

106TH CONGRESS
1ST SESSION

S. 316

To amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 1999

Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. WELLSTONE, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “America After School
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) children spend less than 20 percent of their
2 waking hours in school, and their activities during
3 the remaining 80 percent of these hours have a criti-
4 cal impact on their long-term success in school and
5 work;

6 (2) approximately 24,000,000 children require
7 care after school while their parents work;

8 (3) during 1991—

9 (A) there were 36,700,000 school-age chil-
10 dren in the United States;

11 (B) approximately 21,200,000 of the chil-
12 dren described in subparagraph (A) lived with
13 working mothers (including mothers seeking
14 employment) and 999,000 lived with mothers
15 who were enrolled in school; and

16 (C) approximately 912,000 of the children
17 described in subparagraph (A) lived with single
18 working fathers, 61,000 with single unemployed
19 fathers, and 9,000 with single fathers who were
20 enrolled in school;

21 (4) the General Accounting Office estimates
22 that the current supply of child care for school-age
23 children will meet as little as 25 percent of the de-
24 mand in some urban areas by 2002;

1 (5) children who attend quality after-school pro-
2 grams while their parents work—

3 (A) experience positive effects on their de-
4 velopment;

5 (B) have better peer relations, emotional
6 adjustment, grades, and conduct in school than
7 their peers in other care arrangements;

8 (C) have more learning opportunities and
9 enrichment activities than their peers in other
10 care arrangements; and

11 (D) are less likely to engage in juvenile de-
12 linquent activity;

13 (6)(A) most juvenile delinquent activity occurs
14 between 3 p.m. and 8 p.m.; and

15 (B) from 1988 to 1992, juvenile arrests for vio-
16 lent acts increased by 50 percent;

17 (7) survey data confirms public support for ex-
18 pansion of programs to assist school-age children, as
19 evidenced by the fact that the need for child care,
20 including before- and after-school care, was rated as
21 one of the most pressing needs for children and fam-
22 ilies by 92 percent of respondents to a 1995 Na-
23 tional League of Cities survey, ranking as the high-
24 est rated need in the survey, which inquired about
25 crime prevention, welfare reform, education, hous-

1 ing, family stability, drug and alcohol abuse preven-
 2 tion, and a host of other issues;

3 (8) 1996 survey data indicate that parents
 4 overwhelmingly support using school-based after-
 5 school programs for learning and enrichment pro-
 6 grams, but 70 percent of all public elementary
 7 schools do not offer such programs; and

8 (9) parents want more than babysitting from
 9 after-school programs, and computer classes, art and
 10 music courses, tutoring, and community service ac-
 11 tivities rank high among parental choices for activi-
 12 ties for after-school programs.

13 **TITLE I—CHILD CARE AND**
 14 **DEVELOPMENT SERVICES**

15 **SEC. 101. DEFINITIONS.**

16 The Child Care and Development Block Grant Act
 17 of 1990 (42 U.S.C. 9858 et seq.) is amended—

18 (1) by redesignating section 658P (42 U.S.C.
 19 9858n) as section 658T;

20 (2) by moving such section 658T to the end of
 21 such Act; and

22 (3) in such section 658T—

23 (A) in paragraph (4), by adding at the end
 24 the following:

1 “The term ‘eligible child’, used with respect to child
2 care and development services, means a school age
3 child.”; and

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

5 “(15) CHILD CARE; CHILD CARE SERVICES.—
6 The terms ‘child care’ and ‘child care services’ in-
7 clude child care and development services.

8 “(16) CHILD CARE AND DEVELOPMENT SERV-
9 ICES.—The term ‘child care and development serv-
10 ices’ means services described in section 658H(f).

11 “(17) CHILD WITH A DISABILITY.—The term
12 ‘child with a disability’ has the meaning given the
13 term in section 602 of the Individuals with Disabil-
14 ities Education Act (20 U.S.C. 1401).

