



ITCA Federal Update

November 8, 2021



Agenda



- Bipartisan Infrastructure Bill
- Build Back Better Bill
 - (American Families Plan)
- FFY 2022 Appropriations Bill
 - Part C policy changes
- Debt Ceiling
- Other priorities for this Congress

After Months and Months of Debate and Negotiation



NEGOTIATION



Finally.... A Major Breakthrough...



- The House passed the Senate Bipartisan Infrastructure Bill
- Sent to the President to sign into law
- Congress adjourned for a week
- Major work to do throughout the holidays

Infrastructure Bill



- Passed Senate in August
- Agreement reached Friday November 5th to pass \$550 billion bipartisan Infrastructure bill in House
- A House rule was cleared to allow for a vote on Build Back Better bill after Congressional Budget Office releases fiscal information
- Vote on BBB expected week of November 15th
- Infrastructure bill passed House by a vote of 228-206 with 13 Republicans supporting the bill and without 6 Democrats

Infrastructure Bill



- \$110 billion for roads and bridges
- \$73 billion to upgrade the electric grid
- \$66 billion for rail (passenger and freight)
- \$65 for broadband (including rural)
- \$55 billion for water quality
- \$50 billion for climate change measures
- \$21 billion for environmental cleanup
- \$15 billion for electric vehicles
- \$39 billion for public transit
- 42 billion for ports and airports

Now What for This Session?



Build Back Better

FFY 2022 Appropriations

Debt Ceiling Extension

Build Back Better Bill



- Still negotiating size and scope of bill
- Bill includes some climate pieces
- New House version of the bill is awaiting CBO score
- House vote planned week of November 15th
- Using reconciliation that allows simple majority in Senate as long as rules are met
- Senate needs all 50 Democratic votes to pass
- No Senate Republicans have expressed support
- Senate may pass a different version of the bill requiring resolution of the differences through conference

White House Final Framework



- ❖ On 10/28, President released final [the Build Back Better Act](#),
- ❖ Expands access to high-quality, affordable child care to about 20 million children per year and covers 9 out of 10 families across the country with young children.
- ❖ Limits child care costs for families to no more than 7% of income for families earning up to 250% of state median income.
- ❖ The vast majority of working American families of four earning less than \$300,000/per year will pay no more than 7% of their income on child care for children under 6.

White House Final Framework



- ❖ For two parents/one toddler earning \$100,000 per year, the framework will produce more than \$5,000 in child care savings per year
- ❖ Creates millions of jobs for both early educators and parents while supporting increased wages
- ❖ Expands access to free preschool for more than 6 million 3- and 4-year-old children per year, increases the quality of preschool for many more children already enrolled, and saves families an average of \$8,600 per year, per child
- ❖ Allow families to choose settings in communities

Build Back Better By State



- ❖ White House has released state by state fact sheets regarding the impact of Build Back Better including fact sheets on impact on Latinx, Black, and AAPI Americans.
- ❖ On November 3rd the House released a new current version of the bill
- ❖ First Five Years Fund released a summary of the child care and pre-k provisions
 - ❖ <https://www.ffyf.org/child-care-and-pre-k-in-the-build-back-better-act-a-look-at-the-legislative-text/>
- ❖ CLASP Fact Sheet with State Estimates of House Bill
 - ❖ <file:///C:/Users/Taylor/AppData/Local/Temp/2021%20Build%20Back%20Better%20Act%25u2019s%20Child%20Care%20Provisions%20-%20State%20by%20State%20Estimates.pdf>

Build Better Back Plan



- ❖ Child Care sliding scale for copayments - families earning less than 75% of state median income (SMI) pay nothing with limit of 7% of family income for families earning between 150% and 250% SMI.
- ❖ For FY2023-2027:
 - ❖ \$950 million annually for Birth through Five Child Care and Early Learning Grants for localities in states that have not received payments under the entitlement program.
 - ❖ \$2.85 billion annually for a Head Start agency in states that have not received payments under the entitlement program to carry out the purposes of the Head Start Act.

