

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: By CHAIRMAN PETE STORY, on APRIL 13, 1989,  
at 8:00 A.M.

ROLL CALL

Members Present: Senator Gary Aklestad, Senator Loren  
Jenkins, Senator Esther Bengtson, Senator Matt Himsl,  
Senator Paul Boylan, Senator Tom Keating, Senator Judy  
Jacobson, Senator Pat Regan, Senator Larry Tveit,  
Senator Fred Van Valkenburg, Senator Dennis Nathe,  
Senator Greg Jergeson, Senator Gerry Devlin, Senator  
Richard Manning, Senator Sam Hofman, Senator Lawrence  
Stimatz, Senator Ethel Harding, Senator Pete Story

Members Excused: Senator H.W. "Swede" Hammond

Members Absent: None

Staff Present: Clayton Schenck, LFA

Announcements/Discussion: None

HEARING ON HOUSE BILL 333

Representative Bob Ream, House District 54, presented HB  
333. He explained that in 1985 the Environmental  
Quality Protection Fund Act was passed in the  
Legislature that provided a mechanism for the  
Department of Health and Environmental Sciences could  
respond in an emergency basis. This would be events  
like toxic waste spills. This would allow the  
department to quickly respond to any emergencies  
without obtaining additional spending authority through  
the budget amendment process. This process is far too  
lengthy for such events. He noted that Mr. Ray Hofman  
from the department had an amendment. In the 1987  
Session a 4% RIT fund was set up for this purpose  
starting this July 1. The department has this source  
of money but do need the spending authority.

Proponents:

Ray Hofman, Administrator of Centralized Services Division  
of the Department of Health and Environmental Sciences,  
testified in support of the bill. He said the budget

Mr. Hofman (154) explained that the law currently authorizes

amendment process slows down the ability of the department to perform cleanups. He said within the last six months there were about 20 that had to go through the budget amendment process that slowed the departments ability to perform cleanups. One of the sites was found to have a bunch of contaminants. Once the Department of Defense was notified that they were potentially a responsible party. They issued a check for \$200,000. Had the Environmental Quality Protection Fund at that time been established, the department would have been able to immediately respond. Instead, the department had to come in for a budget amendment and then take corrective action. The potential for large amounts of money coming into the Department of Health will happen. The budget amendment process could take between 90-120 days for processing. The Environmental Quality Protection Fund can have 3 funding sources. They are all penalties, damages, and department expenses recovered pursuant to the 75-10-715. Funds appropriated by the Legislature, and funds received from interest income resource indemnity trust fund pursuant to 15-38-202, which allocates 4% effective July 1, 1989.

Mr. Hofman noted that with the passage of HB 583, which is the statutory appropriation bill, it states that statutory appropriations cannot be used for the operating expenses of state government. He pointed out that this may conflict with HB 333 specifically on page 4, line 25, which states money in the fund is statutory appropriated as provided. He suggested an amendment be made to ensure that there is not a conflict between the two bills. (100)

Duane Robertson, Chief of Solid and Hazardous Waste Bureau for Department of Health, testified in support of the bill.

Opponents: None

Questions of the Committee:

Senator Story asked if HB 609 addressed the same issue.

Mr. Hofman replied that HB 609 had to do with Water Quality Bureau. HB 609 allows the department to assess fees and penalties associated with water quality problems.

Senator Keating asked if the fees and penalties were already specified in the law.

Mr. Hofman (154) explained that the law currently authorizes

the department to pursue double damages against any responsible party that does not take appropriate action. He pointed out that this was a necessity in case the responsible party does not immediately respond to something, then the department can respond and clean it up and apply damages and take that money and put it into the environmental quality protection fund.

Senator Keating asked if fees and penalties were provided for through this bill.

Mr. Hofman replied that the Hazardous Waste Act provided for penalties which identifies double damages that can be assessed. The funds would have to be deposited to the Environmental Quality Protection Fund. He pointed out that there were no funds in HB 100 to respond to situations. This bill would allow the department to take up to one million dollars a year to completely mitigate those situations. It is like a contingency fund and is used only in the event of an emergency. He noted that there were very specific things it could be used for. 4% RIT funds were identified to be deposited into the Environmental Quality Protection Fund and then appropriated by the Legislature. That 4% is approximately \$280,000 and is established now. The department needs some type of help in ranking the sites that the Environmental Protection Agency had not considered bad enough, he stated.

Senator Aklestad asked (249) if this money would be designated for specific areas and if it was designated for that fund in the past, where had the money been spent.

Mr. Hofman replied (259) that the money had not been designated for this fund in the past. It has come through budget amendments to the Department of Health when responsible parties have given money to mediate the problems, like the Department of Defense that he mentioned that gave \$200,000.

Representative Ream closed. He clarified that this was set up last Session to become effective this coming July. This delayed effective date would enable the department to identify sites. He noted that there were 160 sites identified as hazardous and 10 of those were on the national superfund list. This bill helps set up a fund and allow the department spending authority so as emergencies come up they can respond to them more quickly.

Senator Bengtson commented that (325) the problem with this

bill is that it is giving spending authority to go out at their discretion and clean up those sites whether they are emergencies or not. This is an expansion of the Department of Health.

Representative Ream replied that the 4% RIT money was already appropriated effective July 1 would be used to address some of those sites and that has already been handled through HB 100. The emergency portion of it that goes into the EQPF would be for specific emergencies.

Senator Story clarified that this was to be used for emergencies that come up and not for cleaning up superfund sites.

Mr. Hofman said in regard to that the fund usage is specified in 75-10-704.

Closed.

#### HEARING ON HB 763

Representative Kelly Addy, House District 94 Billings, presented HB 763. He explained that the bill provided \$100,000 for in-home health care. He pointed out that this was largely volunteer and allows people to stay in their home, get assistance, and live independently.

#### Proponents:

Fred Patten, representing Legacy Legislature, testified in support of HB 763. He pointed out that more seniors are in need of in-home services to be able to remain independent and in their own homes. He said that an investment of \$50,000 in in-home services could prevent the higher cost of \$1,397,400 in nursing home care (See Exhibit #1 and attachments).

Le Dean Lewis, representing American Association of Retired Persons, testified in support of HB 763. (Exhibit #2)

Carl Vrsin, Chairman of the Senior Helping Hands Program in Billings and AARP person in Billings, testified in support of the bill. He pointed out that this provides alternatives to seniors.

Opponents: None

#### Questions of the Committee:

Senator Devlin asked if this was volunteer or was part of

this appropriation for administration.

Carl Vrsin discussed the Billings program. He said the actual administrative costs were about 8-10%. (670)

Charlie Rehbein, Department of Family Services Aging Services Bureau, said the administration money for in-home services that the state gives is passed through to 11 area agencies. They in turn subcontract with county councils on aging or various providers. Administration money is not taken for the department or the area agencies (702). Any administrative funds go directly to the provider level.

Senator Himsl asked if the programs were already in place and operating and did this bill provide for enrichment or expansion.