15 “(18) ELEMENTARY SCHOOL; SECONDARY
16 SCHOOL.—The terms ‘elementary school’ and ‘sec-
17 ondary school’ have the meanings given the terms in
18 section 14101 of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 8801).

20 “(19) SCHOOL AGE CHILD.—The term ‘school
21 age child’ means an individual who—

22 “(A)(i) is not less than 5 and not more
23 than 16 years of age; or

24 “(ii) at the election of the State involved,
25 is less than 5 years of age; and

1 “(B) meets the requirements of subpara-
2 graphs (B) and (C) of paragraph (4).”.

3 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 658B of the Child Care and Development
5 Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

6 (1) by striking “There is” and inserting “(a) IN
7 GENERAL.—There is”;

8 (2) by striking “this subchapter” and inserting
9 “this subchapter (other than section 658H)”; and

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

11 “(b) PROGRAMS FOR CHILD CARE AND DEVELOP-
12 MENT SERVICES.—There is authorized to be appropriated
13 and there is appropriated to carry out section 658H,
14 \$400,000,000 for fiscal year 2000, \$500,000,000 for fis-
15 cal year 2001, \$600,000,000 for fiscal year 2002,
16 \$700,000,000 for fiscal year 2003, and \$800,000,000 for
17 fiscal year 2004.”.

18 **SEC. 103. STATE PLAN.**

19 Section 658E(c) of the Child Care and Development
20 Block Grant Act of 1990 (42 U.S.C. 9858e(c)) is
21 amended—

22 (1) in paragraph (2)—

23 (A) in subparagraph (A)—

24 (i) in clause (i)—

1 (I) by inserting “, other than
2 through assistance provided under
3 paragraph (3)(E),” after “under this
4 subchapter”; and

5 (II) in subclause (II), by striking
6 “section 658P(2)” and inserting “sec-
7 tion 658T(2)”; and

8 (ii) in clause (ii), by striking “eligible
9 provider” and inserting “eligible child care
10 provider (or, in the case of child care and
11 development services, an entity described
12 in section 658H(c))”; and

13 (B) in the first sentence of subparagraph
14 (E)(i)—

15 (i) by inserting after “within the
16 State” the following “(or, in the case of
17 child care and development services, other
18 appropriate requirements)”; and

19 (ii) by striking “such requirements”
20 each place it appears and inserting “such
21 licensing or appropriate requirements”;
22 and

23 (2) in paragraph (3)—

24 (A) in subparagraph (A), by striking
25 “(D)” and inserting “(E)”; and

1 (B) by adding at the end the following:

2 “(E) PROGRAMS FOR CHILD CARE AND DE-
3 VELOPMENT SERVICES.—

4 “(i) IN GENERAL.—The State plan
5 shall provide that the State will reserve the
6 portion described in clause (ii) of the State
7 allotment under section 658O for each fis-
8 cal year for grants and contracts to carry
9 out activities under section 658H.

10 “(ii) PORTION.—For each fiscal year,
11 the portion referred to in clause (i) is the
12 amount that bears the same relationship to
13 the State allotment for that year as the
14 amount appropriated under section
15 658B(b) for that year bears to the total
16 amount appropriated under section 658B
17 for that year.”.

18 **SEC. 104. CHILD CARE AND DEVELOPMENT SERVICES.**

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

22 **“SEC. 658H. AFTER SCHOOL SERVICES.**

23 “(a) PURPOSE.—It is the purpose of this section to
24 fund quality child care and development services through
25 grants and contracts, including direct services provided

1 outside of normal school hours, to promote the health and
2 academic achievement of school age children, and assist
3 the children in avoiding high risk behaviors.

4 “(b) IN GENERAL.—Each State that receives funds
5 to carry out this subchapter for a fiscal year shall use the
6 funds reserved as described in section 658E(c)(3)(E) to
7 make grants to eligible entities to carry out programs to
8 expand the availability and affordability of quality child
9 care and development services, including direct services
10 provided outside of normal school hours (including before-
11 and after-school care and weekend, holiday, and summer
12 care) for school age children.

