

Congress and President Biden Should Change “Build Back Better” to Make it Welcoming to Faith-Based Child Care and Pre-K Programs

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Congress and the White House are in continuous and contentious discussion about President Biden’s Build Back Better plan, also known as the reconciliation bill or the social welfare bill. Public attention has been mainly captured by the big issues: how many trillions of dollars will the bill total? What tax changes will be made? How dramatic will be the actions against climate change? What size the benefits for families? And so on.

Also vital to the plan, but receiving virtually no attention, are the details of the proposed expanded spending on child care and a new universal free pre-kindergarten (UPK) program—specific legislative language that will marginalize faith-based providers of child care and early childhood education. This language ought to be exchanged for a different program design that will be hospitable to faith-based providers and thus to the many families that favor their services.

The language that will marginalize faith-based organizations remains in the [latest draft](#) of the bill, released on October 28, with no changes from the restrictive language in the September 10 bill as reported out by the House Education and Labor Committee (Chairman Bobby Scott, D-VA).

The President has proposed that vastly expanded access to pre-K programs and to child care is essential to advancing equity in our society, to growing the economy, and to improving America’s global competitiveness. One—vital—component of the plans for child care and early childhood education consists of the detailed requirements to be met by private organizations that seek to participate in providing the child care and preK education. Those detailed requirements will significantly restrict the participation of faith-based centers and schools in these programs. Their absence will make the programs less appealing to the many families that highly value services that include a religious dimension. (Some families prefer to provide care and early education themselves; the proposed programs are not responsive to this choice.)

What is the religion problem with the proposed expanded child care funding?

Since 1990, the federal program to support child care—the Child Care and Development Block Grant program (CCDBG, also called the Child Care and Development Fund)—has [specific features](#) to enable families to choose faith-based child care. The BBB bill undermines this essential choice by adding unprecedented religion-limiting restrictions to the new federal funding.

The CCDBG program supports child care mainly by providing child care certificates to eligible parents who then give the certificates to the child care provider of their choice. The CCDBG rules specifically protect the religious identity, religious teaching, religious hiring, and religious

admissions standards of faith-based child care providers that receive these federally funded certificates.

The current Build Back Better bill, in sharp contrast, proposes a different certificate program with religion-limiting restrictions. Faith-based providers that accept these BBB certificates will be bound by the Head Start program's nondiscrimination requirement, which prohibits religious criteria for hiring and for admissions. The language will inhibit religious programming because some parents and officials may regard religious talk as offensive to children from non-religious families. The certificates will, for the first time, be deemed Federal Financial Assistance, and centers that accept them may be subject to potentially costly requirements to modify their facilities. The bill states that any provider currently eligible to accept CCDBG certificates will remain eligible for the next three years. Yet the restrictive new language creates an inhospitable environment for many faith-based providers. That is the opposite of the current CCDBG certificate program rules, which specifically reassure faith-based providers of their eligibility without their needing to suppress religious elements of their operations and program.

What is the religion problem with the proposed universal free prekindergarten (UPK) program?

The proposed UPK program would be subject to the same religion-restricting nondiscrimination requirements as the expanded child care funding. In addition, because the new federal program would use subgrants or contracts to fund programs and not certificates awarded to parents, no religious teaching or activities—none at all—would be allowed in the federally supported pre-K education. Many parents would, for the first time, have access to a pre-K program for their young children—but it would be a program that resolutely excludes any religious element, any religious stories or talk.

In sharp contrast to this proposed program design, current federal funding for education typically is designed specifically to accommodate faith-based options. Both the Every Student Succeeds Act and the Individuals with Disabilities Education Act require that funding for extra services be distributed equitably among students in public and private, including faith-based, schools. Federal support for students in higher education, such as Pell Grants, can be used at either religious or secular colleges and universities. GI Bill support for higher education for veterans can be used at religious as well as secular colleges, and even at seminaries.

What is the solution?

For the child care funding, the best solution would be simply to add the expanded funding to the current CCDBG program so that faith-based providers are able fully to participate without concern about protecting their religious character and practices. No new requirements should be imposed by designating the certificates as Federal Financial Assistance or adding the Head Start nondiscrimination requirement. For the sake of parents who seek care from institutions they trust and that share their values, Congress should rely on the time-tested CCDBG certificates.

For the new UPK program, the best solution is to adopt the rules and structure of the CCDBG certificate program. This would enable faith-based providers of early childhood education to

participate without hindrance so that they can offer the religious elements desired by many families.

The big pot of federal funding proposed for child care and UPK will best fulfill the equity aims of the funding if faith-based organizations are able to participate without suppressing their religious identity and faith-centered teaching and activities.

What can you do?

Watch and share the Center for Public Justice's October 20, 2021, [webinar](#) on this topic. Contact your Senators. They need to hear that people who know the value of faith-based child care and education are deeply concerned that the bill's current language will marginalize faith-based providers and can and must be changed.

Find your Senators' office phone numbers and web-based email forms by going [here](#).

Say something like this: "I am a constituent of yours, and I am calling about the child care and universal pre-K programs in the House's reconciliation bill. The bill intends to ensure that every family has access to prekindergarten and to child care. But the House language will severely restrict participation in these programs by faith-based schools and child care providers. That will make it harder actually to expand these services, and it means not serving well the many families that desire programs with a religious environment and religious content. The proposed new spending can be made hospitable to faith-based providers and supportive of America's many religious communities by channeling the child-care money through the existing CCDBG program without adding new requirements and by adapting the CCDBG certificate program into pre-K scholarships that will enable families to choose the pre-K program most suited to their own children. Thank you for hearing my concern."

And call the Department of Health and Human Services Center for Faith-Based and Neighborhood Partnerships, 202-260-6501; partnerships@hhs.gov.

The Partnership Center cannot write the legislation, of course, but it is part of the federal department that will be charged with managing the new child care spending and the new pre-K program. Telling the Center about your concerns are one way of conveying those concerns into the Biden administration.

Say: "I know that Congress is planning expanded federal funding for child care and for preschool programs. I know the great value of faith-based services and that many families value such services. I hope that HHS will be able to operate the new funding in a way that ensures a choice of faith-based options."

Resources

[CPJ webinar](#)

CPJ and IRFA, "[Recommendations for Universal Pre-K To Accommodate Religious Communities and Faith-Based Organizations](#)," an ebook (August 2021)