Charlie Rehbein said that was correct. Services could be extended to more people.

Senator Bengtson asked if there were other funds that went to the area agencies.

Charlie Rehbein replied that there was some funding under the Older American Act but that it was not adequate. He pointed out that there was a need that was not being met. He said that a survey had been done on unmet need.

(Tape 1-B)

Mr. Rehbein said the indication of people that are currently being served is that some of them could use more service. The 85 year old plus age group is the most rapidly growing age group. The increase in requests is going up.

Representative Addy closed. He said that these were funds that are made available to frail elderly. That population has increased by 13% and requests have increased 5-6% per year. It succeeds in keeping people out of nursing homes and off of medicaid. It is a cost effective program.

#### HEARING ON HOUSE BILL 768

Representative Kelly Addy, House District 94 in Billings, presented HB 768. The bill appropriates approximately \$530,000 for physical plant, expenses, maintenance, and 4 positions for the Museum of the Rockies. He said the Museum had been described in national and international

magazines. He pointed out that it was a great calling card for Montana and it was important to keep potential of these types of programs alive. He explained that the Museum of the Rockies was built up by private donations and needs to be supported. It attracts many people because it is a world class program and will help promote Montana.

Proponents:

Rick Gratz, Publisher of Montana Magazine, testified in support of HB 768. He distributed visitor totals at the Museum for March 27th-April 7th, 1989 (Exhibit #3). He pointed out that 6,700 children took part in class projects at the Museum. Montana children will get exposure to a museum of high caliber where before they could only receive in big cities. He said this was a major return on investment. A recent 10 day period attracted 15,000 visitors. There are 3 returns on investment, he said. One is the knowledge factor, another is the visitors, and the third return is publicity to Montana. The Museum is gaining worldwide recognition through television programs, major publications and major daily newspapers (438). He said that 5-8 million dollars of private money had been raised to support the building project and other programs that the museum offers. The investment asked from the state is small by comparison.

Debbie Letbeter testified for Beatrice Taylor in support of HB 768 (See Exhibit #4). She pointed out that donors are willing to make an investment in Montana towards its economic revitalization and expect the state to accept its responsibility to help in the maintenance and operating expenses of its facility.

Brian Harlen, representing Associated Students of Montana State University, testified in support of HB 768. He pointed out that the museum affects the college students. He said that 50% of the student body of MSU is directly involved with the Museum of the Rockies through courses. This is through 14 different disciplines from Archaeology to Marketing and Computer Design. They can get practical experience through the Museum of the Rockies. This will attract many students.

Representative Norm Wallin, House District 78 Gallatin County, testified in support of the bill. He pointed out this was a one of a kind museum. He felt the museum was a high priority.

John Lahr testified in support of the bill. He said he had a great interest in the Museum of the Rockies. He said that when the coal fields were being formed, Montana was on a continental plate that was down near the equator near where Venezuela and Columbia are now. The climate was very hot with rain forests and dinosaurs roaming by the seas. He said The Great North Trails is a history book that tells about the early scientific days where competing scientific expeditions came to Montana to collect dinosaur bones. They were here right after Lewis and Clark and the trappers, before the other people came to settle the state. He pointed out that these dinosaur bones were shipped out by railroad car to museums all over the world and would support the state of Montana today with the revenue they are generating. He said the Museum is concentrating research and looking at this early history of Montana. It is a place where this history can be preserved, studied and enlarged on. It is essential to provide this revenue for this purpose, he stated.

Opponents: None

Questions of the Committee:

Senator Jergeson asked if the appropriation to the museum is approved and the private sector raises the size of donations would the state have to increase the level of appropriation for expansions. (821)

Representative Addy replied that he could not image further expansion of physical plant for 5-10 years. He said that expansion would be in programs.

President Bill Tietz commented that when the expansion occurred this time, they came to the Legislature with the expansion plans and it was approved. It could have been done totally in the private sector but the bill was brought before the Legislature and was approved.

Senator Stimatz asked if the building and equipment achieved through private sources and then as a gift given to the state of Montana.

Representative Addy said that was correct. He thought it was about 10-12 million dollars in private grants that were attracted to the state of Montana and to the Museum of the Rockies because of the potential that the program offers.

Senator Himsl commented that if the museum belonged to MSU

why didn't the request come in with the university appropriation.

Carrol Krause, Commissioner of Higher Education, replied that the Board of Regents felt that this was a project that should be kept separate. He said an agreement with the Governor's Office was made that they could bring it in as a separate bill.

Senator Jacobson explained that this was brought before the subcommittee two years ago with the proposal that the state pick up one third of the cost of the operation of plant. That was turned down two years ago and they were given a one-time appropriation. This time they brought in as a modified as well as a whole long list of other things, she said. The Regents came back with an appropriation for the Business School, Law School, and new space and dropped all of the other modifieds including Museum of the Rockies (220).

Senator Devlin asked how the one-third concept was arrived at.

President Tietz replied that the total budget this past year was \$1,200,000. He explained that the original concept was a tri-partite participation. Universities and the state on one hand and the private sector on the other.

(Tape 2-A)

At the moment it is a 4-1 proposition. The issue shifts. Ideally there are three partners, the private sector is bearing the bulk of the operation at this time, however. The Board is responsible for the operation of the museum in respect to the exhibits, equipment and building. The university has assumed the responsibility for personnel and the day to day operations of the plant. He said that early on, private donations covered operations. However, as time has gone on and expansion occurred, the private sector has assumed more and more responsibility. When it became apparent that the old building could no longer hold the development, expansion was needed. At that time a proposal was made to the Legislature to expand the museum. The university has gradually picked up the operation of the museum. Staffing continues to be the responsibility of the university as a department of Montana State University. The physical facility is also their responsibility but the bulk of the operations in the museum, equipment, displays is the domain of the private sector, he said.

Senator Jacobson pointed out that the subcommittee had never taken the Museum of the Rockies as a part of the



university base budget outside of the modified. (158)

President Tietz said he thought that was correct. It has always been as a program modification as a separate entity.

Senator Jacobson pointed out that this was part of the university but something that has been done by the private sector. She said she was unaware until last session that the university was sharing their money and people with the museum.

President Tietz said that the museum is used to amplify the state's resources. Private sector contributions, major interest and attention has been brought to the museum. As far as economic development in the state is it really needed and is a major state investment. He pointed out that private endowments usually had specific ties to them (240).

Representative Addy closed. (479) He pointed out that the program in HB 768 exposes many people to Montana. He said that Montana doesn't have much of an image prior to the publication regarding the work at the museum. It is a destination point for tourists. It is also a laboratory, a classroom, and a learning institution where knowledge is being expanded. He said it was not just one return on this money, but private donations, labs, classroom, travel promotion, and education for children.

#### HEARING ON HOUSE BILL 510

Representative John Vincent, House District 80 Bozeman, presented HB 510. He explained the bill as the Governor scholarship bill. He said it has been amended to allow scholarships to private universities as well. It is based on an idea from Idaho. He pointed out that Montana ranked 28th in the nation in the availability of scholarship money. The cost of college education is going to rise and the need for scholarship money will be great. He said the bill provides for a full ride scholarships to the university system, community colleges and to vo-tech's.

