexism and racism, to the extent that these two maladies spring from feelings of inadequacy.

Speaking of racism, Alvy's center has a special program for black parents (and a special handbook, "Effective Black Parenting"). The rationale, says Alvy, who is white, is that minorities face parenting issues that are special. For example:

"How do you teach your children to respond to racial slights or racist treatment? What do you tell them about when to stand and fight and when to try to resolve conflicts by talking? How do you help them to avoid the trap of thinking that academic success or careful speech is 'white'? We even have a section on institutional racism and

another on how to help kids avoid the kind of racial put-down black kids often do to one another."

Most of the training, though, fits parents of all colors and sizes.

I am frank to say I have no basis for judging (nor any reason to doubt) the quality of Alvy's training. But he has enough confidence in what he (and others in the field) are accomplishing with their here-and-there efforts that he wants the White House to take it national.

The point, he explained over coffee, is that, as with all great movements, there needs to be a catalyst. Long before civil rights or women's rights became full-fledged movements, individuals and small groups were out there doing the work. Then something happened to galvanize these individual activities into movements. He hopes that a Clinton decision to launch a presidential commission on parenting, or to call a parenting summit led by effective parenting advocates, might be the catalyst that transforms this fledgling effort into a nation-transforming movement.

Maybe he can make it happen. Maybe a push from the White House would help to avoid the notion that parenting education is only for "bad" parents or poor parents. Maybe Alvy really is close to transforming a series of local programs into a national initiative.

I don't know. I only know he's singing my note.

PERSONAL • PERSPECTIVE

Parenting skills crucial to people working way off welfare

By Kerby T. Alvy

SPECIAL efforts at all levels of our society are being made to help welfare recipients find jobs, including President Clinton's recent directive to have government agencies go an extra mile to hire people off welfare.

Finding jobs is certainly a most important step, and all creative efforts must be exhausted. The next crucial step, and one which has yet to receive the public attention it deserves, is the matter of retaining jobs once they have been found.

Retaining jobs in today's work force requires the ability to communicate positively and effectively with employers and fellow workers, as well as the ability to interact and contribute productively to group or team problem solving.

Success on the job also requires the ability to keep intrusions from home — and especially intrusions from one's children — to a minimum. Calls from home, the baby sitter, the child care center or the school from distraught or under-informed children, as well as difficulties in getting to work on time due to a child's anxiety about separating, all place additional stresses on parents, co-workers and employers.

The ability to successfully balance these work and parenting demands are increasingly being recognized as crucial work-related capabilities. Those parents who are moving from welfare to work are particularly

needy in regard to being able to manage these situations, as their relations with their children are already strained by the corrosive effects of poverty.

Poverty within the world's most affluent country — especially when combined with prejudice and discrimination against one's cultural, ethnic or racial group — creates frustration and feelings of relative deprivation, injustice and anger, as well as self-devaluation and hopelessness. This reduces the capacity of parents to be consistent and supportive in raising children and often leads to harsher behavior toward children. All of this speaks to an acute need for parenting education among our country's poor.

Welfare to work transitions can be eased if welfare agencies and the public and private sector employers who hire welfare recipients provide or facilitate parenting education programs.

America possesses the most advanced and effective parenting skill-building programs. These modern programs teach parents how to positively communicate with their children, how to praise and encourage or how to deliver positive "I" messages that pinpoint praiseworthy behavior and convey respect and appreciation.

Many of these programs also teach mutual problem-solving techniques where children's opinions and viewpoints are enlisted and respected. Some teach parents how to conduct family meetings or family councils for mutual decision-making and

problem-solving purposes.

There are now top-notch skill-building programs designed especially for parents of different aged children — programs for parents of infants and toddlers, for parents of preschoolers, for parents of elementary school children, and for parents of teenage children. In addition, there now exists high quality programs for parents from specific cultural groups that address parenting challenges that are unique to a group's history and status in America.

Research on the effectiveness of these programs show that the majority of parents of all socioeconomic and cultural backgrounds benefit from the skills training and improve the quality of their relationships to children. In addition, parents see the relevance of the skills they are taught to their relationships with their spouses, lovers and other family members.

Many graduates of these programs also find themselves using their newly developed communication and problem-solving skills at the workplace, facilitating peer and authority relationships and diminishing or preventing conflicts. Studies also show that when one's employer is responsible for the parenting training and assistance, workers are more loyal and committed.

It is a wise welfare department, and a wise employer, that provides these types of multiple-benefit training. One state, Louisiana, is already looking into how to do this on a widespread basis with all of its welfare

recipients. Others are sure to follow as they realize how beneficial this type of training can be.

Indeed, it would place our entire country in a more competitive position in today's global economy if all employers and all institutions that prepare employees, including job training centers and colleges and universities, provided or facilitated the types of parenting education discussed here.

Seventy-five percent of all parents are workers, including an increasing number of workers from culturally diverse backgrounds. Stress from parenting reduces productivity and reliability. It also is costly in other ways, as stressed-out employees are more likely to have health problems that require the use of expensive medical benefits.

Thus, by making a national commitment to high quality parenting education, we not only can smooth the difficult transition from welfare to work and increase the chances of former welfare recipients maintaining their jobs. We can improve the overall productivity, loyalty, health and effectiveness of the majority of our work force.

Kerby T. Alvy, a clinical child psychologist and author of "Parenting Training Today: A Social Necessity," is the executive director of the Center for the Improvement of Child Caring in Studio City, a nonprofit parenting education organization that he founded in 1974.

White House raising focus on proper child care

THE recent White House Conference on Child Care was an extraordinary and historic event. It served to bring to the public's attention the importance and complexity of improving the out-of-home care of infants and children that millions of America's parents need.

The conference exposed, defined and addressed the numerous challenges that parents face. It focused on such critical issues as the affordability and accessibility of child care, and on the safety and quality of care provided.

It demonstrated how the vast majority of parents who need out-of-home care, including those moving from welfare to work, are frustrated and dispirited by the lack of options and opportunities. The conference showed that many parents are confronted by Solomon-like decisions between working or staying at home because they can't find adequate and affordable child care.

Especially important to the issue of quality child care was the discussion of the need for child care workers to be warm and responsive in caring for the infants and

LOCAL VIEW

By Kerby T. Alvy

children in their charge. Indeed, the main announcement by the president about concrete actions that will emerge from the conference was directed at fostering this child-caring approach.

