

94th Congress }  
2d Session }

COMMITTEE PRINT

Data and Materials on Proposals  
Relating to  
**Federal Child Care Standards**

Prepared by the Staff for the Use of the  
**COMMITTEE ON FINANCE**  
**UNITED STATES SENATE**

Russell B. Long, Chairman



JANUARY 1976

Printed for the use of the Committee on Finance

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U.S. GOVERNMENT PRINTING OFFICE

64-481

WASHINGTON : 1976

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 - Price \$1.10  
Stock Number 052-070-03158-1

5362-2

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## PROPOSALS RELATING TO FEDERAL CHILD CARE STANDARDS

The Social Services Amendments of 1974 (Public Law 93-647) require that specific staffing standards be met by child care providers in order to qualify for funding under the social services program (title XX of the Social Security Act). Because there were indications that many child care providers would not be able to meet the new requirements by the effective date of October 1, 1975, the Congress enacted Public Law 94-120 which provides that no penalties for noncompliance will be imposed prior to February 1, 1976. This postponement applies only to child care for children between the ages of 6 weeks and 6 years. During this period, however, staffing levels can be no lower than what is required by current State law, any subsequent modifications of State law, or the staffing levels actually in effect in each child care program as of September 15, 1975.

**TABLE 1.—CHILD CARE CENTER STAFFING REQUIREMENTS UNDER LAW AND HEW REGULATION**

Age of child	Maximum number of children per staff member	
Under 6 weeks.....	1	Required by regulation.
6 weeks to 3 years.....	4	Required by regulation. <sup>1</sup>
3 to 4 years.....	5	Required by law. <sup>1</sup>
4 to 6 years.....	7	Required by law. <sup>1</sup>
6 to 9 years.....	15)	Maximum number allowed by law (though Secretary of HEW may lower the maximum number of children per staff member, thus increasing the staff required).
10 to 14 years.....	20)	

<sup>1</sup> Public Law 94-120 provides that no penalty for noncompliance may be invoked prior to Feb. 1, 1976.

The Committee has pending four bills containing proposals to deal with the situation which will exist when the temporary postponement under Public Law 94-120 expires at the end of January 1976. These are S. 2425 introduced by Senator Long and Senator Mondale; S. 2466 introduced by Senator Fannin (by request of the Administration); and S. 2336 and S. 2686, both introduced by Senator Bartlett.

## Summary of S. 2425

(Introduced by Senator Long and Senator Mondale)

*Additional funds to meet standards.*—S. 2425 would make available an additional \$500 million to the States to help meet the cost of complying with the new child care standards. This \$500 million would be distributed among the States on the basis of population as is the \$2.5 billion now available for social services. (For fiscal 1976, the amount would be limited to \$250 million.) The new money would be available to meet the higher cost of providing child care for the low-income children served by the social services program, and the Federal matching rate for the additional funds would be increased from 75% to 80%.

Since child care centers which serve both welfare children and privately placed children will have to meet the new standards for their entire clientele, the bill also allows the States to use part of the additional funds to help these providers meet the new requirements without unduly raising their charges to private customers if they meet this additional staffing requirement by hiring welfare recipients. It accomplishes this by authorizing the States to underwrite up to 80% of the cost of hiring welfare recipients for whom the child care providers receive a 20% tax credit. The 20% tax credit would, in effect, serve as non-Federal funds which could be matched out of the State's share of the added \$500 million in Federal funds. This could cover the full wage costs for the former welfare recipients hired, except that the credit would apply only against the first \$5,000 of annual wages. This provision would be available only in child care facilities in which at least 30% of the children have their care paid for under the State's social services program.

*Tax credit for public and non-profit providers of child care.*—The Internal Revenue Code now provides a 20% tax credit for businesses hiring welfare recipients. Public and non-profit child care providers, however, cannot benefit from this provision since they have no tax liability to apply the credit against. The bill would allow for such providers a payment equivalent to the tax credit. The amount of the payment, like the amount of the credit, could not exceed \$1,000 per employee (20% of the first \$5,000 of annual wages). The bill makes the new provisions available through 1980 for persons employed in child care occupations; the provisions apply to welfare recipients hired after September 30, 1975.

*Cost.*—The staff estimates that in fiscal year 1977, the net Federal cost of the bill would be approximately \$0.4 billion taking into account the additional social services funding, the revenue effect of the tax credit provisions, and the offsetting reductions in the Federal share of welfare payments as a result of increased employment of welfare recipients.

## Summary of S. 2466

(Introduced by Senator Fannin by request)

*Limitation on funding of child care services.*—Existing law prohibits Federal funding under title XX of any child care which does not meet the staffing requirements shown in Table 1 above or which does not meet the other standards (other than those concerning educational content) of the Federal Interagency Day Care Requirements of 1968.

S. 2466 would provide that Federal funding with respect to specific child care services would be prohibited only if those services are not licensed by the State or do not meet safety and sanitation requirements imposed by the State.