#### Proponents:

Wayne Phillips (813), representing the Governor's Office, explained some concerns by the Governor and presented some amendments. He said the Governor would like this scholarship to be available to middle upper tier of

students. They feel that the best and brightest of students already have extensive scholarship aid available to them. The Governor is interested in having this scholarship going to that next tier. Rather than saying extraordinary performance, saying high performance quality performance. This is emphasizing that there are a group of students that are very good quality that need assistance. The second concern is the funding of the program. The Governor does not believe that general fund money should be used for this program. Private sources should be used with the Governor's assistance. They would also like administrative costs to come from the fund raising efforts. The amendment also has a clause that should the money not be available for a scholarship that the Governor can suspend it for that year.

Bill Lanan, Director of the Student Loan Program and work for the Commissioner of Higher Education and the Board of Regents, testified in support of the bill. He said the bill provides the opportunity for the state of Montana to recognize outstanding high school graduates to continue their formal education. He pointed out that this provides financial support to students that need help and is a reward for academic excellence.

Brian Harlem, representing Montana Associated Students, testified in support of the bill. He said this was a step in the right direction.

Phil Campbell, representing Montana Education Association, testified in support of the bill. He said there were not a lot of scholarships available for academic reasons. It was a good idea and a good way to raise funds, he said.

Reed Overfelt, representing the administration at University of Montana, testified in support of the bill. He said the aid was needed since financial aid is so hard to find. He urged support for the bill.

Opponents: None

Questions from the Committee:

Senator Van Valkenburg asked about an amendment to take out general fund.

Representative Vincent replied that he preferred keeping some general fund in the bill since it indicates commitment from the state and the private sector would be more willing to contribute.

Senator Keating asked if this would mean all expenses.

Representative Vincent said the idea behind this scholarship was to provide the very best scholarship possible. Total educational costs are paid as long as the academic record is kept up.

Senator Keating asked what grade average was necessary to qualify for the scholarship.

Representative Vincent replied (134) that whether the committee used his language of extraordinary or used the Governors language which is quality. In either case there is no mandated grade point average, he said.

Senator Devlin asked if an administrator was needed for this bill.

Representative Vincent replied that there was no administrator in the bill and one was not needed to administer the bill. There is no money in this bill to cover that. The money in this bill is used only for the scholarships themselves. (190)

Senator Devlin asked in an amendment could be made to change the most talented into a high performance student.

Representative Vincent replied that is was a very special scholarship and was not sure it gave too much latitude. He explained what the amendment would do. He said that if the committee chose to use the word quality throughout the bill, then they should keep the word extraordinary on the written essay. A screening device is needed so the scholarships are for the most qualified and with the best record.

Senator Devlin asked if the Board should be the screening factor.

(Tape 2-B)

Senator Hims1 pointed out that for the high achiever there were plenty of scholarships available, but there is another level that are not necessarily academic achievers but have prospects of talent that ought to be developed and do need help. This should not just benefit the saluditorians.

Representative Vincent said he did not disagree. In fact that is one of the reasons why community colleges and vocational schools have been incorporated in this bill. Potential as well as record should be emphasized, he said.

Senator Jergeson pointed out that non-traditional students should not be excluded like on page 3, subsection 4, where it describes eligible students.

Representative Vincent replied that he did not have a good answer. He pointed out that it would indicate a legislative commitment if some general fund money was kept in there. He closed.

#### HEARING ON HOUSE BILL 200

Representative John Vincent, House District 80, presented HB 200. He said HB 200 was the Montana Child Care Act. He said this was an appropriation that was originally in the Governors budget and remains in this bill. It provides \$60,000 a year for resources and referral in regard to child care. He pointed out the need for young women to have referrals for daycare. He said that child care is a reality and there is a need for quality care. It is a necessity of life not a luxury anymore, he said.

#### Proponents:

Senator Mike Halligan discussed the child care act. He pointed out that the daycare bill has to do with private care not state run daycare. He pointed out that the state had been licensing daycare since 1965. Every daycare facility up until 1981 was required to be licensed. In 1981 the licensing requirement was relaxed allowing only facilities with 13 or more children to be licensed. Under 13 were registered. He pointed out the need for a lead agency especially in the ability to deal with federal welfare reform. There are 4 or 5 agencies of state government involved now with job training, labor issues, health, Governor's Office, and grants from the federal government dealing with federal welfare reform, he noted. For these reasons, a coordinating agency is needed for efficiency. He pointed out that local advisory councils will generate the daycare plan and submit them to the state where the state daycare plan is provided based on the local plans. Grants for resource and referral are an important part of the bill, he said.  
(300)

Marty Nelson, Administrator for Saint Thomas Child and Family Center in Great Falls, testified in support of the bill. She pointed out the need for a safe environment for children. Licensing and registration

will help insure quality care for children. Children should not be placed at risk and for this reason, no program should be exempt from regulation, she stated.

Pat George, (371) daycare trainer and resource and referral coordinator for Childcare Resources in Missoula, discussed the importance of resource and referral. Childcare resource and referral can be summed up in two words-supply and demand, she said. She pointed out this was critical now due to federal mandates. Resource and referral helps parents in their search for the best care arrangements for their children. It supports small daycare businesses in their efforts to establish and maintain an operation. It supports large businesses in their efforts to be sensitive to the needs and issues of their working parents.

Tom McGree, representing U.S. West Communications, testified in support of HB 200. He pointed out that many employees of U.S. West are presently from two income families and many utilize daycare. He said that HB 200 would provide a sound framework for qualified child care in the state of Montana.

Billie Warford, representing Montana Alliance for Better Childcare, testified in support of the bill. She introduced other groups in support of the bill: Montana League of Women Voters, Montana Division of AAUW, Montana Childcare Association, Montana Association for the Education of Young Children, Montana Association of Business and Professional Women, Montana Womens Lobby, Montana Committee for the Prevention of Child Abuse, and the Montana Childrens Alliance. She said these organizations represent over 8,000 people in the state concerned about young children. She distributed a packet of information concerning standards, importance of regulation and importance of quality child care (Exhibit 5) She emphasized the importance of a lead agency in the bill. There is already over a million dollars flowing into the state for child care and that is going through 4 or 5 agencies with little or no coordination. She pointed out the bill promotes consumer protection for children and parents.

Pam Simmons, a working parent from Helena, testified in support of the bill. She related a personal experience with local resource and referral. She pointed out that parents at all income levels need assistance.

Nancy Griffin, parent and board member of Intercommunity Nursery School, distributed drawings from the children for each committee member (Exhibit 5a). She said that

resource and referral would help the rural centers with needed resources.

Virginia Jellison, representing Montana Low Income Coalition, testified in support of HB 200. She said her organization was in support of choice for low income people to get high quality day care. She said there was a need for licensed day care centers.