The president's proposal for a \$300 million scholarship training program for child care personnel spoke to the types of actions that are needed to promote warm and responsive care, which is the type of care that is at the heart of all successful relationships with infants and children.

Strangely, however, except for one comment by the president, the conference speakers failed to take this issue to its next practical step — the provision of classes, seminars or in-home visits to help the child's foremost caregivers, their parents, to be more warm and responsive. This oversight was glaring in light of numerous research studies that confirm that childhood programs that involve and educate parents are the most effective.

Warm caregiving is characterized by an abundance of affection, praise and encouragement that lets children know they are valued and loved, which is fundamental to the growth of a strong sense of self-worth and personal experience.

Responsive caregiving involves mutual problem solving and nonviolent conflict solution that helps to maintain positive relations with children, while at the same time instilling moral values of what is right and wrong. This approach models for children how to make wise and healthy decisions about life itself.

Altogether, caregiving that is warm and responsive predisposes children to become productive and healthy members of society, and it diminishes the likelihood of their becoming gang members, delinquents, youth parents or abusers of harmful substances.

When child care settings ensure that their workers are warm and responsive, and when they also help parents to be more warm and responsive, we have an ideal connection between out-of-home and parental care. And everyone benefits.

It is to President Clinton's credit that he

recognized this when he raised the question of parents also receiving the type of training that child care workers need. The next step would be to engage in concrete actions to make this happen, such as encouraging or requiring all child care programs to provide parenting education. Or to train more parenting instructors who work in community agencies who can then offer parenting education classes at child care facilities.

If such actions are taken, we will have truly high-quality child care that is supportive of the skillful and sensitive guidance of America's children outside and inside of the home.

Kerby T. Alvy, a clinical child psychologist, is founder and director of the 23-year-old Center for the Improvement of Child Caring in Studio City (www.ciccparenting.org). Doctor Alvy was an invited guest at the White House conference and his center is about to launch an Effective Parenting Campaign in cities throughout the United States. He can be contacted through the Internet at KAlvy@aol.com.

Daily News

WEDNESDAY, OCTOBER 29, 1997

October 8, 1997

NOTE TO JEN KLEIN, NICOLE RABNER

FROM: CYNTHIA RICE

SUBJ: STATES EXEMPTING MOTHERS WITH YOUNG CHILDREN
FROM WELFARE WORK REQUIREMENTS

In response to your question, I got HHS to produce the following information about states exempting mothers with young children from the welfare work requirements. They're checking some of these facts -- so consider it draft. But this gives you a sense of what we've got.

To: Joan Lombardi@ACYF.CCB, John Monahan@OAS
Cc: Mack A Storrs@OFA.DSSP
Bcc:
From: Linda Graziano@ACYF.CCB@ACF.WDC
Subject: re: TANF Plans and Child Care
Date: Tuesday, October 7, 1997 15:30:10 EDT
Attach: f:\wp51\docs\dlg\issues\exempt2.doc, f:\wp51\docs\dlg\tanfchl, ATT
Certify: N
Priority: Normal
Defer until:
Expires:
Forwarded by: John Monahan@OAS@ACF.WDC

Forwarded to: Margaret G Montgomery@OAS@ACF.WDC
cc:
Forwarded date: Tuesday, October 7, 1997 16:58:13 EDT
Comments by: John Monahan@OAS@ACF.WDC
Comments:

Please print, john

----- [Original Message] -----

I have attached two documents that should be useful. Marty Hudson and I are working together to provide updates where there was some confusion about the exemption (some states referred to their waivers in the TANF plan). I will send you the updates asap.

Please let me know if there is anything else you need.

① Pls fax to Cynthia

② Cynthia -

Here is some information in response to your request. Given that this information is being updated, I recommend that these charts not be distributed.



State	Age of Youngest Child Exemption
Alabama	under age 2
Alaska	under 13 months; under 6 if affordable child care not available
Arizona	under age 1
Arkansas	under 13 months
California	A one-time exemption to GAIN participation exists for parents with a child under the age of 3 years old.
Colorado	under 1; under 6 will not be sanctioned for lack of child care
Connecticut	under age 1
Delaware	under age 13 weeks
Dist. of Col.	under age 1
Florida	under age 3 months
Georgia	under 12 months, unless adequate child care is available
Hawaii	under age 6 until child care can be identified
Idaho	nothing specified
Illinois	under 12 months; minors under 12 weeks

State	Age of Youngest Child Exemption
Indiana	children under 12 weeks in increments from the implementation of this program. Beginning with implementation, the exception will apply to individuals caring for a child up to the age of two years, after six months, it will be limited to children up to one year; after 12 months, to children up to six months, and after 18 months, to children up to 12 weeks. For children subject to the family cap, exemptions will only be provided until the child is 12 weeks old, effective upon implementation.
Iowa	Not Specified
Kansas	Not Specified
Kentucky	Not Specified
Louisiana	Not Specified
Maine	under age 2 (excluding parents under 20 years of age who have not yet completed high school; these parents will be required to participate in educational activities)
Maryland	under age 1

State	Age of Youngest Child Exemption
Massachusetts	certain single custodial parents who are caring for children under the age of one; and single custodial parents who are caring for a child under age six and have demonstrated an inability to locate child care
Michigan	No Exemption
Mississippi	under age 3
Missouri	under age 1
Montana	No Exemption
Nebraska	between 12 weeks and 6 months old may be required to participate part-time in activities such as family nurturing or pre-employment skills
Nevada	minor parent with child under 12 weeks; single adults caring for a child under age 1
New Hampshire	under age 3
New Jersey	under age 1
New Mexico	under age 1
New York	under age 3
North Carolina	under age 1
North Dakota	under 3 months
Ohio	under age 3
Oklahoma	under age 1

State	Age of Youngest Child Exemption
Oregon	under age 90 days
Pennsylvania	under age 1
Rhode Island	under age 1
South Carolina	under age 1
South Dakota	under age 1
Tennessee	under age 4 months; State may exempt all if unable to provide child care
Texas	under age 5 as of 9/95; under age 4 as of 9/97
Utah	No Exemption
Vermont	under age 18 months
Virginia	under age 18 months
Washington	under age 1
West Virginia	under age 1 for first child; under age 6 months for second and susequent children
Wisconsin	under age 12 weeks
Wyoming	under age 1; considering changing to 3 months

States' Exemption from Work Policies for Families with Young Children

*[NOTE: ** = states that exempt families with a child less than one year of age or older]*

REGION I

****CONNECTICUT**

A single parent or caretaker relative of a child under one year of age is exempt from engaging in work as long as the child is not covered under the family cap provision of the waiver.