13 “(c) ELIGIBLE ENTITIES.—To be eligible to receive
14 a grant under this section, an entity shall be—

15 “(1) an elementary school or secondary school;

16 or

17 “(2) a community-based organization, including
18 a community-based entity that operates a child care
19 center or youth center or is a family child care pro-
20 vider, that meets such requirements of the type de-
21 scribed in subparagraphs (E) and (F) of section
22 658E(c)(3) as the State and local governments in-
23 volved may prescribe.

24 “(d) APPLICATION.—To be eligible to receive a grant
25 under this section, an entity shall submit an application

1 to the State at such time, in such manner, and containing
2 such information as the State may require. At a minimum,
3 each application shall contain—

4 “(1) information demonstrating the manner in
5 which the entity will carry out a program described
6 in subsection (b) in a manner that meets the needs,
7 of the community to be served, for child care and de-
8 velopment services, including direct services provided
9 outside of normal school hours;

10 “(2) an assurance that the entity will carry out
11 direct services provided through the program
12 during—

13 “(A) at least 3 days in each week that the
14 program operates, and for at least 3 hours on
15 each day that the program operates; or

16 “(B) at least 10 hours in each week that
17 the program operates;

18 “(3) information demonstrating the manner in
19 which the entity will serve children with disabilities;
20 and

21 “(4) information demonstrating the manner in
22 which the entity will carry out the planning, estab-
23 lishment, implementation, and evaluation of the pro-
24 gram, and provide staff training for the program, in
25 coordination with other entities carrying out pro-

1 grams for children or public transportation pro-
2 grams in the community.

3 “(e) PREFERENCE.—In making grants under this
4 section, a State shall give preference to entities that—

5 “(1) serve communities with—

6 “(A) a high rate of poverty, as determined
7 in accordance with criteria established by the
8 Secretary; and

9 “(B) a high incidence of at-risk children;
10 and

11 “(2) propose programs that make transpor-
12 tation services available to the children served, if
13 needed to enable the children to receive other serv-
14 ices described in this section, using transportation
15 provided under other public programs in the commu-
16 nity, such as transportation provided under the
17 Head Start Act (42 U.S.C. 9831 et seq.), or under
18 programs providing services to older individuals,
19 educational programs, or public transportation pro-
20 grams.

21 “(f) USE OF FUNDS.—

22 “(1) IN GENERAL.—An entity that receives a
23 grant under this section shall use the funds made
24 available through the grant to provide—

1 “(A) direct services outside of normal
2 school hours;

3 “(B) quality services; and

4 “(C) indirect services.

5 “(2) DIRECT SERVICES AND RELATED QUALITY
6 SERVICES.—

7 “(A) IN GENERAL.—The entity shall use
8 not less than 75 percent of the funds described
9 in paragraph (1) to provide two or more of the
10 direct services described in subparagraph (B) to
11 school age children and to carry out related
12 quality services.

13 “(B) DIRECT SERVICES.—The direct serv-
14 ices referred to in subparagraph (A) consist
15 of—

16 “(i) recreational activities;

17 “(ii) community-based service pro-
18 grams that provide for meaningful human,
19 educational, environmental, or public safe-
20 ty service;

21 “(iii) academic assistance and tutor-
22 ing;

23 “(iv) mentoring;

24 “(v) conflict management;

1 “(vi) health and nutrition services, in-
2 cluding disease and injury prevention serv-
3 ices;

4 “(vii) literacy services;

5 “(viii) child care (other than another
6 service described in this subsection); and

7 “(ix) transportation of school age chil-
8 dren between—

9 “(I) school or home; and

10 “(II) the facility in which the
11 services are provided.