*Withholding of title XX funds for non-compliance.*—As a condition of receiving title XX services funding, State social services plans are required to provide for a State authority or authorities to establish and maintain standards for child care services. Failure to meet this requirement is cause for terminating all Federal funding to the State under title XX although the law allows the Secretary to reduce the penalty for an appropriate period to 3 percent of the State's social services funding. S. 2466 would modify this provision to require that the State standard setting authority must adopt the staffing standards shown in Table 1 above and the other standards of the Federal Interagency Day Care Requirements of 1968 (except that educational content would be recommended rather than mandatory). S. 2466 also requires the Secretary of Health, Education, and Welfare to suspend even the 3 percent penalty for non-compliance if he finds that the State is making a good faith effort to come into compliance. The reduction of the penalty to 3 percent or the suspension of the 3 percent penalty would not apply to failure to meet licensing, safety, or sanitation requirements.

### Summary of S. 2336

(Introduced by Senator Bartlett)

*Revised staffing standards.*—In place of the child care staffing standards now prescribed under Title XX as shown in Table 1 above, S. 2336 would establish the following requirements:

	Maximum number of children for each staff member
Age of children:	
Under 10 months	4
10 months to 2 years	6
2 to 3 years	8
3 to 4 years	12
4 to 6 years	15
6 years or over	20

S. 2336 would also delete the authority in existing law for the Secretary of Health, Education, and Welfare to promulgate revised staffing standards after 1976.

### Summary of S. 2686

(Introduced by Senator Bartlett)

*Delay in imposition of penalties.*—In the case of children aged 6 weeks to 6 years, Public Law 94-120 provides that there will be no denial of Federal funds because of failure to meet title XX child care standards provided that there is no reduction in existing standards and that State law requirements are met. S. 2686 would continue this moratorium on the imposition of penalties for non-compliance through September 30, 1977.

## Elements for Consideration in Developing an Alternative Approach

The committee may wish to consider alternative approaches. Whatever approach is adopted, it may be desirable to continue the existing temporary suspension of penalties beyond the present February 1 expiration date to June 30, 1976.

*1. Additional funding.*—States could be provided additional Federal funds as in S. 2425, but in a reduced amount. For example, additional social services funding of \$250 million per year for child care could be provided, with \$200 million allocated on a strict population basis and the additional \$50 million allocated first to States determined by HEW to have special funding problems associated with meeting the title XX child care standards.

If the committee wishes to relate additional funding more closely to the employment of welfare recipients, a requirement could be included that at least one-half of the additional funds used by a State be used for the employment of welfare recipients in child care centers.

*2. Welfare recipient tax credit.*—The welfare recipient tax credit provisions of S. 2425 could be adopted. Under these provisions the availability of the 20 percent tax credit (up to \$1,000 per year per employee) is extended for child care facilities through 1980. The tax credit is made refundable for public and non-profit child care providers who would otherwise not benefit from the credit since they have no tax liability. States would also be permitted to use social services funds to match the tax credit in such a way as to meet the full cost of employment of welfare recipients in child care facilities (up to a maximum of \$5,000 per year). Consideration could also be given to making the tax credit refundable for private as well as non-profit and public providers. Testimony at the October 8 hearing indicated that many private providers would not otherwise benefit from the provision since their tax liability is small.

*3. Phased compliance.*—The Secretary could be directed to determine and promulgate by July 1, 1976 his findings as to what standards are generally in effect in each State at present with respect to children aged 6 weeks to 6 years. He could then prescribe interim standards to be met by each State which would bring them from their present level of compliance with the Federal standards to full compliance over a specified period of time.

The above approaches could be considered as separate alternatives or some combination of approaches could be used. For example, if the phased compliance approach were used in combination with the additional funding approach, the new funding could also be phased in over a period of time.

## Other Matters for Consideration

**1. Waiver of Federal standards in certain circumstances.**—In some areas, the only child care available may be in centers serving primarily non-title XX children which might simply refuse to accept title XX children rather than meeting the standards. Consideration could be given to allowing States to purchase child care in such centers (provided they meet applicable State standards) if:

(1) the center serves predominantly non-title XX children (title XX children number no more than 5 or, if greater, 20 percent of the total number of children served); and

(2) the State agency determines that it is infeasible to provide the child care in a facility which does meet the Federal standards.

**2. Family day care homes.**—Although the impact of staffing requirements in title XX will be greatest for child care centers, there are indications from a number of States that family day care homes will also be affected. Under title XX the number of children who may be cared for by a family day care mother is determined by the provisions of the 1968 Federal Interagency Day Care Requirements.

The requirements provide:

(1) Infancy through 6 years. No more than two children under two and no more than five in total, including the family day care mother's own children under 14 years old.

(2) Three through 14 years. No more than six children, including the family-day-care mother's children under 14 years old.