Build Better Back Plan



- ❖ Guarantee access to high-quality, free, inclusive, and mixed-delivery preschool services available to all three- and four-year-old children on a voluntary basis.
- ❖ \$4 billion in FY2022
- ❖ \$6 billion in FY 2023
- ❖ \$8 billion in FY2024
- ❖ Such sums as may be necessary in FY2025-2027

Build Better Back Plan



- ❖ \$2.5 billion annually for FY2022-2027 to improve compensation for Head Start staff
- ❖ Extension of American Rescue Plan Act (ARPA) changes to the Child Tax Credit (CTC) that make the CTC fully refundable, increase the amount of the credit, and allow for advance monthly payments.
- ❖ Also includes significant personnel development funding

FFY 2022 Appropriations Status



- ❖ October 1, 2021 through June 30, 2022
- ❖ IDEA awards July 1, 2022
- ❖ Process is currently in Continuing Resolution (CR) until 12/3/21
- ❖ President and full House included Part C policy changes and a \$250 million increase in funding
- ❖ Senate Committee bill language released; also includes \$250 million increase and Part C policy language;
- ❖ No Senate floor action is planned
- ❖ House and Senate reps are conferencing differences in the two bills and must agree to funding levels and policy language
- ❖ Bill becomes law when agreed to by full Congress and signed by the President

Implementation of the Final Policy Changes



- ❖ The ED Department will be responsible for implementation of the new policies
- ❖ Can policy implementation in an appropriations bill be delayed?
- ❖ When will the requirements go into effect?
- ❖ What effect will there be on state applications including federal allocation budget decisions, policies and procedure revisions, and public comment?
- ❖ When and how will data collection public comment and revisions occur?
 - ❖ What about OMB process and 2 required public comment periods?

Part C Policy Changes in Senate Committee Bill



- ❖ Notwithstanding section 638 of the IDEA, any State receiving a grant under section 633 of the IDEA must reserve not less than ten percent of its award for use in a manner described in a State plan, approved by the Secretary, to ensure equitable access to and participation in part C services in the State, particularly for populations that have been traditionally underrepresented in the program

President's Budget Request for FFY 2022



- ❖ All States receiving funds under Part C would be required to reserve not less than 10 percent of their annual award to develop and implement an equity plan approved by the Secretary. Such plans, submitted as part of the State Performance Plan (SPP), would include identified subgroups and regions the State determines have limited access to Part C services including data on service rates of such identified subgroups and regions, a comprehensive set of evidence-based practices the State intends to implement to engage underserved subgroups and meet the needs of those populations, and a proposed budget for executing its plan.
- ❖ The Department will conduct monitoring and oversight of these equity plans to ensure states are complying with them and are effectively providing services to the underserved populations they have identified.

President's Budget Request for FFY 2022



States would provide the Department with annual updates and data on subgroup service rates demonstrating the extent to which gaps are being closed. Such practices may include:

- providing additional support to providers who serve underrepresented populations;
- making revisions to State Medicaid plans to ensure that a child's IFSP is sufficient documentation for Medicaid billing;
- translating outreach materials into additional languages, including indigenous languages and languages of immigrant communities;
- updating service delivery models to more effectively reach infants and families in remote areas;
- improved outreach to home daycare providers and other trusted community care providers about the signs of developmental delay;
- increase support and technical assistance for local health departments to ensure effective screening practices are in place for families who receive primary care from those agencies;
- training on implicit bias for individuals making referrals for Part C services; or
- streamlining evaluation procedures to reduce barriers to participation in the program.

Part C Policy Changes in Senate Committee Bill



- Notwithstanding section 632(4)(B) of the IDEA, a State receiving a grant under section 633 of the IDEA may establish a system of payments but may not include in that system family fees or any out-of-pocket costs to families for early intervention services **insofar as such prohibition does not affect the ability of states to maximize the use of private insurance and Medicaid consistent with section 631(b)(2):**

Additional Senate Language



- ❖ Any State seeking to amend its eligibility criteria under section 635(a)(1) of the IDEA in such a way that would have the effect of reducing the number of infants and families who are eligible under part C must conduct the public participation under section 637(a)(8) of the IDEA at least 24 months prior to implementing such a change
- ❖ Development of model eligibility criteria underway through OSEP and HHS programs

President's Transition Language



- The Administration also intends to increase the flexibility for States to offer summer bridge services to children transitioning from the Part C program into their State's Part B program. The budget language states that currently, States wishing to offer summer bridge services to students for three months are required to provide the same level of documentation and assurances as a State wishing to extend Part C services for two full additional years. The Administration is therefore seeking appropriations language to allow States to offer summer bridge services through Part C to children prior to the beginning of the preschool year after their third birthday without having to meet onerous regulatory requirements. This approach supports States in meeting the needs of their children and families and ensuring a smooth transition into the Part B program without which many students making progress towards age- expectations may lose their momentum and slip farther behind. Finally, in future years, the Administration intends to seek additional flexibilities to support States in developing a more seamless birth through five system to better meet the needs of young children with disabilities and their families.