Brenda Northy, representing Montana Womens Lobby, testified in support of the bill.

Lisa Blomquist, from Harlowton, said she could not find quality daycare. She urged support for the bill.

Chris Devney, representing the League of Women Voters, testified in support of the bill. She said they just completed a two year study of child care in Montana. They feel the quality of child care would be improved with this bill.

Judith Carlson, Montana Chapter of Social Workers, urged support for the bill. She said there were two main obstacles in getting off of Welfare, one of which is medical care and the other is day care.

B.J. Wood, American Association of University Women, testified in support of the bill.

Representative Vivian Brooke, House District 56 Missoula, supported the bill. She said it was important for the economic development in Montana.

#### Opponents:

Mrs. Mary Doubek, Chairman of the Helena Eagle Forum, Pioneers Chapter, testified against the bill. She said that in almost every state where they are facing an child care legislation, are establishing state commissions on children which are supposed to develop public policy on everything from infant health care to education, training, and parenting. In anticipation of a passage of federal day-care bills state legislators have been persuaded by liberal advocates of government child rearing and introducing measures which would establish a system ready and waiting to receive millions of taxpayer dollars from the federal government into the state. She pointed out that the federal day-care bill can discriminate against mothers who take care of their own children and favors those who don't. The bill discriminates against parents who use other forms of day-care such as a family member.

People who want to use a family member, friends, or a neighbor, or a church sponsored day-care are discriminated against, because those forms of day-care are often licensed, families who use them would be ineligible for subsidy under the bill. It unfairly taxes single earner couples to pay for day-care for two earner couples, imposes national day-care licensing regulations on sovereign states and sets up another massive federal bureaucracy. She distributed testimony by Professor Edward Zeigler of Yale University that urged spending billions of dollars a year on networked daycare. She asked why the tax system should favor the parent who opts for day-care and penalize the one who chooses to stay home and raise the children. She suggested there be a lightening up on the licensing, and rules. She pointed out that grandmother's don't want to be licensed. It is unfair to ask all tax payers including the elderly, childless couples, singles, and one income families to pick up the tab for after school babysitting for two income families using the public schools. (Exhibit #6)

Shelly Morris testified in opposition to the bill. She said that freedom of choice is part of being a citizen of the United States. She pointed out that requiring her to take her children to a licensed facility does not insure a safe environment. Eighty-five percent of licensed and registered facilities are not presently monitored on any type of basis. She pointed out the difficulty in finding a facility to meet all of her needs due to the ages of her children and the odd hours she worked.

Jody Frank, a concerned parent, testified in opposition to the bill. She pointed out that it is the parent not the state that is responsible for raising children. She said that the current system is creating latch-key children because these licensed facilities are not servicing the needs of people with infants, people who work part-time, or graveyard shifts.

Representative Bob Marks, testified against the bill. He pointed out in the House Appropriations Committee an amendment was passed in order to get the bill out of committee. The reason that amendment should stay in the bill is that a family service has no business being an education definition and there hasn't been any problem with these facilities. He said there were concerns that this bill would enlarge bureaucracy and next session the Department of Family Services would come in and ask for more inspection and much more expansion. He pointed out that no one had demonstrated

that there was a problem in day care facilities. He stated that the legislature should get involved in solving family problems.

(Tape 3A)

Mona Braken, from Helena, testified against the bill. She pointed out that there was a shortage of licensed day-care, especially for parents who work odd hours and weekends. She pointed out that the state licensed day-care cannot control the quality of care that the caregiver gives. She distributed a packet with listed registered day-cares for all children run by two women. The list shows how much two women can make a day running a day-care, which is eighteen dollars and eighty two cents with bare necessities. (Exhibit #7)

The following people stated their name and opposition to HB 200: Chris Rude, Lola Johnson, Earl Braken, and Vernon O'Leary.

Bryan Asay, representing the Montana Family Coalition, testified in opposition to HB 200. He pointed out that everyone that had spoken today in opposition to the bill, are concerned about the children. However, they are not convinced that the state government promoting day-care would provide a more quality day-care for children. He said that should the bill be passed, then the Montana Family Coalition would propose an amendment. It is a religious exemption to the licensing requirement. He said that this was not one just an exemption that is based on economics but one based on a belief that the state truly should not be standing in authority over a church ministry. He distributed a Virginia federal circuit court case that establishes that it is constitutional for the state government to provide this sort of exemption. The proposed amendment was a model of the Virginia statute that has been approved in the court circuit. (Exhibit #8, 8a)

Representative Thomas Lee testified against the bill. He said that the bill overlooks a major factor in day-care and that is the developmental and behavioral impacts the present day-care system has upon children especially three years old and younger. He explained that during the 1970's when national day-care began to get its strong start, a behavioral psychologist from Pennsylvania State University Jay Dolsky was one of the leading proponents and he worked long and hard to further the cause of day-care. However, in the 80's he began to review the data, and to review the statistics of numerous studies and began to find that day-care negatively impacts and places children at risk



developmentally and behaviorally. He says there is sufficient evidence regarding day-care as a risk factor for the development of insecure infant/parent attachment non-compliance and aggression. Until the state is ready to address this risk, day-care that exposes children to developmental risk should not be encouraged, he stated.

Representative Ed Grady testified as an opponent to the bill in the present form. He did not think that family services were qualified to license education facilities which pre-schools are.

Patricia Reese said that all are concerned about the children, but as adults this is a society that is buyer beware. She felt that people were adult enough to find that particular day-care center. She said the state should get out of the regulatory day care business.

Debbie Linkenbach, mother of two children, testified in opposition to the bill. She said the bill does nothing for children's happiness.

Questions of the Committee:

Senator Jacobson asked if she could open a pre-school without a license.

Representative Vincent replied that the critical component of this bill was if it is a day care facility it be licensed as a day care facility, if it is a pre-school, educational facility, it be licensed on that basis.

Billie Warford (781) said the way the current law reads, if a person called themselves a pre-school, regardless of the length of time they operate their program, they would not have to be licensed. If the person opening a program shows to meet the child care center licensing standards can choose to be licensed in order to meet regulations. She noted that some programs that were operating from 7 a.m. until 7 p.m. or all night are calling themselves pre-schools and educational facilities to circumvent the intent of the law. Tightening the definition is an important step in getting back to what a pre-school is, she said.

Senator Van Valkenburg asked Mona Bracken if her Granny's Pre-School Center had ever been called something else.

Mona Bracken replied that before it was called Mona Bracken's Daycare Center. She explained that the name was changed because she gave up her license because of state harassment. She said her centers functions did

not change much. She said she took kids 24 hours a day, 7 days a week, anywhere from one half hour to overnight.

Senator Jenkins asked about a fiscal note.

Representative Vincent replied that only the first three items on the fiscal note related to the bill, the rest relates to a number of other bills in the process given the complexity of the funding of child care. The other bills all have to be coordinated with federal legislation and it was a complex area, he noted. He said the only fiscal impact of this bill is \$60,000 a year for resource and referral.