****MAINE**

Those caring for a child less than two years of age are exempt from work requirements. This under two exemption does not apply to parents under 20 years of age who have not completed high school; these parents will be required to participate in educational activities.

****MASSACHUSETTS**

Single custodial parents who are caring for a child under the age of one are exempt from work requirements. [Note. Claire McIntire, MA Commissioner for Health and Human Services, said in a Senior Staff meeting in May that parents with a child under two years of age are exempt.]

****NEW HAMPSHIRE**

A parent or other relative who cares for a child less than one year of age (may be less than three years of age, but wording was unclear) is exempt from work requirements. *[Marty's says three years]*

****RHODE ISLAND**

A single parent/caretaker relative caring for a child less than one year of age is exempt from work requirements.

****VERMONT**

A parent who cares for a child under the age of 18 months is exempt from work requirements. However, to qualify for this exemption, a parent of a child older than six months shall participate in the education, training, and other activities necessary for the completion of such a plan if the parent has not already done so before the expiration of the 15-month or 30-month time limit.

REGION II

****NEW JERSEY**

Single, custodial parents with a child under one year of age are exempt from work requirements. A parent may only receive this exemption for a total of 12 months. Under pending Work First NJ legislation, this exemption is subject to change.

****NEW YORK**

Those caring for a child less than three years of age are exempt from work requirements.

****PUERTO RICO [plan not yet approved as of 6/24/97]**

A single custodial parent caring for a child under one year of age is not required to engage in work.

VIRGIN ISLANDS [Not approved as of 6/24/97]

A single custodial parent caring for a child less than six months of age is exempt from engaging in work.

REGION III**DELAWARE**

A parent caring for a child under 13 weeks of age is exempt from engaging in work.

****DISTRICT OF COLUMBIA**

A single custodial parent caring for a child under one year of age is not required to engage in work.

****MARYLAND**

Adults who are required to care for a child under the age of one year are exempt from work requirements. This exemption does not apply to a teen parent who has not finished secondary school.

****PENNSYLVANIA**

A single custodial parent of a child under the age of one year is exempt from work requirements (granted for a total of 12 months in the parent's lifetime).

****VIRGINIA**

A parent or caretaker relative of a child under 18 months of age is exempt from engaging in work.

WEST VIRGINIA

A woman who has a child six months of age or younger is exempt from work requirements. However, this exemption is extended to two years for the birth of the *first* child after a woman has become a public assistance recipient. *[Marty's says one year for the extension]*

REGION IV****ALABAMA**

A parent or other caretaker relative who is personally responsible for providing care for a child under two years of age is exempt from work requirements.

****GEORGIA**

Adult recipients with a child under one year of age will not be mandated to participate.

FLORIDA

One custodial parent with a child under three months of age will be exempt from work requirements, but the parent may be required to attend parenting classes or other activities to better prepare for the responsibilities of raising a child. If the custodial parent is age 19 or younger and has not completed high school or the equivalent, he or she may be required to

attend school or other appropriate educational activities. Among single-parent families, a family that has older preschool children or school-age children shall be assigned priority for work activities.

KENTUCKY

No direct mention about families with children under one year of age being exempt, but it is noted that participant work activities will be based on the age of the youngest child in the family and access to child care (in addition to other factors).

**MISSISSIPPI

A caretaker of a child under one year of age is exempt from work requirements. *[Marty's says three years]*

**NORTH CAROLINA

Mothers with children under the age of one are exempted from work requirements and single parents with children under six will be phased-in as child care becomes available.

**SOUTH CAROLINA

A parent or caretaker relative with a child under one year of age is exempt from work requirements; however, custodial parents under age 25 who have not completed their high school education are required to comply with employment/training provisions regardless of the age of the child.

TENNESSEE

Exemption may be granted when the parent has a newborn who is four months of age or less.

REGION V

ILLINOIS

Not approved as of 6/24/97 (received by department 5/16/97 - no copy at CCB).

INDIANA

An individual is exempt from work requirements if the child is less than three months of age. This exemption is a change from a prior age of three years and will be phased in over an 18 month period.

MICHIGAN

A mother with a child under three months of age is not required to work. *[Marty's says no exemption in waiver]*

**MINNESOTA [plan not yet approved as of 6/24/97]

Caregivers of a child under one year of age who personally provide full-time care for the child are exempt. In two-parent households, only one parent or relative may qualify for this exemption. It is only available for 12 months in a lifetime. Exempt caregivers must attend parenting classes, if available, but are not subject to sanction if they fail to attend.

**OHIO

Caregivers of a child under one year of age are not required to work.

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WISCONSIN

A custodial parent of a child who is three months old or less is exempt from work requirements but could be required to participate in other activities such as parenting education, and soft and life skills which prepare a parent to enter or return to the workforce.

REGION VI

ARKANSAS [plan not yet approved as of 6/24/97]

A parent caring for a child under three months of age is exempt from work requirements.

LOUISIANA

No mention about families with children under one year of age being exempt.

**NEW MEXICO

A parent with a child under one year of age is exempt from work requirements, provided that the exemption is one-time only and may not exceed 12 months.

**OKLAHOMA

Adults or minors who care for a child under one year of age are exempt from work requirements.

**TEXAS

A caretaker will be exempt from work requirements if caring for a child less than four years of age (effective September 1, 1997; it is currently under the age of five).

REGION VII

IOWA

Exemptions are granted to parents or other relatives caring for a child under three months of age. *[Marty's says not specified]*

KANSAS

No mention about families with children under one year of age being exempt.

**MISSOURI

Single custodial parents caring for a child less than one year of age are exempt from work requirements.

NEBRASKA

The work requirement is waived for AFDC basic cases where the youngest child is under three months of age. For basic cases where the child is between three and six months of age, the caretaker relative must participate in part-time work activities. These exceptions apply for only one of the parent caretaker relatives for AFDC-UP cases.