It is the requirement that the day care mother's own children *up to age 14* must be counted in meeting the staffing requirement which poses a problem. The children must be counted whether they are at home or attending school. A number of States have indicated that, although there may be no objection to including the mother's own children *under age 6* in meeting the staffing requirement, family day care home providers have raised strong objections to counting the older children who are normally attending school. Many mothers begin to provide care for other children in their homes after their own children have started school. The requirement that their school age children must be counted means in some cases that the number of children they may care for is unreasonably small, and this makes their work unprofitable. On the other hand, it has been pointed out that some limit may be desirable to take account of the presence in the home of the mother's children during times of illness or school vacation.

The committee may wish to consider a provision which would allow the family-day-care mother's own children aged 6 and over to be disregarded in determining if the title XX standards are met. If the committee adopts this provision, it is recommended that it be made retroactive to October 1, 1975, the date the present law provision would otherwise first apply.

**3. Broadening the scope of the HEW study.**—The Department of Health, Education, and Welfare is directed by title XX to conduct a study of the appropriateness of the child care standards required under that title; the results of this study are due sometime in the first 6 months of 1977. Consideration could be given to a proposal which has been introduced in the House (by Representative Jones of Oklahoma) to broaden this study so that it will also consider "quality of care, financial impact on State and local governments and the operation of day care centers, and other matters."

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**Statistical Material and Excerpts  
From Law and Regulations**

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**TABLE 2.—CHILD CARE CENTERS: MINIMUM STAFFING REQUIREMENTS, BY AGE OF CHILDREN, UNDER STATE LICENSING REGULATIONS**

	Maximum number of children per staff member <sup>1</sup> if age of children is—					School age
	Under 2	2 to 3	3 to 4	4 to 5	5 to 6	
Alabama.....	5	<sup>1</sup> 5	10	20	20	<sup>2</sup> 22
Alaska.....	5	5	10	10	10	10
Arizona.....	<sup>3</sup> 8	10	15	20	25	25
Arkansas.....	<sup>4</sup> 6	<sup>5</sup> 6	12	15	18	NS
California.....	<sup>6</sup> 4	12	12	12	12	12
Colorado.....	<sup>7</sup> 5	<sup>8</sup> 7	10	12	15	15
Connecticut.....	4	4	<sup>9</sup> 5	<sup>9</sup> 7	<sup>9</sup> 7	<sup>10</sup> 10
Delaware <sup>13</sup> .....	<sup>11</sup> 5	<sup>12</sup> 8	15	20	20	25
District of Columbia.....	<sup>14</sup> 4	<sup>15</sup> 4	8	10	15	15
Florida <sup>17</sup> .....	<sup>16</sup> 6	12	15	20	25	25
Georgia.....	<sup>18</sup> 7	10	15	18	20	<sup>19</sup> 25
Hawaii.....	<sup>20</sup> X	10	15	20	25	25
Idaho.....	<sup>21</sup> 6	<sup>22</sup> 8	10	10	10	NS
Illinois.....	6	3	10	<sup>23</sup> 10	25	25
Indiana.....	<sup>24</sup> 4	5	10	12	15	20
Iowa.....	4	6	8	12	15	15
Kansas.....	<sup>25</sup> 3	<sup>26</sup> 5	10	<sup>27</sup> 10	<sup>27</sup> 10	16
Kentucky.....	6	8	10	12	15	<sup>28</sup> 15
Louisiana <sup>30</sup> .....	<sup>29</sup> 6	12	14	16	20	25
Maine <sup>32</sup> .....	<sup>30</sup> X	<sup>31</sup> 8	10	15	15	15
Maryland.....	<sup>33</sup> NS	6	10	10	13	NS
Massachusetts.....	<sup>34</sup> 10	<sup>34</sup> 10	<sup>35</sup> 10	<sup>36</sup> 10	15	<sup>38</sup> 15
Michigan.....	<sup>40</sup> X	<sup>39</sup> 10	10	12	20	NS
Minnesota.....	<sup>40</sup> 4	<sup>41</sup> 7	10	10	10	15
Mississippi.....	NS	NS	NS	NS	NS	<sup>40</sup> X

(S)

TABLE 2.—CHILD CARE CENTERS: MINIMUM STAFFING REQUIREMENTS, BY AGE OF CHILDREN, UNDER STATE LICENSING REGULATIONS—Continued