Senator Jenkins asked if 2.5 FTE was put in Department of Family Services and then put in HB 100.

Charlie McCarthy, DFS, noted that due to the 25% increase in the number of licenses and registered day care facilities and the welfare reform, there would be more yet. In order to keep up with the ones that they have they needed another 2.5 FTE, he said. He explained that the Department of Family Services is designated as the lead agency. They would be coordinating with the Office of State Fire Marshall, Department of Health, Department of Labor, and SRS. This would make sure that duplicate payments are not made in the local community for recipients to go from one agency to another. He noted that the statement of intent should be clarified. The bill allows for a lead agency, designates the Governor to appoint a state advisory council, and allows a grant program for resource and referral. One problem will be in enforcing regulation if someone chooses to call themselves a program established for educational purposes (100).

Representative Vincent said the bill does not change very much. He said the only thing it does in regards to licensing and regulation is to stipulate what a pre-school is so that people are not operating a day care facility under the auspices of a pre-school. He asked Senator Halligan to close.

Senator Halligan pointed out that there was no discrimination against relatives that they can be paid under the Welfare Reform Act or against moms that stay home. There is employers and individual child care credit. He said that even religious facilities are a legitimate area for state regulation to protect children. Grandmothers are not regulated by the state. Quality refers to access to information. This will

help people fill specific needs, he said. He pointed out that pre-schools should not operate 24 hours a day. Pre-schools should be educational activities with children less than 6 hours a day. A balance should be found in that definition, he said.

ADJOURNMENT

Adjournment At: 12:07 p.m.

A handwritten signature in cursive script, appearing to read "Pete Story". The signature is written in dark ink and is positioned above a horizontal line.

PETE STORY, Chairman

PS/dt

FCS413

DAILY ROLL CALL

FINANCE AND CLAIMS

COMMITTEE - 1989

DATE

4-13-89

NAME	PRESENT	ABSENT	EXCUSED
Senator Gary Aklestad	✓		
Senator Loren Jenkins	✓		
Senator Esther Bengtson	✓		
Senator Matt Himsl	✓		
Senator Paul Boylan	✓		
Senator Tom Keating	✓		
Senator Judy Jacobson	✓		
Senator H.W. "Swede" Hammond			✓
Senator Pat Regan	✓		
Senator Larry Tveit	✓		
Senator Fred Van Valkenburg	✓		
Senator Dennis Nathe	✓		
Senator Greg Jergeson	✓		
Senator Gerry Devlin	✓		
Senator Richard Manning	✓		
Senator Sam Hofman	✓		
Senator Lawrence Stimatz	✓		
Senator Ethel Harding	✓		
Senator Pete Story	✓		

#1

SENATE FINANCE AND CLAIMS  
EXHIBIT NO. 1  
DATE 4-13-89  
BILL NO. 763

M O N T A N A

5TH LEGACY LEGISLATURE

APRIL 12, 1989

TO: SENATE FINANCE AND CLAIMS

FROM: FRED PATTEN, PRESIDENT 5TH LEGACY LEGISLATURE

RE: HB NO. 763 -- "AN ACT TO APPROPRIATE FUNDS TO PROVIDE ADDITIONAL IN-HOME SERVICES FOR THE AGING."

IN-HOME SERVICES WERE INITIATED IN 1950 AND HAVE BEEN PROVIDED EACH YEAR SINCE IN ONLY A FEW AREAS OF MONTANA. IN 1988 THE STATE EXPENDED APPROXIMATELY \$282,568 TO SERVE 850 SENIORS NEEDING IN-HOME SERVICES. MANY MORE SENIORS ARE IN NEED OF THESE SERVICES TO BE ABLE TO REMAIN INDEPENDENT AND IN THEIR OWN HOMES. ADDITIONAL FUNDING FOR THESE SERVICES IS VITALLY NEEDED.

IN-HOME SERVICES HELP KEEP PEOPLE INDEPENDENT AND ABLE TO REMAIN IN THEIR HOMES LONGER -- A PREFERABLE ALTERNATIVE TO NURSING HOME CARE. INCLUSION OF \$100,000 IN ADDITIONAL FUNDING IN THE 1989 BUDGET WOULD PROVIDE IN - HOME SERVICES FOR MORE SENIORS IN MORE AREAS OF MONTANA.

WE URGE YOUR SUPPORT OF HOUSE BILL #763.

SEE ATTACHMENTS OF

EX #1  
4-13-89  
HB 763

IN-HOME SERVICES VS NURSING HOME CARE  
CONSERVATIVELY ESTIMATED, AN INVESTMENT OF \$50,000 IN  
IN-HOME SERVICES COULD PREVENT THE HIGHER COST OF  
\$1,397,400.

COST OF NURSING HOME CARE IN MONTANA: (BASED UPON  
INFORMATION FROM THE DEPARTMENT OF SRS-MEDICAID BUREAU)

THE AVERAGE EXPENDITURE FOR A DAYS STAY IN A LONG-TERM  
CARE FACILITY (NURSING HOME) FOR THE MEDICAID PROGRAM IS  
ESTIMATED TO BE \$27.95 PER DAY OR \$10,200 PER YEAR. THE  
AVERAGE TOTAL COST (STATE MEDICAID, SOCIAL SECURITY,  
PERSONAL RESOURCES) IS ESTIMATED TO BE \$50 OR \$18,250 PER  
YEAR.

IN-HOME SERVICES POPULATION SERVED:

THE "AT RISK" ELDERLY POPULATION, HAVE ONE OR MORE OF  
THESE CHARACTERISTICS:

ADVANCED AGE (75 AND OLDER).  
LIVING ALONE.  
LACKING TRANSPORTATION.  
MODERATE TO LOW INCOME.  
ONE OR MORE CHRONIC DISEASES THAT CAUSE SOME  
LIMITATION IN THE PERFORMANCE OF DAILY LIVING.

IN 1985 THE AGING SERVICES NETWORK SURVEYED THE VARIOUS  
CONTRACTORS TO ESTIMATE THE NUMBER OF CLIENTS ARE AT RISK OF  
EARLY INSTITUTIONALIZATION WITHOUT ACCESS TO IN-HOME  
SERVICES. THIS SURVEY AND NATIONAL SURVEYS CONDUCTED ON THE  
RISK OF INSTITUTIONALIZATION ESTIMATED THAT BETWEEN 20 TO  
25% OF THE THE 65 PLUS POPULATION WERE AT RISK. A  
CONSERVATIVE ESTIMATE IS THAT 24,000 OF MONTANA'S 120,000  
ELDERLY POPULATION ARE AT RISK OF EARLY  
INSTITUTIONALIZATION.