REGION VIII

**COLORADO [plan not yet approved as of 6/24/97]

Single custodial parents with a child under one year of age are exempt from work requirements until the child becomes one year old.

MONTANA

No mention about families with children under one year of age being exempt. *[Marty's says no exemption in waiver]*

NORTH DAKOTA [plan not yet approved as of 6/24/97]

Mothers with a child who is three months of age or less are exempt from work requirements (plus the month of delivery). Maternity leave exceeding 12 months cumulative for the lifetime of the parent will not be exempt from the work requirement.

****SOUTH DAKOTA**

All adults and minor custodial parents who are personally caring for a child under one year of age are exempt from work requirements.

UTAH

There are no exemptions for families with a child under one year of age.
Temporary suspension of active participation is provided to search for quality child care.

****WYOMING**

A single custodial parent who is the primary caretaker of a child under one year of age is exempt from work requirements, unless the caretaker is a minor parent without a high school diploma or GED who will not be exempt. The legislature is considering changing it to three months.

REGION IX****ARIZONA**

Single custodial parents caring for a child less than one year of age are exempt from work requirements.

****CALIFORNIA**

GAIN (Greater Avenues for Independence) provides a *one-time* work exemption for parents with a child under the age of three.

HAWAII [plan not yet approved as of 6/24/97]

A parent or relative caretaker personally providing care for a child under six months of age is exempt from engaging in work.

****NEVADA**

Single adult parents caring for a child less than one year of age and minor parents with a child are exempt from work requirements. *[under 12 weeks for a minor parent?]*

REGION X**ALASKA**

Not approved as of 6/24/97 (received by department 6/2/97 - no copy at CCB).

IDAHO

Not approved as of 6/24/97 (received by department 5/15/97 - no copy at CCB).

OREGON

Women are exempt from work requirements for the first three months (90 days) after giving birth.

****WASHINGTON**

Single custodial parents who care for children under one year of age are exempt from work requirements. Under the State's STEP waiver, the State exempts parents with children under three, however, for purposes of calculating TANF's work participation rate, the state will only exclude single parents with a child under one year of age from the denominator.

bottom among industrialized Western countries in terms of offered to workers with families.³³⁵

2. Parenting

a. Types of Alterations or Adjustments

The institutional alterations and adjustments employers would need to make to enable mothers to be on equal footing with fathers and to enable all parents to be on equal footing with the rest of the workplace are multifaceted.³³⁶ Many possible workplace alterations and adjustments can be made to accommodate parenting. Examples can be found in "family friendly" policies already instituted by some employers who have determined that those policies are cost effective.³³⁷ Unfortunately, many employers do not provide these

335. See Hewlett, *When the Bough Breaks* at 225-26 (cited in note 303); Ellen Zieve, *To Work or Not to Work, and What to do About the Kids?*, 3 S. Cal. Rev. L. & Women's Stud. 163, 179-81 (1993) (discussing programs in Sweden, France, and Canada). Zieve notes that "America stands alone with South Africa as the only industrialized nation without formal policies to enhance the well-being of the family . . . [while] virtually all [other developed nations] assist families by offering child care, health care, tax relief or cash benefits." Id. See also Jean Baker, *Child Care: Will Uncle Sam Provide a Comprehensive Solution for American Families?*, 6 J. Contemp. Health L. & Pol. 239 (1990). Haas, *Equal Parenthood and Social Policy* at 13-14 (cited in note 281) (discussing family policies in Sweden); Glavinovich, 13 Ariz. J. Int'l & Comp. L. at 167-73 (cited in note 290) (discussing the inadequacies of the Family and Medical Leave Act which would be improved by following examples from Canada and Europe). See also Ginsburg, 10 Conn. L. Rev. at 825 (cited in note 114) (stating that in not having legislation to help pregnant women, "the United States differs from almost every other western industrial country").

336. For discussions of workplace accommodations for parenting, see Mason, 29 J. Family L. at 39-48 (cited in note 42); Gibson, 73 Va. L. Rev. at 1145 (cited in note 28); Issacharoff and Rosenblum, 94 Colum. L. Rev. at 2214-20 (cited in note 43); Dowd, 24 Harv. C.R.-C.L. L. Rev. at 79 (cited in note 58); Abrams, 42 Vand. L. Rev. at 1220-48 (cited in note 28).

337. Hewlett, *When the Bough Breaks* at 257-68 (cited in note 303); Dynerman and Hayes, *The Best Jobs in America* at 3-89 (cited in note 334). See also John H. Earl, Jr. and Jonathan B. Wight, *Baby-sitting: Good for Business*, Mgmt. World 11-13 (Feb. 1986) (reporting that Nyloncraft, Inc. implemented an on-site childcare center in 1981 that operates twenty hours per day and provides a 60% subsidy for employees); Gillian Flynn, *NationsBank Makes Child Care a Plus*, Personnel J. 25 (Jan. 1996) (reporting that NationsBank recently implemented a plan to subsidize childcare for non-managerial, lower paid workers because these workers tend to have the highest turnover rates); Toni A. Campbell and David E. Campbell, *Benefits: 71% of Employers Say They Could Be Part of the Child Care Solution*, Personnel J. 84 (Apr. 1988) (reporting that some employers already offer flexible work schedules and job sharing in an effort to help families balance work-family problems); Ian Springsteel, *It's A Family Affair*, Magazine For Senior Financial Executives 12 (May 1996) (noting that studies reveal increase in family-friendly policies in the workplace); Roberta Maynard, *Child-Care Options for Small Firms*, 82 Nation's Bus. 43, 45 (Feb. 1994) (reporting increase in family policies); Jaclyn Fierman, *Are Companies Less Family Friendly?*, Fortune 64, 64-67 (Mar. 21, 1994) (reporting that a recent

benefits.³³⁸ Family-friendly benefits include flexible scheduling, a variety of leaves and childcare.³³⁹ Flexible scheduling includes flexibility with respect to both the hours and days worked³⁴⁰ and the location of work. The latter can include the home as modern technology makes telecommuting possible for certain types of work.³⁴¹

