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Proposed Amendments to S. 1086, The Child Care and Development Block Grant Act of 2013

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PRIVATE EDUCATION:

Good for Students

Good for Families

Good for America

Proposed Amendments to S. 1086
The Child Care and Development Block Grant Act of 2013

Page and line references apply to S. 1086 as reported by the HELP Committee:

<http://www.help.senate.gov/imo/media/doc/KIN13412.pdf>

Matter in strikethrough is deleted from existing bill; matter underlined is added.

Proposal:

1. Clarify that the statute does not favor or promote the use of grants or contracts over the use of child care certificates nor does it adversely impact the use of certificates in faith-based or other settings.

Language to Implement Proposal:

Starting at page 75, line 11, insert the following section and renumber subsequent sections accordingly:

Section 11. PARENTAL RIGHTS AND RESPONSIBILITIES.

Section 658Q of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858o) is amended ----

(1) By adding at the end, the following:

“Nothing in this subchapter shall be construed or applied in any manner (1) that would favor or promote the use of grants and contracts over the use of child care certificates, or (2) that would adversely impact the use of certificates for child care in faith-based settings, Montessori settings, Waldorf settings, or similar settings that offer a distinctive approach to early learning.”

Justification:

The original 1990 legislation expressly provides that the primary goal of CCDBG is “to promote parental choice to empower working parents to make their own decisions regarding the child care that best suits their family’s needs.” Congress clearly intended to meet this objective by maximizing child care options through the introduction of the “child care certificate,” which affords parents the flexibility to choose among the widest range of child care providers and services, including options that are both sectarian and non-sectarian in nature. The recent Notice of Proposed Rulemaking issued by the Administration For Children and Families (Docket #ACF-2013-0001) sought to increase the use of grants and contracts to the detriment of the certificates, which play a prominent role in providing child care under this program. The clarification provided above is meant to highlight and reiterate that the parental choice component of the program (through certificates) remains a guiding principal of the program.

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Proposals:

2. Ensure that families are provided information about the full diversity of child care choices available to them.

Language to Implement Proposals:

Starting at page 6, line 13, make the following changes:

(i) information about the availability of the full diversity of child care services
that will promote informed child care choices and that concerns—

Justification:

For those parents and guardians who seek to supplement the education they offer at home, a variety of quality early childhood settings exist, including programs that conform to a particular theory of child development, those that provide a particular pedagogy, and those rooted in a particular religious tradition. Some early childhood centers are operated by the government, and some are operated by faith-based and other independent providers. In a free society, it is essential that parents be able to choose from an array of options. Without options, there is no choice; and without choice, there is no freedom.

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Proposal:

3. Retain language from current law (42 USC Sec. 9858c(c)(2)(E)(i)) that clarifies there is no requirement to license specific types of providers of child care services.

Language to Implement Proposal:

Starting at page 11, line 11, make the following changes:

...are effectively enforced. Nothing in the preceding sentence shall be construed to require that licensing requirements be applied to specific types of providers of child care services.

Justification:

The above change explicitly recaptures a principle in current law that states are free to exempt certain programs (for example, programs operated by existing K-12 schools within a state) from licensing requirements.

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Proposal:

4. Require that state training requirements are developed in consultation with providers of child care.

Language to Implement Proposal:

Starting at page 13, line 4, insert the following and renumber subsequent sub-clauses as appropriate:

(III) are developed in consultation with providers of a variety of types of child care, including private and faith-based providers;

Justification:

The experts directly involved in delivering a variety of types of child care should be involved in developing training requirements in order to ensure that such requirements respect a diversity of approaches to child care.