	Maximum number of children per staff member <sup>1</sup> if age of children is—					School age
	Under 2	2 to 3	3 to 4	4 to 5	5 to 6	
Missouri.....	<sup>20</sup> X	5	10	10	15	15
Montana.....	NS	NS	NS	NS	NS	NS
Nebraska.....	4	5	7	7	7	12
Nevada.....	<sup>42</sup> 4	<sup>43</sup> 8	<sup>44</sup> 10	<sup>44</sup> 10	<sup>44</sup> 10	<sup>45</sup> 3
New Hampshire...	4	<sup>46</sup> 4	10	15	18	20
New Jersey.....	<sup>20</sup> X	<sup>47</sup> NS	<sup>47</sup> NS	<sup>47</sup> NS	<sup>47</sup> NS	<sup>20</sup> X
New Mexico.....	10	10	15	<sup>48</sup> 15	<sup>48</sup> 15	15
New York.....	<sup>49</sup> 4	5	5	7	7	10
North Carolina.....	<sup>50</sup> 8	<sup>50</sup> 12	<sup>50</sup> 15	<sup>50</sup> 20	<sup>50</sup> 25	<sup>50</sup> 25
North Dakota.....	4	4	10	10	12	<sup>51</sup> 12
Ohio.....	<sup>52</sup> 8	10	15	15	20	20
Oklahoma <sup>53</sup> .....	<sup>54</sup> 4	8	12	15	15	20
Oregon.....	<sup>55</sup> 4	10	10	10	10	<sup>56</sup> 10
Pennsylvania.....	<sup>20</sup> X	<sup>20</sup> X	8	10	10	13
Rhode Island.....	<sup>20</sup> X	<sup>20</sup> X	10	15	25	NS
South Carolina.....	6	8	10	14	15	15
South Dakota.....	<sup>57</sup> 1	4	5	7	7	<sup>58</sup> 15
Tennessee.....	<sup>59</sup> 5	8	10	15	25	<sup>60</sup> 30
Texas.....	<sup>61</sup> 4	8	12	15	18	<sup>62</sup> 20
Utah.....	<sup>20</sup> X	10	15	15	20	<sup>63</sup> 20
Vermont.....	4	5	10	10	12	12
Virginia.....	3	10	10	10	10	10
Washington.....	<sup>64</sup> 5	<sup>65</sup> 7	10	10	10	10
West Virginia.....	4	8	10	12	15	16
Wisconsin.....	<sup>66</sup> 3	<sup>67</sup> 6	10	12	16	<sup>60</sup> 16
Wyoming.....	5	8	10	15	20	25

Footnotes on following pages.

## FOOTNOTES

- <sup>1</sup> 5 if 2 to 2½; 10 if 2½ to 3.
- <sup>2</sup> 22 if 6 to 8; 25 if 8 and over.
- <sup>3</sup> 8 if 0 to 15 mo; 10 if 15 mo to 2 yr.
- <sup>4</sup> In infant-toddler centers.
- <sup>5</sup> 6 in infant-toddler centers; 12 if 2½ to 3 in other centers.
- <sup>6</sup> In infant centers.
- <sup>7</sup> If 6 weeks to 8 mo in infant center; or if 12 mo to 3 yr in toddler center.
- <sup>8</sup> 7 if all 2-yr-olds in toddler center; 8 if 2½ to 3 in large or small center.
- <sup>9</sup> Recommended FIDCR child/staff ratios.
- <sup>10</sup> If under title XX funding; 15, if 6 to 10 yr of age; 20 if 10 to 14 yr of age (FIDCR ratios).
- <sup>11</sup> 5 if 0 to 1; 8 if 1 to 2.
- <sup>12</sup> 8 if 2 to 2½; 15 if 2½ to 3.
- <sup>13</sup> In Delaware, centers receiving Federal funds have the following mandated ratios: Under 2: 5; 2 to 3: 5; 3 to 4: 5; 4 to 5: 7; 5 to 6: 7; school age: 10.
- <sup>14</sup> Pending issue of new infant center regulations.
- <sup>15</sup> 4 if 2 to 2½; 8 if 2½ to 3.
- <sup>16</sup> 6 if under 1 yr; 8 if 1 to 2.
- <sup>17</sup> Mandated ratio for handicapped children: Under 2: 4; 2 to 3: 6; 3 to 4: 8; 4 to 5: 10; 5 to 6: 14; school age: 14.
- <sup>18</sup> 7 if 0 to 18 mo; 10 if 18 mo to 2 yr.
- <sup>19</sup> 25 if 7 and over; 6 to 7 not specified.
- <sup>20</sup> Children in this age group generally not accepted.
- <sup>21</sup> 6 if 0 to 18 mo; 8 if 18 mo to 2 yr.
- <sup>22</sup> 8 if 2 to 2½; 10 if 2½ to 3.
- <sup>23</sup> 10 if full-day; 20 if half-day.
- <sup>24</sup> 4 if 6 weeks-walking; 5 if walking—2.
- <sup>25</sup> 3 if 2 weeks—nonwalking under 24 mo only; 5 if walking—2 yr.
- <sup>26</sup> 5 if walking—2½; 7 if 2½ to 3.
- <sup>27</sup> 10 if full-day; 12 if part-day.
- <sup>28</sup> 15 if 6 to 8; 20 if 8 and over.
- <sup>29</sup> 6 if nonwalking; 8 if toddlers.
- <sup>30</sup> Centers serving 10 children with no more than 2 children under 2 yr of age have mandated child/staff ratio of 10 to 1 in all age categories.
- <sup>31</sup> 8 if 2½ to 3 yr.
- <sup>32</sup> In Maine, separate before and after school programs have 10 to 1 ratio in school age category.