Types of leave include hours or days of leave to take care of sick family members³⁴² or to attend school functions; leaves of a longer duration, as are accommodated for military obligations;³⁴³ part-time work with benefits;³⁴⁴ and job sharing.³⁴⁵ Provision of childcare includes baby-at-work programs,³⁴⁶ on-site or near-site day care,³⁴⁷ and

survey of U.S. businesses shows that 78% offer childcare support and referral programs; 60% offer some kind of flexible scheduling; 20% offer elder care programs; and 9% offer on-site childcare); Jennifer Laabs, *Family Issues Are a Priority at Stride-Rite*, Personnel J. 48 (July 1993) (describing Stride-Rite's intergenerational child and elder care on-site facility); *There Are No Bedtime Stories Here*, Fortune 88 (Aug. 21, 1995) (describing Toyota's on-site 24-hour care facility that allows children to attend a quality care facility while their parents work); Diane Harris, *Big Business Takes on Child Care*, Working Woman 50, 50-51 (June 1993) (reporting that about 10% of businesses have formal family-friendly childcare programs to help workers, and when combined with referral and reference programs, about 60% of major corporations and 10% of smaller businesses offer some manner of help). See Bureau of National Affairs, *Work & Family: A Changing Dynamic* (1986) (provides examples of family-friendly policies instituted by U.S. employers).

338. See note 305.

339. See generally Sheila Kamerman and Alfred J. Kahn, *Child Care, Family Benefits and Working Parents: A Study in Comparative Policy* (Columbia U., 1981) (discussing various child care options). See also Hewlett, *When the Bough Breaks* at 301-21 (cited in note 303) (arguing that the government must take a number of actions that value children).

340. Flexible scheduling is known as "flextime." Employees work the same number of hours per week, but have some flexibility in arranging when they work. For example, a worker will be required to work during a core block of time during the day (often 10:30 a.m. to 2:30 p.m.), but will be able to stretch forty hours over six days or compress forty hours into four days. Hassberg, 40 Buff. L. Rev. at 245 (cited in note 38). See also Coalition of Labor Union Women, *Bargaining for Family Benefits: A Union Member's Guide* 20 (1986) (defining flextime as an employee's ability to vary the start, finish, and/or length of the workday or workweek, provided that the employee work the "core hours" and fulfill a requirement to work a certain number of hours over a one or two week period).

341. Some employers allow employees to work from home. This is known as "flexplace work." Carol Ann Diktaban, *Employer Supported Child Care as a Mandatory Subject of Collective Bargaining*, 8 Hofstra Labor L. J. 385, 400 (1991).

342. While this Article focuses on parenting concerns, the same issues exist with respect to elder care and care of other family members. Some employers allow employees to use sick and/or personal days to attend to family needs, including the care of sick children. Coalition of Labor Union Women, *Bargaining for Family Benefits* at 17 (cited in note 340).

343. See note 50.

344. See Mason, 29 J. Family L. at 39-43 (cited in note 42) (discussing the importance of providing benefits to part-time workers); Ann Bookman, *Flexibility at What Price? The Costs of Part-Time Work for Women Workers*, 52 Wash. and Lee L. Rev. 799 (1995) (same).

345. Job sharing is when two people share work responsibilities for one full-time job, enabling them to reduce their hours. Diktaban, 8 Hofstra Labor L. J. at 400 (cited in note 341).

346. Dawn Gunsch, *A Baby-Friendly Company*, Personnel J. 16, 16-19 (Apr. 1993) (describing the "Babies in the Workplace Policy" at Capsco Sales, Inc. that allows parents to bring their children up to age six months into work with them); Laura Blumenfeld, *She's the*

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subsidies for employee procured childcare. An indirect benefit of the corporate workplace becoming involved in providing childcare is that the prestige and pay of childcare workers should rise, raising the quality of childcare. For older children, public school eligibility rules could be changed, entitling children to go to school either where they live or where a parent works. In the latter situation, children could commute with parents, and parents could be nearby to respond to children's needs. Schools could also provide before-school, after-school, and summer programs.³⁴⁸

How various adjustments and alterations in the workplace would fit with tasks that cannot be interrupted, tasks that take extraordinary efforts to achieve within a deadline, tasks that have emergency schedules, or tasks that are otherwise apparently inflexible, would need to be worked out on a case by case basis. Genuine inflexibility would need to be distinguished from traditional inflexibility, and new, more flexible ways of accomplishing old tasks might be devised. For example, job sharing could make a work-only schedule into a family-and-work schedule, yet still maintain productivity.³⁴⁹

Life of the Party, She's Young, a Working Mom, Ethnic, and Oh, Yes, Republican, Wash. Post B1 (Aug. 13, 1996). The Keynote Speaker at the 1996 Republican convention, Representative Susan Molinari, has a young child, who sat in her father's and grandfather's arms during the speech and who has a crib in her office.

347. In-house childcare programs are child care centers run by the employer (or contracted out to a childcare management business) and located on the premises. Parent-run centers are located on or near the place of employment, but are run by the parents. Consortium centers are formed by several employers to provide childcare at a location convenient to all of their employees. Family day care networks are formed when employers contract with local childcare agencies to recruit and train individuals to become licensed day care providers in their homes. Diktaban, 8 Hofstra Labor L. J. at 394-96 (cited in note 341). Some employers currently provide programs to care for school-age children before and after regular school hours and during school vacations while their parents are at work.

348. While outside the scope of this Article, changes in public school eligibility might help solve the deteriorating public schools, as parents might increase their involvement in schools near the workplace. Employers also might become involved in local public schools if their quality were an incentive for employees to work in the locale.

349. For the individual worker sharing a job, a salary would also be shared. At times, workers might trade off higher earnings for time with family. Such a tradeoff for people with higher paying jobs might be beneficial both for children and for the extra worker sharing the job. Job sharing for all employees could also create incentives to combine work and other activities as a way to avoid burn-out and maximize life's pleasures.

b. Judicial or Legislative Orders

Justice Ginsburg implies that the institutional alterations and adjustments to be made at VMI, pursuant to court orders, would be alternations in housing and adjustments for physical skills similar to those made at the United States military academies.³⁵⁰ Thus, she had a model from which to draw. Courts in parenting cases similarly could look at what comparable employers are doing to avoid losing talented workers and to avoid the expense of training new ones.³⁵¹ If a court might be reluctant to order paid pregnancy leave under Title VII to make women equal with men, however, a court might be even more reluctant to order some of the workplace alterations described above.