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Proposal:

5. Ensure that training requirements recognize and accommodate a variety of existing quality training programs.

Language to Implement Proposal:

Starting at page 13, line 10, insert the following clause and renumber subsequent clauses accordingly:

(IV) incorporate, as appropriate in a specific child care setting, existing specialized credentialing programs (for example, those developed by recognized Montessori or Waldorf associations), and accept such credentials in lieu of additional training requirements;

Justification:

Existing quality early learning providers have rigorous and extensive training requirements that may differ from those established by a state. States should recognize and accommodate such training requirements and not impose additional burdens on providers that do not relate to, and indeed may undermine, their approach to early learning.

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Proposal:

6. Require that the progression of professional development that states develop recognize and accommodate quality professional development already in existence.

Language to Implement Proposal:

Starting at page 14, line 13, insert the following clause and renumber subsequent clauses accordingly:

(I) which shall recognize and accommodate, as appropriate in a specific child care setting, existing arrangements for the progression of professional development (for example, those developed by recognized Montessori or Waldorf associations), and accept such arrangements in lieu of additional professional development requirements;

Justification:

Existing quality early learning providers already have rigorous and extensive requirements for the progression of professional development. States should recognize and accommodate such requirements and not impose additional burdens on providers that do not relate to, and indeed may undermine, their approach to early learning.

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Proposal:

7. Require that child-to-provider ratio standards accommodate a variety of approaches to early learning.

Language to Implement Proposal:

Starting at page 15, line 16, make the following changes:

(i) STANDARDS.—The plan shall describe child care standards, for child care for which assistance is made available in accordance with this subchapter, appropriate to the type of child care setting involved, including faith-based settings, Montessori settings, Waldorf settings, or similar settings that offer a distinctive approach to early learning, that address—;

Justification:

Sound approaches to early learning differ when it comes to how students are grouped for purposes of instruction and development. Montessori settings, for example, are renowned for their multi-age groupings. The change ensures that child-to-provider ratio standards respect a variety of philosophies and pedagogies when it comes to early learning.

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Proposal:

8. Require that health and safety standards accommodate a variety of approaches to early learning.

Language to Implement Proposal:

Starting at page 16, line 13, make the following changes:

(I) HEALTH AND SAFETY REQUIREMENTS.—The plan shall include a certification that there are in effect within the State, under State or local law, requirements designed to protect the health and safety of children that are applicable to child care providers that provide services for which assistance is made available in accordance with this subchapter and that are appropriate to the type of child care setting involved, including faith-based settings, Montessori settings, Waldorf settings, or similar settings that offer a distinctive approach to early learning. Such requirements—;

Justification:

Certain reality-based, rather than play-based, early learning settings go to great pains to ensure that children deal with real-life situations and understand real-life dangers. For example, Montessori programs teach young children how to use a variety of tools and materials safely (such as glass, scissors, and food preparation tools). Certain generic safety requirements may not allow the kinds of materials typically used in Montessori settings. Safety requirements should accommodate individual approaches to early learning.

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Proposal:

9. Specify that child care certificates may be included in state strategies to increase the supply of child care.

Language to Implement Proposal:

Starting at page 23, line 1, make the following changes:

(which may include the provision of compensation at higher payment rates and bonuses to child care providers, the provision of direct contracts or grants to community-based organizations, child care certificates offered to parents, or other means determined by the State) to increase the supply and improve the quality of child care for—

Justification:

Child care certificates are a central component of CCDBG and should be listed among the ways available to states to increase the supply and improvement of quality child care.

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Proposal:

10. Clarify that faith-based entities should be included in public-private partnerships.

Language to Implement Proposal:

Starting at page 28, line 16, make the following changes:

(P) PUBLIC-PRIVATE PARTNERSHIPS.—The plan shall demonstrate how the State encourages partnerships among State agencies, other public agencies, Indian tribes and tribal organizations, and private entities, including faith-based entities, to leverage existing service delivery systems...

Starting at page 37, line 7, make the following changes:

(ee) work to establish partnerships with public agencies and private entities, including faith-based entities, to increase the supply and quality of child care services in the State; and...