12 “(C) QUALITY SERVICES.—The quality
13 services referred to in subparagraph (A) consist
14 of—

15 “(i) the provision of community-based
16 training, related to the provision of direct
17 services, including services for children
18 with disabilities, for staff of the entity, at
19 times and in locations that are accessible
20 to the staff;

21 “(ii) the provision of financial assist-
22 ance to the staff to attend courses at an
23 institution of higher education that are re-
24 lated to the provision of direct services;

1 “(iii) the provision of financial assist-
2 ance to staff to promote staff retention;

3 “(iv) the provision of financial assist-
4 ance to enable the child care and develop-
5 ment services program provided by the en-
6 tity to obtain accreditation by a nationally
7 recognized accreditation organization;

8 “(v) data collection relating to direct
9 services, including the collection of data
10 described in paragraphs (1)(B) and (2) of
11 section 658K(a) for family units receiving
12 assistance under this section, and submis-
13 sion of the data to the State for inclusion
14 in the reports described in section
15 658K(a)(2); and

16 “(vi) the evaluation of the child care
17 and development services provided by the
18 entity in accordance with criteria deter-
19 mined by the State, and participation in
20 audits described in section 658K(b).

21 “(3) INDIRECT SERVICES.—

22 “(A) IN GENERAL.—The entity shall use
23 not more than 25 percent of the funds de-
24 scribed in paragraph (1) to provide indirect
25 services that support the sustainability of the

1 direct services and the accountability of entities
2 carrying out the direct services.

3 “(B) SERVICES.—The indirect services re-
4 ferred to in subparagraph (A) may include—

5 “(i) carrying out activities to provide
6 increased compensation to staff who pro-
7 vide the direct services to school age chil-
8 dren outside of normal school hours and
9 who participate in appropriate training;

10 “(ii) developing and maintaining elec-
11 tronic databases of providers who provide
12 the direct services outside of normal school
13 hours, and making the information in the
14 databases available to the public through
15 arrangements with elementary schools, sec-
16 ondary schools, public libraries, commu-
17 nity-based agencies, and other public agen-
18 cies;

19 “(iii) conducting community needs as-
20 sessments to determine the need for direct
21 services outside of normal school hours;
22 and

23 “(iv) constructing, maintaining, and
24 improving facilities, and purchasing equip-
25 ment for facilities, in which school age chil-

1 dren receive direct services outside of nor-
2 mal school hours.

3 “(g) DEFINITIONS.—In this section:

4 “(1) DIRECT SERVICES.—The term ‘direct serv-
5 ices’ means the services described in subsection
6 (f)(2)(B).

7 “(2) INDIRECT SERVICES.—The term ‘indirect
8 services’ means the services described in subsection
9 (f)(3).

10 “(3) QUALITY SERVICES.—The term ‘quality
11 services’ means the services described in subsection
12 (f)(2)(C).”.

13 **SEC. 105. CONFORMING AMENDMENTS.**

14 (a) FACILITIES.—Section 658F(b) of the Child Care
15 and Development Block Grant Act of 1990 (42 U.S.C.
16 9858d(b)(1)) is amended—

17 (1) in paragraph (1), by striking “section
18 658O(c)(6)” and inserting “section 658H or
19 658O(c)(6)”; and

20 (2) in paragraph (2), by inserting before “ex-
21 cept” the following: “except as provided in section
22 658H and”.

23 (b) QUALITY ACTIVITIES.—Section 658G of the Child
24 Care and Development Block Grant Act of 1990 (42
25 U.S.C. 9858e) is amended by striking “this subchapter”

1 and inserting “this subchapter (other than section
2 658H)”.

3 (c) REDESIGNATION.—Section 658K of the Child
4 Care and Development Block Grant Act of 1990 (42
5 U.S.C 9858i) is amended, in subsection (a)(2)(A), by
6 striking “section 658P(5)” and inserting “section
7 658T(5)”.

8 (d) CONSTRUCTION.—Section 658O(c)(6) of the
9 Child Care and Development Block Grant Act of 1990 (42
10 U.S.C. 9858m(c)(6)) is amended by inserting “(other than
11 the amounts provided to carry out section 658H)” after
12 “this subsection” each place it appears.