COST COMPARISONS BETWEEN IN-HOME SERVICES AND NURSING HOME  
CARE:

BASED UPON CURRENT DATA ON THE PROVISION OF IN-HOME  
SERVICES, THE AVERAGE COST PER CLIENT IS \$364. MORE THAN  
7,000 SENIOR CITIZENS ARE NOW BEING SERVED. OF THESE 7,000  
SENIORS, WE ESTIMATE THAT OVER ONE THIRD RECEIVE TWO OR MORE  
SERVICES IN THEIR HOME. THIS IS CONSISTENT WITH NATIONAL  
TRENDS WHICH INDICATE THAT THE AGING POPULATION BEING SERVED  
IN THEIR HOMES IS OLDER AND SICKER THAT IN PREVIOUS YEARS,  
AND IN NEED OF A GREATER MIX OF SERVICES TO MAINTAIN THEIR  
INDEPENDENCE.

AN ADDITIONAL INVESTMENT IN IN-HOME SERVICES OF \$50,000  
CAN SERVE APPROXIMATELY 137 SENIOR CITIZENS AT THE FY88 RATE  
OF \$364 PER CLIENT. IF THESE SAME SENIORS WERE TO REQUIRE

Ex. #1

4-13-87

IN-HOME SERVICES  
MONTANA'S AGING SERVICES NETWORK  
1987 AND 1988

SERVICE	FY87			FY88		
	UNITS	CLIENTS	UNIT COST	UNITS	CLIENTS	UNIT COST
HOME CHORE	16,487	652	7.35	7,024	566	6.18
HOME DEL. MEALS	332,336	6,039	3.38	501,492	7,098	2.83
HOME HEALTH AIDE	11,449	552	11.77	8,391	319	9.52
HOMEMAKER	77,912	2,784	7.34	93,268	3,293	7.99
HEALTH SCREENING	22,165	4,096	1.61	17,232	4,132	5.07
MED TRANSPORT	5,973	4,532	2.40	1,553	450	6.49
PERSONAL CARE	14,201	1,004	10.79	12,543	1,103	8.86
PHYSICAL THERAPY	216	90	20.83	97	48	46.39
RESPIRE CARE	3,245	47	3.04	3,079	59	2.78
SKILL NURSING	2,486	907	15.88	1,538	217	36.29
TELE. REASSURANCE	3,924	47	4.40	17,150	233	.65
TOTAL UNITS	540,394			663,367		
AVER. COST/UNIT	\$4.40			\$3.89		
TOTAL CLIENTS	6,039			7,098		
AVER. COST/CLIENT	\$394			\$364		

EXPENDITURES

TOTAL FUNDS	\$2,378,870		\$2,590,065	
FEDERAL	1,141,858 (48%)		1,217,330 (47%)	
STATE	356,830 (15%)		362,609 (14%)	
LOCAL	499,563 (21%)		569,814 (22%)	
CLIENT CONT.	389,619 (16%)		440,312 (17%)	

PROJECTIONS OF ADDITIONAL FUNDING (BASED UPON AVERAGE COST IN FY88)

ADDITIONAL \$50,000/YEAR  
 137 CLIENTS (SENIOR CITIZENS)  
 12,853 UNITS OF SERVICE  
 OR  
 17,668 HOME DELIVERED MEALS  
 OR  
 6,250 UNITS OF HOMEMAKER SERVICES

ADDITIONAL \$250,000/YEAR  
 685 CLIENTS (SENIOR CITIZENS)  
 64,265 UNITS OF SERVICE  
 OR  
 88,340 HOME DELIVERED MEALS



1988-1989  
MONTANA STATE LEGISLATIVE COMMITTEE

#2  
SENATE FINANCE AND CLAIMS  
EXHIBIT NO. 2  
DATE 4-13-89  
BILL NO. 763

CHAIRMAN  
Mrs. Molly L. Munro  
4022 6th Avenue South  
Great Falls, MT 59405  
(406) 727-5604

VICE CHAIRMAN  
Mr. Fred Patten  
1700 Knight  
Helena, MT 59601  
(406) 443-3696

SECRETARY  
Mr. John C. Bower  
1405 West Story Street  
Bozeman, MT 59715  
(406) 587-7535

April, 13, 1989

TO: SENATE FINANCE AND CLAIMS COMMITTEE :

FROM: Le Dean Lewis, American Association of Retired Persons

RE: House Bill No. 763  
Additional In-Home Services For The Aging

Roughly two-thirds of our older persons require long-term care assistance. The need for assistance with personal care and basic activities of daily living increases dramatically with age. Our nation's health care needs have changed, it is now as important to insure against the risk of chronic illness as that of acute illness. In-home services must be made available when the need for personal care and assistance in daily living activities, are needed.

As individuals age, they require a range of personal, social and supportive services. Such services make it possible for them to remain a vital part of their communities. Providing in-home services help people live independently and maintain self-sufficiency and often prevent premature or unnecessary institutionalization, especially those in rural areas.

The population aged 75 and over is projected to grow by 51% from 1980 to 2005. While individuals in this group are clearly at risk of becoming institutionalized, they can live independently in their own communities when provided with appropriate services.

The really important point to keep in mind, is what this bill will do for our senior population. Montana in many ways is still "the old west". You have to have had, a stout and hardy character to survive the ever-changing seasons and when we reach this final season of life and need help, a dollar amount cannot be put on the emotional and physical needs of our seniors.

Let's in fact, work harder and find more ways to step out in Montana and be a leader in long-term care for our aging population.

The American Association of Retired Persons strongly urges your passage of HB-763.



#3

SENATE FINANCE AND CLAIMS

SENATE NO. 3

DATE 4-13-89

BILL NO. 780

Museum of the Rockies Visitation  
March 27th - April 7th, 1989

Week of Grand Opening (estimate)	10,000
1st week	5,417
Total	<u>15,417</u>

( These totals do not include Grand Opening Day )

MONTANA VISITORS	OUT-OF-STATE VISITORS	FOREIGN VISITORS
------------------	-----------------------	------------------

		(states & areas with more than 10 visitors )	
Bozeman	2,616	North East U.S.	56
Billings	484	Virigina	12
Wolf Point	33	Florida	30
Miles City	35	Ohio	15
Great Falls	140	Mississippi	17
Havre	40	Iowa	26
Helena	314	Minnesota	76
Butte	476	N. & S. Dakota	61
Missoula	164	Illinois	14
Kalispell	63	Nebraska	11
		Texas	16
		Colorado	15
		Wisconsin	32
		Idaho	41
		Utah	13
		Arizona	20
		California	63
		Oregon	13
		Washington	125
		Alaska	195
Total	<u>4,365</u>	Total	<u>851</u>

Canada	29
Japan	5
Europe	7
Australia	7
China	3
Germany	7
British Isles	7
Total	<u>65</u>

(10 Montana Cities)

(21 States)

(7 Countries)

# 4

SENATE FINANCE AND CLAIMS

ENROLLMENT NO. 4

Written Testimony in Support of HB ~~768~~ 4-13-89

Beatrice Taylor, Bozeman BILL NO. 786

I am testifying today representing the philanthropic sector of the community, - both as a donor and as Chairman of the Capital Campaign. As a donor, my husband and I were instrumental in funding the Taylor Planetarium which opened April 1 at the Museum of the Rockies. As the Museum's Capital Campaign Chairman, I donate approximately 600 hours per year towards raising money for the building, equipment and exhibits. I have worked closely with the Museum of the Rockies for over 8 years, and have helped generate \$7.2 million for our expansion.