## FOOTNOTES—Continued

- <sup>22</sup> Admitted only upon approval of local health officer.
- <sup>23</sup> Admitted only upon prior approval.
- <sup>24</sup> 10 in care over 3 hr; 12 in care 3 hr or less.
- <sup>25</sup> 10 in care over 3 hr; 13 in care 3 hr or less.
- <sup>26</sup> 15 in care over 3 hr; 25 in care 3 hr or less.
- <sup>27</sup> 15 if 6 to 7 in care over 3 hr; 25 if 6 to 7 in care 3 hr or less.
- <sup>28</sup> 10 if 2½ to 3.
- <sup>29</sup> 4 if 6 weeks to 16 mo; 7 if 16 mo to 2 yr.
- <sup>30</sup> 7 if 2 yr to 31 mo; 10 if 31 mo to 3 yr.
- <sup>31</sup> 4 if 6 weeks to 9 mo; 6 if 9 to 18 mo; 8 if 18 mo to 2 yr.
- <sup>32</sup> 8 in infant-toddler center; 10 for 1st 20 children; 15 for excess over 20.
- <sup>33</sup> 10 for 1st 20 children; 15 for excess over 20.
- <sup>34</sup> 3 or 10 percent over licensed capacity, whichever is greater, if before or after school care.
- <sup>35</sup> 4.8 if maximum of 24 children under 3 yr of age in care.
- <sup>36</sup> 2 adults for any total group.
- <sup>37</sup> 20 if in care 3 hr or less.
- <sup>38</sup> 4 if under 18 mo; 5 if over 18 mo.
- <sup>39</sup> If 30 or more in care; 10 if less than 30.
- <sup>40</sup> If 4 to 7 yr.
- <sup>41</sup> 8 if 0 to 18 mo; 10 if 18 mo to 2 yr.
- <sup>42</sup> Recommended ratios.
- <sup>43</sup> 4 if 0 to 10 mo in cribs; 6 if 10 mo to 2 yr.
- <sup>44</sup> If 6 weeks to 30 mo.
- <sup>45</sup> If 6 yr; 15 if over 6 yr.
- <sup>46</sup> 1 if 0 to 6 mo; 3 if 6 to 18 mo; 4 if 18 mo to 2 yr.
- <sup>47</sup> 15 if 6 to 10 yr; 20 if 10 to 14.
- <sup>48</sup> 5 if 6 weeks to 1 yr; 6 if 1 to 2.
- <sup>49</sup> If 6 to 7.
- <sup>50</sup> 4 if 0 to 18 mo; 6 if 18 mo to 2 yr.
- <sup>51</sup> 20 if 6 to 8; 25 if 8 or over.
- <sup>52</sup> 20 if 6; 25 if 7 to 15.
- <sup>53</sup> 5 if 1 mo to 1 yr; 7 if 1 to 2.
- <sup>54</sup> 7 if 2 to 2½; 10 if 2½ to 3.
- <sup>55</sup> 3 if 0 to 1; 4 if 1 to 3.
- <sup>56</sup> 6 if 2 to 2½; 8 if 2½ to 3.

Source: Department of Health, Education, and Welfare. Current as of October 21, 1975.

Note: NS indicates "not specified."

TABLE 3.—STATE FUNDING ALLOCATIONS FOR  
SOCIAL SERVICES

[In millions]

State	Social services allocation for fiscal year 1976	Full year addi- tional child care allocation under S. 2425 <sup>1</sup>
Total .....	\$2,500,000	\$500,000
Alabama .....	42.250	8.450
Alaska .....	4.000	.800
Arizona .....	24.500	4.900
Arkansas .....	24.250	4.850
California .....	245.500	49.100
Colorado .....	29.000	5.800
Connecticut .....	36.750	7.350
Delaware .....	6.750	1.350
District of Columbia .....	9.000	1.800
Florida .....	91.500	18.300
Georgia .....	57.000	11.400
Hawaii .....	10.000	2.000
Idaho .....	9.250	1.850
Illinois .....	133.750	26.750
Indiana .....	63.250	12.650
Iowa .....	34.500	6.900
Kansas .....	27.250	5.450
Kentucky .....	39.750	7.950
Louisiana .....	44.750	8.950
Maine .....	12.250	2.450
Maryland .....	48.500	9.700
Massachusetts .....	69.250	13.850
Michigan .....	107.750	21.550
Minnesota .....	46.500	9.300
Mississippi .....	27.250	5.450

<sup>1</sup> See footnote at end of table.