Courts have on occasion issued orders in Title VII cases that resulted in major workplace restructuring. One example is *City of Los Angeles, Department of Water and Power v. Manhart*,³⁵² in which a federal district court ordered employers to stop taking sex into account in determining the amount of an employee's contributions for pensions. Noting the drastic change involved, the Supreme Court refused to make the remedy retroactive.³⁵³ Because courts have devised elaborate remedies to protect constitutional rights to desegregate schools,³⁵⁴ and because court-ordered workplace changes would address the problem of failure to integrate family needs into the workplace, a court might order, under the Constitution, a governmental employer to restructure the workplace. A court might not order the same changes under Title VII, however, even if Title VII's definition of equality is coterminous with the definition of equality in the Constitution, without explicit remedial authority. While theoretically a court might have power under section 706(g) of Title VII to order major workplace restructuring,³⁵⁵ its remedies are likely to be more modest, but nonetheless important as a recognition of parenting rights.

The context in which parenting lawsuits are brought could determine the appropriate judicial remedies. In a case in which a violation of Title VII has been found due to an employer's taking adverse action against a person exercising his or her parenting responsibilities, a court would be acting on familiar ground in

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350. See notes 155-57 and accompanying text.

351. See note 337.

352. 435 U.S. 702 (1978).

353. *Id.* at 721-22.

354. See note 194 (citing school desegregation cases).

355. See note 297.

ordering remedies such as reinstatement and an injunction against further offending conduct. The likelihood that the injunction would include an order that an employer institute on-site day care, however, is small. Most major workplace adjustments to make mothers equal in the workplace to fathers likely will need legislative enactment³⁵⁶ or voluntary implementation.³⁵⁷ Obviously, changes involving public schools could not be ordered in the context of a lawsuit brought against an employer. The changes would need to be mandated legislatively and in some geographic regions would require cooperation among neighboring jurisdictions.

As mentioned above,³⁵⁸ because Congress has had political success with the FMLA, Congress could amend the FMLA or Title VII to provide further workplace adjustments for parenting. Some existing statutes, such as the religious accommodation provision of Title VII,³⁵⁹ the Americans with Disability Act,³⁶⁰ and the provisions of

356. Legislation would eliminate the need for long and costly litigation and could avoid making adversaries of employees and employers. Legislatures are usually better able than courts to design complicated remedial schemes. Legislatures can hold hearings to take testimony from many different sources. Legislation can be drafted to tailor solutions to of circumstances, phase in required changes over time, or provide defenses that phase out over time. Compare Ginsburg, 10 Conn. L. Rev. at 826-27 (cited in note 114) ("If Congress is genuinely committed to eradication of sex-based discrimination and promotion of equal opportunities for women, it will . . . provid[e] firm legislative direction assuring job security, health insurance coverage, and income maintenance for childbearing women.").

357. Since a number of employers have already instituted "family friendly" programs, see note 337, more may do so. Assuming antitrust laws do not prohibit firms from pooling resources to provide child care and other family benefits, smaller firms may wish to work together.

358. See note 329.

359. 42 U.S.C. § 2000e(j). Regulations specify some accommodations that can be made for religious practices: "voluntary substitutes," "flexible scheduling," "lateral transfer," and "change of job assignments." 29 C.F.R. § 1605.2(d). Two that might apply to pregnancy or parenting leaves are flexible scheduling, which includes "permitting an employee to make up time lost due to the observance of religious practices," and voluntary substitutes. *Id.* § 1605.2(d)(ii). An employee taking pregnancy leave, however, presumably will require more time off than an employee observing religious holidays. Requiring an employee to "make up time," means that a woman returning after giving birth will not be treated equally with a man whose spouse just had a child but did not take leave or took only a short leave. While the woman is being treated the same as the man with respect to work hours, she is not being treated the same with respect to combining work and parenting.

360. The ADA requires employers to make reasonable accommodations for employees with disabilities. 42 U.S.C. § 12112. "Reasonable accommodation" is defined by regulation as follows:

- (1) The term reasonable accommodation means:
 - (i) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
 - (ii) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily

FMLA,³⁶¹ could offer guidance. New legislation should go much further, however, if Title VII's purpose is to be made complete.

Although cost is typically not a defense consideration under Title VII,³⁶² if "family friendly" workplace alterations costs more than the savings in turnover costs,³⁶³ an undue hardship defense could be created, either judicially, just as the business necessity defense was created in *Griggs*,³⁶⁴ or legislatively, as has been done in a variety of statutes.³⁶⁵ A court or legislature could also determine, however, that

performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

- (iii) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

- (2) Reasonable accommodation may include but is not limited to:

- (i) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- (ii) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

- (3) To determine the appropriate reasonable accommodation it may be necessary for the covered entity to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

29 C.F.R. § 1630.2(o). See Matzzie, 82 Geo L. J. at 218-35 (cited in note 39) (arguing that the ADA requires workplace accommodations for pregnancy). See also Schlichtmann, 15 Berkeley J. Employment & Labor L. at 391-94 (cited in note 298) (discussing a limited analogy between ADA coverage and pregnancy needs).

361. See Part IV.C.1.a.

362. See, for example, *Manhart*, 435 U.S. at 716-17 (rejecting argument that higher retirement contributions required of women are justified by a higher pay-out to women because Title VII does not contain a cost justification defense).

363. Many argue that family friendly workplace policies are cost effective. See Coalition of Labor Union Women, *Bargaining for Family Benefits* at 13 (cited in note 340) ("Many employers are beginning to realize that parental leave is not only an inexpensive benefit to offer but also can result in considerable financial savings when turnover, absenteeism, and training costs are considered."). See also Karen Nussbaum, *Issues for Working Families*, 35 Labor L. J. 465, 468 (1984) (noting that a 1984 survey conducted for the American Management Association found that more than three-fourths of employers reported that the costs of employer-sponsored child-care programs were far outweighed by the benefits); Women's Bureau, U.S. Department of Labor, *Child Care Centers Sponsored by Employers and Labor Unions in the United States* 2-8 (1980) (reporting that a 1980 survey found that the following benefits were received from family policies: "greater ability of the company to attract and keep good employees, less employee absenteeism, a lower job turnover rate, improved employee morale, favorable publicity for the employer and improved community relations"); U.S. General Accounting Office, *Parental Leave: Revised Cost Estimate Reflecting the Impact of Spousal Leave* 1-2 (1989) (finding cost of unpaid leave less than cost of replacing workers).