It is highly unusual for private donors to give generously to State institutions. Our blend of the private and public sectors utilizes the best of both worlds - a State affiliation, as a department of Montana State University, and an entrepreneurial freedom, through government by a private Board of Trustees, that allows us the flexibility to solicit widespread support from the private arena. This unusual partnership allows me to talk to corporate and foundation presidents throughout the country in presenting a case for support of the Museum of the Rockies.

Donors are willing to make an investment in Montana, in its economic revitalization, by helping to provide educational and cultural benefits not otherwise available. They have made this additional commitment over and above the taxes they pay to the State and they have entered into this unique partnership with the full expectation that the State would accept its responsibility to help in the maintenance and operating expenses of its facility. It is important that the State not break faith with its financially able supporters.

Ex. #4

4-13-87

Since we initiated our campaign 8 years ago, we have raised over \$7.2 million from private sources. Of this amount, 14 donors gave over \$100,000 each to account for \$6.2 million of the total. At the other end of the scale, 181 smaller donors gave from \$10 to \$1,000 to total \$48,000. As a vital part of our operations, 120 volunteers last year donated time worth \$96,000; this year they will more than double that amount.

One of the first questions I am asked by major donors is "What is the State's level of commitment on this project?" It is extremely important to them that their gift is supported by the State to which they have so freely given. Without the commitment on the part of the State to support the Museum of the Rockies, additional funds will be difficult, if not impossible, to generate. Approximately 1/4 of our capital funds generated to date have come from out-of-state-sources, and our current efforts are targeted almost exclusively at out-of-state donors. Affirmative action on the part of this Legislature is crucial to the success of raising the next \$3 million of capital needed for exhibits.

Large donors will continue to donate towards equipment and exhibits, but it is one of the realities of life that donors are not anxious to spend their money on such expenses as heat and electricity - particularly in a building that belongs to someone else. Our new, enlarged facility will require larger expenditures for maintenance and salaries and private donors cannot be expected to carry the additional burden alone. Without additional help from the State, we will have to divert funds to pay these necessities which would otherwise be used to expand our outreach programs - programs which have the potential to touch every life in Montana.

Ex. #4  
4-13-89

Although the Museum opened April 1, our task is not complete. We will continue to need money from outside sources for an estimated \$3 million for new permanent exhibits and renovation of old ones. The staff and Boards will continue to increase revenue from operations and grant support and we will continue to solicit funds from throughout the country for our capital needs and research programs.

We are not asking for a handout; we are asking for the State to make an investment in a State-owned institution that has been provided through private donations that have already totalled \$7.2 million. Thanks to the hard work by many people, ours has been a success story that does credit to the entire State. We have achieved a high level of visibility that focuses attention on the State and we stand in a position to make a significant economic impact. Help is available for many of our projects, but the private sector cannot carry the full burden for maintenance of a museum that is, in fact, a State institution. It is vital that this Legislature help us make the Museum of the Rockies and the State of Montana realize their potential.

Passing HB 768 will send a clear signal to the business and philanthropic community that Montana accepts its role in promoting educational and cultural opportunities for residents and visitors. Through a unique and profitable partnership, Montana will continue to prosper. I urge you to endorse and vote for HB 768.

# **Child Care Standards: Building a Case for Quality Care**

Congressional Staff Briefing

February 22, 1988

Presentation by Dr. Sue Bredekamp, NAEYC

## **Major Points**

1. The quality of child care affects the well-being of young children. The younger the child, the more vulnerable and the more dependent on adults to not only protect health and safety but to help develop social and intellectual competence.
2. Standards for child care should be derived from the most accurate and current information about how young children develop and learn.
3. National standards for child care make sense because the basic needs and developmental processes of children at approximately the same age are the same regardless of where they are cared for or by whom.
4. The nature of the interactions between the adult caregiver and the children is the most important determinant of the quality of the child's experience.
5. Frequent, warm, positive interactions between adults and children contribute to the development of social and intellectual competence in children.
6. The quality of the interactions between adults and children is highly correlated with the ratio of adults to children, the number of children in the group, and the amount and kind of relevant staff training.
7. Staff-child ratio, group size, and staff training are predictors of positive interactions and appropriate curriculum for children. When there are sufficient numbers of well-trained adults who interact consistently with a relatively small group of children, the likelihood is increased that interactions will be positive, supportive, and responsive to children and that children will be well supervised and safe. This conclusion is based on reviewing the research literature (See Predictors of Quality of Children's Programs) and reviewing approximately 800 early childhood programs of all diverse types in 48 states that have sought NAEYC accreditation.

## **Background Information**

In 1981, the National Association for the Education of Young Children began development of standards and procedures for a national accreditation system for early childhood centers and schools, serving children birth through age 5 and/or school-age children before and after school. The purpose of this system is to establish a uniform, national standard for quality of services for children and families and to provide a system for recognizing programs that substantially comply with those standards. At the time the accreditation criteria were developed, there were no nationally accepted standards for child care and, as is still true today, local and state licensing standards varied

enormously. For example, Massachusetts requires 1 caregiver for every 3 infants while North Carolina permits 8 infants per adult. (The attached charts compare state licensing standards for group size, staff-child ratio, and staff training with accreditation standards).

The NAEYC standards are based on knowledge, derived from research and practice, about the effects of various components of a group program on outcomes for children. The standards derive from what is known about how children of different ages learn and develop. The accreditation system is based on the premise that although there are individual differences among children including cultural and language differences, there are certain needs and interests that are shared by children at certain developmental ages and stages. For example, the physical, emotional, and social needs of a 6-month old infant are similar whether that baby is cared for in her own home by a parent or grandparent or in a center by a professional child care provider. Likewise, toddlers have similar physical, social, emotional, and intellectual characteristics regardless of whether they live in Arizona or Vermont. Many parents who call NAEYC for information about child care are shocked to discover that child care standards vary from state to state.

### **The Importance of Standards: Some Examples**

All babies, regardless of where they live or who with, learn about their world by putting any available object in their mouths. Knowing this, it seems reasonable then to establish a standard for infant care that says that objects in the environment are large enough so babies cannot swallow them. Another way of trying to keep babies from choking on small objects would be to not allow them to pick up or mouth *any* objects. That approach would undoubtedly prevent choking, but would also do more harm than good in terms of babies' physical and intellectual development. Infants need to reach, grasp, and mouth objects to develop optimally. So a standard for safety must draw on the best wisdom we have about how children develop and learn.

All babies need to be held and rocked to develop socially and emotionally. Mothers of twins find it a challenge to meet the physical needs of two babies. It is common wisdom as well as documented fact that the more babies that each adult must care for, the less likely it is that each baby will be frequently held and rocked and comforted when they cry. In addition, adults must pick up and carry babies away from hazards or dangers. It is only logical that standards for staff-child ratio for infant groups must allow for no more than 3 or 4 babies to each adult. Even the most skilled caregiver can only hold and rock one baby at a time.