13 **TITLE II—STRENGTHENING THE**
14 **21ST CENTURY COMMUNITY**
15 **LEARNING CENTERS ACT**

16 **SEC. 201. PROGRAM AUTHORIZATION.**

17 Section 10903 of the 21st Century Community
18 Learning Centers Act (20 U.S.C. 8243) is amended—

19 (1) in subsection (a)—

20 (A) in the subsection heading, by inserting
21 “TO LOCAL EDUCATIONAL AGENCIES FOR
22 SCHOOLS” after “SECRETARY”; and

23 (B) by striking “rural and inner-city pub-
24 lic” and all that follows through “or to” and in-
25 serting “local educational agencies for the sup-

1 port of public elementary schools or secondary
 2 schools, including middle schools, that serve
 3 communities with substantial needs for ex-
 4 panded learning opportunities for children and
 5 youth in the communities, to enable the schools
 6 to establish or”; and

7 (C) by striking “a rural or inner-city com-
 8 munity” and inserting “the communities”;

9 (2) in subsection (b)—

10 (A) by striking “States, among” and in-
 11 serting “States and among”; and

12 (B) by striking “United States,” and all
 13 that follows through “a State” and inserting
 14 “United States”; and

15 (3) in subsection (c), by striking “3” and in-
 16 serting “5”.

17 **SEC. 202. APPLICATIONS.**

18 Section 10904(a) of the 21st Century Community
 19 Leadership Centers Act (20 U.S.C. 8244(a)) is
 20 amended—

21 (1) in the first sentence, by striking “an ele-
 22 mentary or secondary school or consortium” and in-
 23 serting “a local educational agency”;

24 (2) in paragraph (1), by striking “or Consor-
 25 tium”;

1 (3) in paragraph (2), by striking “and” after
2 the semicolon;

3 (4) in paragraph (3)—

4 (A) in subparagraph (B), by inserting “,
5 including programs under the Child Care and
6 Development Block Grant Act of 1990” after
7 “maximized”;

8 (B) in subparagraph (D), by striking “or
9 consortium”;

10 (C) in subparagraph (E)—

11 (i) in the matter preceding clause (i),
12 by striking “or consortium”;

13 (ii) in clause (ii), by striking the pe-
14 riod and inserting a semicolon;

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

16 “(4) information demonstrating that the local
17 educational agency will—

18 “(A) provide not less than 35 percent of
19 the annual cost of the activities assisted under
20 the project from sources other than funds pro-
21 vided under this part, which contribution may
22 be provided in cash or in kind, fairly evaluated;
23 and

24 “(B) provide not more than 25 percent of
25 the annual cost of the activities assisted under

1 the project from funds provided by the Sec-
 2 retary under other Federal programs that per-
 3 mit the use of those other funds for activities
 4 assisted under the project; and

5 “(5) an assurance that the local educational
 6 agency, in each year of the project, will maintain the
 7 agency’s fiscal effort, from non-Federal sources,
 8 from the preceding fiscal year for the activities the
 9 local educational agency provides with funds pro-
 10 vided under this part.”; and

11 (6) in the matter preceding paragraph (1), by
 12 striking “Each such” and inserting the following:

13 “(b) CONTENTS.—Each such”.

14 **SEC. 203. USES OF FUNDS.**

15 Section 10905 of the 21st Century Community Lead-
 16 ership Centers Act (20 U.S.C. 8245) is amended—

17 (1) by striking “Grants” and inserting “(a)
 18 GRANTS.—Grants”;

19 (2) by striking “may be used” and all that fol-
 20 lows through “four” and inserting “shall be used to
 21 establish or expand community learning centers that
 22 provide activities which offer expanded learning op-
 23 portunities for children and youth in the community
 24 (such as activities conducted before or after school)
 25 that provide 1 or more of the following activities:

1 (3) in paragraph (11), by inserting “, and job
2 skills preparation” after “placement”; and

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

4 “(14) Mentoring programs.

5 “(15) Academic assistance programs.

6 “(16) Drug, alcohol, and gang prevention ac-
7 tivities.