364. 401 U.S. at 431.

365. Section 701(j) of Title VII, which requires accommodation for religious practices, provides an undue hardship defense. See 42 U.S.C. § 2000e(j). See also note 359. The regulations defining religious discrimination provide that upon notification by an employee of a

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no hardship defense is appropriate, or is appropriate only for interim, transitional periods.

3. "Mommy Track" Concerns

Equal treatment proponents would prefer legislation that addresses all workplace disabilities.³⁶⁶ Some scholar suggests that employers be required to provide gender neutral "sabbaticals" for a variety of reasons to enlist broad-based worker support for leaves and to decrease the chance that employers become reluctant to hire women or create a "mommy track."³⁶⁷ Broad-based employment reform would be ideal. Waiting for the ideal, however, may disadvantage women. Failure to provide job security and other adjustments for parents disadvantages women and may disadvantage some of them right out of the workplace as they try to "do it all."³⁶⁸

Requiring employers to provide parental leaves will not necessarily result in women becoming more expensive to hire or

need for religious accommodation, an employer has an "obligation to reasonably accommodate the individual's religious practices. . . . [unless] an employer can demonstrate that an undue hardship would in fact result from each available alternative method of accommodation." 29 C.F.R. § 1605.2(c)(1). The undue hardship defense is defined by regulation to be "more than a de minimus cost." *Id.* § 1605.2(e)(1). That cost is to be determined "in relation to the size and operating cost of the employer, and the number of individuals who will in fact need a particular accommodation." *Id.* There is a presumption that "the infrequent payment of premium wages for a substitute" will be a cost the employer will be required to bear. *Id.*

Another act with an "undue hardship" defense is the Americans with Disabilities Act of 1990. The ADA's undue hardship defense is found in the definition section of the ADA, which defines discrimination to include "not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business." 42 U.S.C. § 12112(b)(5)(A). Undue hardship is defined as "significant difficulty or expense," 29 C.F.R. § 1630.2(p)(1), which is presumably more than the "de minimus" amount specified in Title VII's religious accommodation regulations.

The Family and Medical Leave Act provides an unusual hardship defense. The employer may use the defense only for "a salaried employee who is among the highest paid 10 percent of the employees," 29 U.S.C. § 2601, and only if the employer must deny that employee's return from leave because "such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer," *id.* § 2601.

One could note that the expenses the employer must show to avoid accommodation are becoming greater and greater as one goes from Title VII's religious accommodation defense, to the ADA's accommodation defense, to FMLA's leave defense. While one might argue that the FMLA is most analogous to court-ordered leave under Title VII because the FMLA mandates leave, a highest paid employees defense would have a danger of perpetuating the glass ceiling. 29 U.S.C. § 206(d).

366. See notes 29-31 and accompanying text.

367. See, for example, Abrams, 42 Vand. L. Rev. at 1233-48 (cited in note 28).

368. See note 98.

shunted into a "mommy track." Studies show that as the population ages, employers are concerned about shrinking labor pools.³⁶⁹ The interest of these employers may not be served by reducing their pool of talent, which failing to adjust for parental needs will cause. Rather, employment policies that are "parent-friendly" may make employers attractive to both genders. As more two income families have children, more men and women are realizing that workplace accommodations for childcare are needed.³⁷⁰ If a "mommy track" did emerge, perhaps it would be a transitional track until more fathers took advantage of it. Perhaps in time it may prove not to be a parental track, but a parental station, one of many along the track.

Instead of trying to solve all problems at once, focusing first on women's equality needs in the workplace may ultimately lead to a workplace responsive to all workers.³⁷¹ Avoiding the pursuit of child-friendly workplace policies because such policies are perceived as women's issues could be self-defeating to women by perpetuating, rather than eliminating, the perceived devaluation of "women's concerns."³⁷² Both men and women in the workforce are also facing serious elder care concerns with aging parents, which could create an additional demand for family-friendly work policies.³⁷³ Although almost three-quarters of the caregivers are women, the twenty-five percent who are men represent a large number of people.

4. Reduction of Societally Entrenched Differences Between the Sexes

Requiring institutional alterations to accommodate parenting under an equality model is initially based on the fact that mothers typically shoulder more childrearing than fathers do.³⁷⁴ Yet an equality analysis requires, ultimately, that both sexes be accommodated in carrying out parenting roles so that neither suffers a disadvantage due to gender. Once the workplace accommodates mothers, it would

369. See Part II.B.1.

370. Both men and women in the workforce are also facing serious elder care concerns with aging parents, which should create an additional demand for family-friendly work policies. See Susan Levine, *One in Four U.S. Families Cares for Aging Relatives*, Wash. Post A13 col. 1 (Mar. 24, 1997) (reporting the results of a nationwide survey about caregivers for the elderly and the costs to the workplace and also reporting that 72% of caregivers are women). See also Nadine Taub, *From Parental Leaves to Nurturing Leaves*, 13 Rev. of Law and Soc. Change 381, 385 (advocating workplace policies to care for the elderly, as well as children and others).

371. See notes 42-45, 279-81 and accompanying text.

372. See note 29 and accompanying text. See also Brown, Parmet, and Baumann, 36 Buff. L. Rev. at 601 (cited in note 38) ("[G]ender equality necessarily requires conditions that support women's familial responsibilities.").

373. See notes 342, 370.

374. See notes 42-45, 279-81 and accompanying text.

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then need to accommodate parents.³⁷⁵ Once the workplace accommodates parents, whether as the result of court orders, legislative mandate, or voluntary action, the differences between the roles of mothers and fathers should diminish,³⁷⁶ except for those that are biologically necessary. If the workplace were to accommodate parenting rather than penalize it, then more fathers might be willing and able to take on more childcare.