TABLE 3.—STATE FUNDING ALLOCATIONS FOR  
SOCIAL SERVICES—Continued

[In millions]

State	Social services allocation for fiscal year 1976	Full year addi- tional child care allocation under S. 2425 <sup>1</sup>
Missouri.....	\$56.750	\$11.350
Montana.....	8.500	1.700
Nebraska.....	18.250	3.650
Nevada.....	6.500	1.300
New Hampshire.....	9.500	1.900
New Jersey.....	87.750	17.550
New Mexico.....	13.250	2.650
New York.....	217.500	43.500
North Carolina.....	62.750	12.550
North Dakota.....	7.500	1.500
Ohio.....	127.750	25.550
Oklahoma.....	31.750	6.350
Oregon.....	26.500	5.300
Pennsylvania.....	141.750	28.350
Rhode Island.....	11.500	2.300
South Carolina.....	32.500	6.500
South Dakota.....	8.250	1.650
Tennessee.....	49.250	9.850
Texas.....	140.500	28.100
Utah.....	13.750	2.750
Vermont.....	5.500	1.100
Virginia.....	57.250	11.450
Washington.....	40.750	8.150
West Virginia.....	21.500	4.300
Wisconsin.....	54.500	10.900
Wyoming.....	4.250	.850

<sup>1</sup> Under S. 2425, the amounts available in fiscal year 1976 would be one-half of the full fiscal year amounts shown in this table.

TABLE 4.—STATE ESTIMATES OF INCREASE IN COST AND STAFFING FOR CHILD CARE FROM FISCAL 1975 TO FISCAL 1976

	Increased title XX costs (millions)	Increased staffing		Potential employment of welfare recipients as percent of added staffing
		For title XX children	For non-title XX children	
Total.....	\$206.3 .....			
Alabama.....	0.6	122	(1)	(2)
Alaska.....	1.4	150	(1)	50
Arizona.....	2.6	548	(2)	20-25
Arkansas.....	0	0	0	(3)
California.....	20.7	0	0	(3)
Colorado.....	2.4	400	200	(2)
Connecticut.....	(5)	0	0	(3)
Delaware.....	.9	99	(1)	(4)
District of Columbia.....	.4	56	81	20
Florida.....	12.1	766	1,036	(2)
Georgia.....	3.8	600	(1)	80
Hawaii.....	.4	60	1,577	20
Idaho.....	1.1	(2)	(2)	(2)
Illinois.....	23.5	700	10 7,000	71
Indiana.....	1.4	215	(2)	(2)
Iowa.....	2.0	167	(1)	(2)
Kansas.....	1.5	202	303	15
Kentucky.....	1.2	400	800	(2)
Louisiana.....	2.6	509	437	100
Maine.....	.1	0	0	(3)
Maryland.....	0	0	0	(3)
Massachusetts.....	5.3	600	0	100
Michigan.....	7.0	959	0	20
Minnesota.....	11.0	1,760	1,580	20
Mississippi.....	1.0	0	0	(3)
Missouri.....	2.5	1,246	(2)	5
Montana.....	.9	62	(1)	7-10
Nebraska.....	.3	155	(2)	100
Nevada.....	.1	160	160	(2)
New Hampshire.....	.2	40	50	20

See footnotes at end of table.

TABLE 4.—STATE ESTIMATES OF INCREASE IN COST AND STAFFING FOR CHILD CARE FROM FISCAL 1975 TO FISCAL 1976—Cont.

	Increased title XX costs (millions)	Increased staffing		Potential employment of welfare recipients as percent of added staffing
		For title XX children	For non-title XX children	
New Jersey.....	\$3.7	92	10	100
New Mexico.....	2.2	96	0	50
New York <sup>6</sup> .....	12.0	300	0	67
North Carolina....	9.8	1,800	400	60-70
North Dakota.....	( <sup>7</sup> )	0	0	( <sup>4</sup> )
Ohio.....	( <sup>5</sup> )	0	0	( <sup>3</sup> )
Oklahoma.....	21.5	1,022	2,366	93
Oregon.....	.2	0	0	( <sup>3</sup> )
Pennsylvania.....	8.2	235	171	96
Rhode Island.....	.9	46	138	( <sup>2</sup> )
South Carolina....	2.4	308	0	25-50
South Dakota.....	.6	650	150	23
Tennessee.....	1.7	200	( <sup>1</sup> )	5-8
Texas.....	16.2	1,720	1,514	20-30
Utah.....	1.4	199	739	70
Vermont.....	.8	428	( <sup>9</sup> )	75
Virginia.....	7.8	436	1,000	50
Washington.....	4.7	1,300	( <sup>2</sup> )	( <sup>2</sup> )
West Virginia.....	2.0	216	84	80-100
Wisconsin.....	2.6	234	750	50-100
Wyoming.....	.6	0	0	75

<sup>1</sup> Included in estimates for columns 1 and 2. Unable to show separately.

<sup>2</sup> Unable to estimate.

<sup>3</sup> Not applicable.

<sup>4</sup> Additional employees already hired.

<sup>5</sup> Unable to estimate on a man-year basis; represents number of staff.

<sup>6</sup> Estimates cover urban counties only.

<sup>7</sup> Less than \$50,000.

<sup>8</sup> Unable to estimate. No increased staffing but some increased cost to meet other standards and/or monitoring and reporting requirements of title XX.

<sup>9</sup> Unable to estimate numbers; cost estimated at \$1,900,000.

<sup>10</sup> Includes a need for 6,000 new family day care homes.

Source: Committee survey of Governors.