8 “(b) SPECIAL RULES.—Each grant awarded under
9 this part—

10 “(1) shall be used for an activity described in
11 subsection (a) that—

12 “(A) offers expanded learning opportuni-
13 ties for children and youth in the community;
14 and

15 “(B) is conducted before or after school,
16 except that a supportive activity, such as train-
17 ing, may be conducted during school if the sup-
18 portive activity relates directly to the activity
19 described in subsection (a) that is conducted be-
20 fore or after school; and

21 “(2) may be used for an activity described in
22 subsection (a) that does not offer expanded learning
23 opportunities for children and youth in the commu-
24 nity.”.

1 **SEC. 204. CONTINUATION AWARDS UNDER CURRENT STAT-**
2 **UTE.**

3 The 21st Century Community Leadership Centers
4 Act (20 U.S.C. 8241 et seq.) is amended—

5 (1) by redesignating sections 10906 and 10907
6 as sections 10907 and 10908, respectively; and

7 (2) by inserting after section 10906 the follow-
8 ing:

9 **“SEC. 10907. CONTINUATION AWARDS.**

10 “Notwithstanding any other provision of law, the Sec-
11 retary may use funds appropriated under this part to
12 make payments under this part for projects that were
13 funded under this part for fiscal year 1999, under the
14 terms and conditions that applied to the original grants
15 for the projects.”.

16 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 10908 of the 21st Century Community Lead-
18 ership Centers Act (as redesignated by section 204(1)) (20
19 U.S.C. 8247) is amended by striking “\$20,000,000 for fis-
20 cal year 1995” and inserting “\$600,000,000 for fiscal
21 year 2000, and such sums as may be necessary for each
22 fiscal year thereafter”.

23 **SEC. 206. EFFECTIVE DATE.**

24 This title, and the amendments made by this title,
25 shall take effect on October 1, 1999.

1 **TITLE III—CRIME PREVENTION**
 2 **PROGRAM**

3 **SEC. 301. GRANTS TO PUBLIC AND PRIVATE AGENCIES.**

4 Title II of the Juvenile Justice and Delinquency Pre-
 5 vention Act of 1974 (42 U.S.C. 5611 et seq.) is
 6 amended—

7 (1) by redesignating the second part designated
 8 as part I as part K; and

9 (2) by inserting after the first part designated
 10 as part I the following:

11 **“PART J—AFTER SCHOOL CRIME PREVENTION**
 12 **“SEC. 292. GRANTS TO PUBLIC AND PRIVATE AGENCIES**
 13 **FOR EFFECTIVE AFTER SCHOOL CRIME PRE-**
 14 **VENTION PROGRAMS.**

15 “(a) IN GENERAL.—Subject to the availability of ap-
 16 propriations, the Administrator shall make grants in ac-
 17 cordance with this section to public and private agencies
 18 to fund effective after school juvenile crime prevention
 19 programs.

20 “(b) MATCHING REQUIREMENT.—The Administrator
 21 may not make a grant to a public or private agency under
 22 this section unless that agency agrees that, with respect
 23 to the costs to be incurred by the agency in carrying out
 24 the program for which the grant is to be awarded, the
 25 agency will make available non-Federal contributions in

1 an amount that is not less than a specific percentage of
2 Federal funds provided under the grant, as determined by
3 the Administrator.

4 “(c) PRIORITY.—In making grants under this sec-
5 tion, the Administrator shall give priority to funding pro-
6 grams that—

7 “(1) are targeted to high crime neighborhoods
8 or at-risk juveniles;

9 “(2) operate during the period immediately fol-
10 lowing normal school hours;

11 “(3) provide educational or recreational activi-
12 ties designed to encourage law-abiding conduct, re-
13 duce the incidence of criminal activity, and teach ju-
14 veniles alternatives to crime; and

15 “(4) coordinate with State or local juvenile
16 crime control and juvenile offender accountability
17 programs.

18 “(d) FUNDING.—There are authorized to be appro-
19 priated for grants under this section \$250,000,000 for
20 each of fiscal years 2000, 2001, 2002, 2003, and 2004.”.

○