To the extent that mothering and fathering are not based on biological differences, it may be that mothers do more parenting because that is the way childcare has traditionally been done.³⁷⁷ Men may simply have followed tradition. In order for the tradition to change, men would need to resist societal role pressures as well as workplace pressures that present parental obligations as inconsistent with the obligations of committed workers.³⁷⁸

In addition, mothers may do more parenting because of the current gender pay gap.³⁷⁹ Women have traditionally been paid less than men, and in the aggregate, despite the Equal Pay Act,³⁸⁰ this continues to be the case. Thus, if only one parent retains employment, it will more than likely be the father. The mother's leave-taking, then, serves to exacerbate the pay gap.³⁸¹ If the workplace were to accommodate childcare without a financial penalty, it could help eliminate the gender pay gap. It could also encourage fathers to undertake more childcare. It is hard for individual fathers to chal-

375. For a discussion of extending accommodations from mothers to fathers, see notes 291-93 and accompanying text.

376. See Fisk, 2 Berkeley Women's L. J. at 97, 103, 108 (cited in note 68). See also notes 291-93.

377. Of course there have been a number of traditions, varying with place and time, class and culture. See Williams, 13 N.Y.U. Rev. L. & Soc. Change at 354-55 n.117 (cited in note 29).

378. Hassberg, 40 Buff. L. Rev. at 238 (cited in note 38) (reporting that men are reluctant to take paternity leave because of employer bias against men who use this benefit); Novkov, 19 N.Y.U. Rev. L. & Soc. Change at 171 (cited in note 58) (discussing underutilization of paternity leave in Sweden).

379. See note 259.

380. 29 U.S.C. § 206(d) (1994 ed.). The Equal Pay Act does not address wage discrepancies between jobs predominantly held by women and those predominantly held by men.

381. See Issacharoff and Rosenblum, 94 Colum. L. Rev. at 2161-62 (cited in note 43) (reporting that "work history patterns" explain much of the gender pay gap); Meredith K. Wadman, *Mothers Who Take Extended Time Off Find Their Careers Pay a Heavy Price*, Wall St. J. B1 (July 16, 1992). Some studies have found that the gap between men's and women's earnings narrows over time for women who reenter the workplace. See Mary E. Corcoran, *Work Experience Labor Force Withdrawals, and Women Wages: Empirical Results Using the 1976 Panel of Income Dynamics*, in Cynthia B. Lloyd, et al., eds., *Women in the Labor Market* (Columbia U., 1979); Jacob Mincer and Haim Ofek, *Interrupted Work Careers: Depreciations and Restoration of Human Capital*, J. Human Resources 3 (Winter 1982). See also note 43.

lenge the workplace if they will jeopardize the family income, which already may have been jeopardized by the mother's parenting. Challenges to the workplace by both parents may put the family at economic risk.

Even if economic and other workplace barriers to parenting are reduced or eliminated, psychological ones presumably will remain.³⁸² While those are significant barriers, they are more likely to be overcome once they are uncoupled from economic barriers. Allocation of work in the home is difficult to change while governmental and workplace policies penalize parenting by ignoring parenting and children. Thus, changes in the workplace making it more hospitable to parenting may enable parents to allocate family responsibilities more equally. Where the disparate allocation is biologically necessary, then no change in family allocation will occur. Where the disparate allocation of family work is societally imposed, a change in society, beginning with the workplace, could be a starting place for change in the family.

Workplace change should also benefit children.³⁸³ When the workplace ignores children's need for parental attention, it puts parents in a conflict between their work and their children.³⁸⁴ Many have called for a reorganization of the workplace to integrate families.³⁸⁵ *United States v. Virginia's* equality analysis and citation to *Guerra* could be a catalyst for this reorganization.

The fact that some adjustments are necessary in the workplace does not mean that women are less capable workers than men. It merely means that the industrial workplace was based on a model wherein someone other than the wage worker takes care of children

382. See, for example, Martin A. Malin, *Fathers and Parental Leave*, 72 Tex. L. Rev. 1047, 1049 (1994); Novkov, 19 N.Y.U. Rev. L. & Soc. Change at 155 (cited in note 58).

383. See Mason, 29 J. Family L. at 44 (cited in note 42) (noting that children benefit when parents work fewer hours). See generally Penelope Leach, *Children First* (Vintage Books, 1995).

384. See Arlene Johnson, *The Business Case for Work-Family Programs*, J. Accountancy 53, 53-54 (Aug. 1995) (noting that parents may have to choose between work and their children if their employer requires them to stay late or work an extra day); Diktaban, 8 Hofstra Lab. L. J. at 389-90 (cited in 341) (finding affordable child care poses an enormous problem for working parents).

A recent Department of Labor study explains further: "Conflicts arise between work and family responsibilities because our system of child care services does not provide the needed reliable care and because work requirements often do not allow the flexibility that parents need to provide care and emotional support for their children." Women's Bureau, Office of the Secretary, U.S. Department of Labor, *Employers and Child Care: Benefiting Work and Family* 8 (1989). A sample survey reported that child care problems were the "most significant predictors of absenteeism and unproductive time at work." *Id.* at 7.

385. See note 58 and accompanying text.

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and takes care of them without pay.³⁸⁶ The once male-dominated workplace has changed. Most women now work in it.³⁸⁷ Women's work now has an economic value. That means that the employers, who used to be able to take advantage of a "free" resource, childcare, to support its workers, now need to recognize that the resource is no longer free.³⁸⁸ The employer has come to realize this in other contexts, recognizing that other "free" resources, such as air and water, are not really free. Employers now pay to use these resources by developing technology to keep them clean. So, too, they will need to pay in some manner for childcare.

V. CONCLUSION

The effect of *United States v. Virginia* is remarkable. It raises gender equal protection analysis to the strict scrutiny level. Its less-restrictive-means analysis requires courts to determine whether institutions can make alterations and adjustments to avoid excluding women. In addition, *United States v. Virginia's* citation to *Guerra* suggests that its analysis applies to Title VII, and that Title VII's pregnancy analysis applies to the Constitution. In all respects, the decision has far-reaching implications for restructuring the workplace to recognize and accommodate the parental need to raise children. Just as VMI, built for one gender, must now adapt to new views about women's roles and abilities, so too must the workplace adapt. Had the workplace initially been designed to include both men and women and to recognize that most people in the workplace also raise children, the design would be different today. The analysis in *United States v. Virginia*, requiring institutional adjustments and alterations, is a first step toward achieving the gender-free design necessary for achieving gender equality in the workplace.

386. See note 279.

387. See note 290.

388. See Scales, 95 Yale L. J. at 1396 (cited in note 45) (arguing that employers must compensate women for the benefits that have been gained because of them).