Additional Senate Language



- ❖ Notwithstanding section 638 of the IDEA, a State may use funds it receives under section 633 of the IDEA to offer continued early intervention services to a child who previously received services under part C of the IDEA from age three until the beginning of the school year following the child's third birthday with parental consent and without regard to the procedures in section 635(c) of the IDEA.
- ❖ No references to summer birthdays or Part B eligibility

Additional Language



- ❖ Notwithstanding section 643(e)(2)(A) of the IDEA, if 5 or fewer States apply for grants pursuant to section 643(e) of such Act, the Secretary shall provide a grant to each State in an amount equal to the maximum amount described in section 6 643(e)(2)(B) of such Act
- ❖ Provided further, That if more than 5 States apply for grants pursuant to section 643(e) of the IDEA, the Secretary shall award funds to those States on the basis of the States' relative populations of infants and toddlers except that no such State shall receive a grant in excess of the amount described in section 643(e)(2)(B) of such Act
- ❖ States may use funds allotted under section 643(c) of the IDEA to make subgrants to early intervention providers to carry out activities authorized by section 638 of IDEA

House Appropriations



- ❖ **Part B Section 611 State Grants** – \$15.5 billion, a \$2.6 billion increase
- ❖ **IDEA Part C** - \$731.9 million, a \$250 million increase over FFY 2021
- ❖ **IDEA Preschool 619** - \$502.6 million, a \$105 million increase over FFY 2021
- ❖ **Part D National Activities Program** - \$428.3 million, a \$174.5 million increase
 - ❖ \$250 million for the Personnel Preparation program, a \$160 million increase
 - ❖ \$49.3 million for TA/D, an increase of \$5 million to support technical assistance efforts designed to improve equity in the services delivered under IDEA
 - ❖ \$30.2 million Parent Information Centers, an increase of \$2.7 million
- ❖ **Special Education Research** - \$59.5 million, \$1,000 million increase

Other House Early Childhood Funding Levels



- ❖ **Maternal and Child Health Block Grant** - \$868.7, a \$156 million increase over FFY 2021
- ❖ **Universal Newborn Screening** – \$19.5 million, a \$1.7 million increase over FFY 2021
- ❖ **Head Start** – \$12.2 billion, \$1.4 billion increase over FFY 2021 including \$750 m expansion in EHS
- ❖ **Child Care Block Grant** - \$7.3 billion, a \$1.5 billion increase over FFY 2021
- ❖ **Preschool Development Grant** - \$450 million, a \$175 million increase over FFY 2021
- ❖ **Child Care Access Means Parents in School Program (CCAMPIS)** – \$95 million, a \$40 million increase
- ❖ **Developmental support for families:** \$25 million to place early childhood experts in pediatric offices
- ❖ **Infant and early childhood mental health (IECMH)** - \$25 million, a \$17 million increase

Senate Committee's proposed funding levels



- **IDEA Part C Grants for Infants and Families**
 - \$731.9 million — \$250 million above FY2021
- **IDEA Part B Preschool Grants**
 - \$502.6 million — \$105 million above FY2021
- **Child Care and Development Block Grant (CCDBG)**
 - \$7.311 billion — \$1.435 billion above FY2021
- **Head Start and Early Head Start**
 - \$11.932 billion — \$1.18 billion above FY2021
- **Preschool Development Grant Birth through Five (PDG B-5)**
 - \$450 million — \$175 million above FY2021

Debt Ceiling Extension



- ❖ Congress agreed to short term extension in September
- ❖ Debt Ceiling limit is now expected in December 2021
- ❖ Expected to continue to be extremely political decision



dreamstime.com

ID 135094284 © Adonis1969

What Is Due or Overdue?



- ❖ IDEA
- ❖ CAPTA
- ❖ Higher Education Act
- ❖ Education Sciences Reform Act
- ❖ Head Start Act
- ❖ Home Visiting (2022)

Timelines



- ❖ **1st Session of the 117th Congress and First Year of Biden Presidency**
 - ✓ Congress Convened/Inauguration – January 2021
 - ✓ Will Adjourn – Late Fall 2021
- ❖ **2nd Session of the 117th Congress**
 - ✓ Congress Convenes – January 2022
- ❖ **Congressional Election - November 8, 2022**
 - ✓ All of the House and 1/3 of the Senate
- ❖ **118th Congress - Convenes in January 2023**



IDEA
INFANT & TODDLER
COORDINATORS ASSOCIATION