## Excerpts From Title XX of the Social Security Act

### Sec. 2002(a) \* \* \*

\* \* \* \* \*

(9) (A) No payment may be made under this section with respect to any expenditure in connection with the provision of any child day care service, unless—

(i) in the case of care provided in the child's home, the care meets standards established by the State which are reasonably in accord with recommended standards of national standard-setting organizations concerned with the home care of children, or

(ii) in the case of care provided outside the child's home, the care meets the Federal interagency day care requirements as approved by the Department of Health, Education, and Welfare and the Office of Economic Opportunity on September 23, 1968; except that (I) subdivision III of such requirements with respect to educational services shall be recommended to the States and not required, and staffing standards for school-age children in day care centers may be revised by the Secretary, (II) the staffing standards imposed with respect to such care in the case of children under age 3 shall conform to regulations prescribed by the Secretary, and (III) the staffing standards imposed with respect to such care in the case of children aged 10 to 14 shall require at least one adult for each 20 children, and in the case of school-aged children under age 10 shall require at least one adult for each 15 children, except as provided in subparagraph (B).

(B) The Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives, after December 31, 1976, and prior to July 1, 1977, an evaluation of the appropriateness of the requirements imposed by subparagraph (A), together with any recommendations he may have for modification of those requirements. No earlier than ninety days after the submission of the report, the Secretary may, by regulation, make such modifications in the requirements imposed by subparagraph (A) as he determines are appropriate.

(C) The requirements imposed by this paragraph are in lieu of any requirements that would otherwise be applicable under section 522(d) of the Economic Opportunity Act of 1964 to child day care services with respect to which payment is made under this section.

\* \* \* \* \*

### PROGRAM REPORTING

### Sec. 2003(a) \* \* \*

\* \* \* \* \*

(d) (1) Each State which participates in the program established by this title shall have a plan applicable to its program for the provision of the services described in section 2002(a) (1) which—

(A) provides that an opportunity for a fair hearing before the appropriate State agency will be granted to any individual whose claim for any service described in section 2002(a) (1) is denied or is not acted upon with reasonable promptness:

(B) provides that the use of disclosure of information obtained in connection with administration of the State's program for the provision of the services described in section 2002(a)(1) concerning applicants for and recipients of those services will be restricted to purposes directly connected with the administration of that program, the plan of the State approved under part A of title IV, the plan of the State developed under part B of that title, the supplemental security income program established by title XVI, or the plan of the State approved under title XIX;

(C) provides for the designation by the chief executive officer of the State or as otherwise provided by the laws of the State, of an appropriate agency which will administer or supervise the administration of the State's program for the provision of the services described in section 2002(a)(1);

(D) provides that the State will, in the administration of its program for the provision of the services described in section 2002(a)(1), use such methods relating to the establishment and maintenance of personnel standards on a merit basis as are found by the Secretary to be necessary for the proper and efficient operation of the program, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods;

(E) provides that no durational residency or citizenship requirement will be imposed as a condition to participation in the program of the State for the provision of the services described in section 2002(a)(1);

(F) provides, if the State program for the provision of the services described in section 2002(a)(1) includes services to individuals living in institutions or foster homes, for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such institutions or homes which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admissions policies, safety, sanitation, and protection of civil rights;

(G) provides, if the State program for the provision of the services described in section 2002(a)(1) includes child day care services, for the establishment or designation of a State authority or authorities which shall be responsible for establishing and maintaining standards for such services which are reasonably in accord with recommended standards of national organizations concerned with standards for such services, including standards related to admission policies for facilities providing such services, safety, sanitation, and protection of civil rights;

(H) provides that the State's program for the provision of the services described in section 2002(a)(1) will be in effect in all political subdivisions of the State; and

(I) provides for financial participation by the State in the provision of the services described in section 2002(a)(1).

Notwithstanding clause (C), if on December 1, 1974, the State agency which administered or supervised the administration of the portion of the plan of the State for services to the aged, blind, or disabled approved under title VI of this Act which related to blind individuals was different from the agency which administered or supervised the administration of the rest of that plan, the State agency which administered or supervised the administration of the portion of the plan of the State for services to the aged, blind, or disabled related to blind individuals may be designated to administer or supervise the administration of the portion of the State's program for the provision of the services described in section 2002(a)(1) related to blind individuals and a separate State agency may be designated to administer or supervise the administration of the rest of the program; and in such case the part of the program which each agency administers, or the administration of which each agency supervises, shall be regarded as a separate program for the provision of the services described in section 2002(a)(1) for purposes of this title. The date selected by the State pursuant to section 2004(1) as the beginning of the services program year for each of the separate programs shall be the same.

(2) The Secretary shall approve any plan which complies with the provisions of paragraph (1).

(e)(1) No payment may be made under section 2002 to any State which does not have a plan approved under subsection (g).