Justification:

Faith-based entities currently sponsor a significant share of child care settings in the country and should be expressly included in public-private partnerships designed to increase the supply and quality of providers.

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Proposal:

11. Include clarification that the early learning and developmental guidelines to be developed by states should accommodate a variety of approaches to early learning.

Language to Implement Proposal:

Starting at page 30, line 24, make the following changes:

(ii) ALIGNMENT.—The guidelines shall be research-based, be developmentally appropriate, ~~and~~ be aligned with State standards for education in kindergarten through grade 3, and shall accommodate a variety of truly distinctive approaches to early learning, including, but not limited to, those practiced in faith-based settings, Montessori settings, Waldorf settings, or similar settings that offer a distinctive approach to early learning.

Justification:

Neither the hard sciences nor the social sciences tell us what type or combination of activities, lessons, methods, or developmental sequences are best suited for all children in all circumstances or even for particular children in particular circumstances. The change ensures that state learning guidelines respect a variety of philosophies and pedagogies when it comes to early learning, as is appropriate in a free society.

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Proposal:

12. Clarify that training and professional development should accommodate a variety of approaches to early learning.

Language to Implement Proposal:

Starting at page 44, line 12, make the following changes:

(1) Supporting the training, professional development, and professional advancement of the child care workforce, in a way that is appropriate to the type of child care setting involved, including faith-based settings, Montessori settings, Waldorf settings, or similar settings that offer a distinctive approach to early learning, through activities such as;

Justification:

Training and professional development within early education differ depending on the philosophy and pedagogy reflected in a particular setting. For example, Montessori teachers are expected to go through a rigorous training and credentialing program that aligns with the Montessori approach to early education. Training and professional development opportunities offered by a state should accommodate important differences in approaches to early learning.

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Proposal:

13. Specify that a state's quality rating system must accommodate a variety of quality approaches to child care.

Language to Implement Proposal:

Starting at page 48, line 12, insert the following:

(G) accommodate a variety of truly distinctive approaches to early learning, including, but not limited to, those practiced in faith-based settings, Montessori settings, Waldorf settings, or similar settings that offer a distinctive approach to early learning.

Justification:

Many, if not all, quality rating systems employed by states employ the Early Childhood Environment Rating Scale (ECERS), which reflects a play-based approach to early learning. Montessori programs, however, are founded on a reality-based approach that varies significantly from ECERS. It is essential that quality rating systems accommodate a variety of proven and time-honored early learning programs.

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Proposal:

14. Require that states use a program's accreditation status in lieu of other quality measures.

Language to Implement Proposal:

Starting at page 51, line 8, make the following changes:

(9) Supporting child care providers in the pursuit of accreditation by an established national accrediting body with demonstrated, valid and reliable program standards of high quality, with such accreditation to be used in lieu of licensing requirements or other measures designed to ensure the quality of child care providers.

Justification:

If a program has been accredited by an established national accrediting body, states should waive additional quality measures that could prove to be an excessive burden on providers or even interfere with their ability to carry out their successful programs.

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Proposal:

15. Include all eligible child care providers in the proposed Web based listing of providers.

Language to Implement Proposal:

Starting at page 69, line 14, make the following changes:

- (i) a localized list of all ~~State licensed~~ eligible child care providers

Justification:

Since a number of quality child care providers that are eligible to receive students under the CCDBG program may not be licensed by the state, the state should not limit its publicized list of providers to state licensed providers, but should include the full panoply of options available to parents.

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Proposal:

16. Require that the study conducted by the Comptroller General identify the type of assistance provided to families under CCDBG.

Language to Implement Proposal:

Starting at page 75, line 18, make the following changes:

(2) have applied for the assistance, identified by the type of assistance provided;
and

Justification:

With concern mounting that some states may abandon certificates to families in favor of direct grants to providers, it is essential to keep track of exactly what type of assistance is being provided to families to ensure that the intent of the legislation, providing parental choice, is not diminished.

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