(2) In the case of any State plan which has been approved by the Secretary under subsection (d), if the Secretary, after reasonable notice and an opportunity for a hearing to the State, finds—

(A) that the plan no longer complies with the provisions of subsection (d)(1), or

(B) that in the administration of the plan there is a substantial failure to comply with any such provision, the Secretary shall, except as provided in paragraph (3), notify the State that further payments will not be made to the State under section 2002 until he is satisfied that there will no longer by any such failure to comply, and until he is so satisfied he shall make no further payments to the State.

(3) The Secretary may suspend implementation of any termination of payments under paragraph (2) for such period as he determines appropriate and instead reduce the amount otherwise payable to the State under section 2002 for expenditures during that period by 3 percent for each clause of subsection (d)(1) with respect to which there is a finding of noncompliance and with respect to which he is not yet satisfied that there will no longer be any such failure to comply.

\* \* \* \* \*

### Excerpts From HEW Regulations

\* \* \* \* \*

#### § 228.42 Child care standards.

(a) FFP is available for child care services provided under a services plan only where the following standards are met:

(1) *In-home care.* (i) When homemaker service is utilized for this purpose, it meets standards established by the State or by an Indian

tribal council, in accordance with § 228.13, which are reasonably in accord with recommended standards of national standard setting organizations concerned with this type of home care for children.

(ii) When other caretakers are utilized for this purpose, such care meets standards established by the State or by an Indian tribal council, in accordance with § 228.13, which, as a minimum, cover the caretaker's age, health, capacity and available time to properly care for children; minimum and maximum hours to be allowed per 24 hour day for such care; maximum number of children that may be cared for in the home at any one time; and proper feeding and health care of the children.

(2) *Out-of-home care.* (i) Facilities used to provide day care outside a child's own home are licensed by the State, an Indian tribal council, in accordance with § 228.13, or approved as meeting the standards for such licensing.

(ii) Such facilities and care meet the 1968 Federal Interagency Day Care Requirements, except that:

(A) Subdivision III of such requirements with respect to educational services is recommended but not required.

(B) Required staffing standards for children under age 3 in day care centers and group day care homes are: 1 adult for each child under 6 weeks of age; 1 adult to 4 children, ages 6 weeks through 36 months. (States may, at their option, require fewer children per adult.)

(C) Required staffing standards for school age children in day care centers are: at least 1 adult to 15 children, ages 6-10; and at least 1 adult to 20 children, ages 10-14.

(b) The requirements in paragraph (a) (2) (ii) of this section are in lieu of otherwise applicable requirements under section 522(d) of the Economic Opportunity Act of 1964 with respect to child day care services under title XX.

### Excerpts From Federal Interagency Day Care Requirements of 1968

\* \* \* \* \*

#### § 71.11 Grouping of children

The administering agency, after determining the kind of facility to be used, must ensure that the following limits on size of groups and child-to-adult ratios are observed. All new facilities must meet the requirements prior to Federal funding. Existing programs may be granted up to 3 years to meet this requirement, if evidence of progress and good intent is shown.

(a) **Family day care home:**

(1) Infancy through 6 years. No more than two children under two and no more than five in total, including the family day care mother's own children under 14 years old.

(2) Three through 14 years. No more than six children, including the family day care mother's children under 14 years old.

(3) (i) In the use of a family day care home, there must always be provision for another adult on whom the family day care mother can call in case of an emergency or illness.

(ii) There are circumstances where it would be necessary to have on a regular basis two adults in a family day care home; for example, if one or more of the children were retarded, emotionally disturbed, or handicapped and needed more than usual care.

(iii) The use of volunteers is very appropriate in family day care. Volunteers may include older children who are often very successful in working with younger children when under adequate supervision.

(b) Group day care home:

(1) Three through 14 years. Groups may range up to 12 children but the child—staff ratio never exceeds six to one. No child under three should be in this type of care. When preschool children are cared for, the child—staff ratio should not exceed five to one.

(2) (i) Volunteers and aides may be used to assist the adult responsible for the group. Teenagers are often highly successful in working with younger children, but caution should be exercised in giving them supervisory responsibility over their peers.

(ii) As in family day care, provision must be made for other adults to be called in case of an emergency or illness.

(c) Day care center:

(1) Three to 4 years. No more than 15 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 5 to 1.

(2) Four to 6 years. No more than 20 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 7 to 1.

(3) Six through 14 years. No more than 25 in a group with an adult and sufficient assistants, supplemented by volunteers, so that the total ratio of children to adults is normally not greater than 10 to 1.

(4) (i) The adult is directly responsible for supervising the daily program for the children in her group and the work of the assistants and volunteers assigned to her. She also works directly with the children and their parents, giving as much individual attention as possible.

(ii) Volunteers may be used to supplement the paid staff responsible for the group. They may include older children who are often highly successful in working with younger children. Caution should be exercised in assigning teenagers supervisory responsibility over their peers.

(d) Federal interagency requirements have not been set for center care of children under 3 years of age. If programs offer center care for children younger than 3, State licensing regulations and requirements must be met. Center care for children under 3 cannot be offered if the State authority has not established acceptable standards for such care.