Toddlers are physically active (they run instead of walk) and they don't understand about sharing or how to use words to get what they want, so they may take things from other children or even bite them. Those behaviors are normal for toddlers. Knowing these facts about toddlers, it is reasonable for groups of toddlers to be small enough so children are not constantly competing with each other for space or materials (which leads to increased aggression) and there must be enough adults to supervise and respond quickly to protect toddlers.

Three- and 4-year-olds are noisy, active, have short attention spans, and are better talkers than they are listeners. They are learning how to communicate with other people and they need to engage in one-to-one conversations with adults to develop language. These facts about 3- and 4-year-olds imply that the number of children in the group is as important as the ratio of adults to children. A group of 20 4-year-olds with 2 adults has a staff-child ratio of 1:10 as does a group of 40 4-year-olds with 4 adults. However, those two groups are quite different in terms of noise level, psychological space, and opportunities for individual interactions with adults and children.



1989

# Montana Alliance For Better Child Care LEGISLATIVE POSITIONS

*MABC supports a comprehensive child care bill in Montana for the purpose of promoting and regulating quality child care. . .*

- designating the Department of Family Services as the lead agency in Montana for child care issues.
- increase in DFS FTE's to improve enforcement of existing child care regulations.
- the development of the Governors' Montana Advisory Council on Child Care. The council would be charged with studying the current child care delivery system, development of a long-range plan to make recommendations to legislative and administrative branches of government.
- the development of a Statewide child care resource and referral network. Montana families and child care providers have minimal, if any resources to assist them in their pursuit of child care and quality. There is a critical need for R&R agencies in local communities. They would provide parent referrals, on-going recruitment and training of providers, also public awareness and education about the importance of quality child care.
- incentives for employer investment in child care and the State to be a model in such an investment.

As recommended in Governor Schwinden's Budget

Biennium \$250,000

*Additionally, MABC supports. . .*

- removal of the freeze on the State reimbursement rate for child care to approach market rate. Biennium \$280,000
- pre-school licensing and registration in Montana. Pre-schools are exempt from minimum standards for health, safety, and program content. Designating 3 FTE's to DFS would provide the staffing to insure the registration/licensing of pre-schools.
- funding for subsidized low income and transitional child care, from welfare to work, as required by Federal Welfare Reform Legislation.

for Montana's children!



If you would like more information on MABC write:

MABC  
Box 3484  
Bozeman, Montana 59772

Legislative Information & Message Center  
444-480

Montana Women's Lobby  
449-791

We care ...



MONTANA ALLIANCE FOR BETTER CHILD CARE  
MONTANA CHILD CARE FACT SHEET

# 5

SENATE FINANCE AND CLA

EXHIBIT NO. 5

DATE 4-13-87

BILL NO. 200

POPULATION

1987 Estimates

Total populations	809,000
Total number of children under 18 years:	224,000
Total number of children 5-14 years:	124,000
Total number of children under 5 years:	64,000

1980 Census

Total populations	788,890
Total number of children under 18 years:	231,895
Total number of children 6-17 years:	140,038
Total number of children under 6 years:	78,418
Total number of families:	207,524
Total number of female-headed households:	19,952

Of total number of children under age 18:

81.1 % are in married couple families

10.4 % have a female-headed household (no husband present)

2.0 % have a male-headed household (no wife present)

8.4 % live with other relatives or non-relatives, are a spouse or head of household or are inmates of institutions or group quarters

Source: Montana Census and Economic Information Bureau, 1980 Census, Helena, MT; and Montana Women in the 80's, Montana Department of Labor and Industry Research and Analysis Bureau, Helena, MT.

MEDIAN INCOME

Median incomes:	<u>Family of 4</u> \$20,778	<u>Family of 3</u> \$18,758	<u>Family of 2</u> \$15,481
	<u>Married Couple</u> \$19,558	<u>Female-Headed Household</u> \$ 9,157	<u>Female-Headed with children under 6 years</u> \$ 4,931

Median income for all families: \$18,413

Median income for female-headed households: 49.7 % of median income for all families

Source: Montana Census and Economic Information Bureau, 1980 Census, Helena, MT.

MONTANA FAMILIES IN POVERTY

Number of families with children under 18 years below poverty level:	13,854
Number of female-headed households below poverty level:	8,072
Number of female-headed households with children under age 6 below poverty level:	3,074

One-third of Montana families living in poverty with children under 18 years of age are headed by a female with no husband present.

Determining Poverty Levels:

<u>Family of 4</u> \$7,442	<u>Family of 3</u> \$5,787	<u>Family of 2</u> \$4,723
-------------------------------	-------------------------------	-------------------------------

Monthly Montana AFDC benefit for family of 3 (in 1988): \$354

Source: Montana Census and Economic Information Bureau, 1980 Census, Helena, MT; and Children's Defense Fund, Washington, D.C.

## CHILD CARE

	Centers (13+ children)	Group Homes (7-12 children)	Family Day Care (6 or less children)
Number of licensed/registered child care programs	153	315	501
Number of children licensed/registered to serve at any one time	5,837	3,485	2,448
Total number of licensed/registered child care spaces			11,878*
Total number of licensed/registered child care facilities			989

\* Actual number of children served will be greater due to part-time child care. (i.e. one full-time space may actually serve 2 part-time children)

Source: Montana Department of Family Services, Helena, MT, December 1988.

## LABOR FORCE PARTICIPATION

	1950	1980	1970	1980
Female labor force participation rates:	25.2 %	32.8 %	38.8 %	49.0 %
For married women:			37.7	49.0
For women with children 6-17 years of age:			41.7	80.3
For women with children under 6 years of age:			28.5	42.5

Source: Women in the 80's, Montana Department of Labor and Industry Research and Analysis Bureau, Helena, MT.

## COST OF CHILD CARE

	Rural	Urban
Average full-day* cost for child care in a center:	\$ 9.29/day	\$ 9.58/day
Average full-day cost for under 2 year olds:		10.50/day
* Full-day indicates a range of 8-10 hours of care.		
Average starting wage for all teachers in child care centers:	\$ 4.43/hour	
Average starting wage for child care center teachers:	\$ 4.67/hour	\$ 4.21/hour
A full-time child care teacher in Montana earns an annual income of \$9,214.14 with few or no benefits.		

Source: Early Childhood Project Survey, July, 1988.

## IMPLICATIONS

Forty-two and a half percent of women with children under age 6 (78,416) were in the labor force in 1980. This indicates there are 32,478 children in Montana under age 6 needing some type of care while mom works.

Information on where and how these children are cared for is sparse.

Statistics are not available on numbers of school-age children in need of child care before or after school.

## SCENARIOS TO CONSIDER

Single-parent Mother of a three year old child working full-time at \$4.00 per hour, earns \$8,000 per year. Her child care costs will be at least \$2,500 per year or 31 percent of her gross earnings.

A family of four with both parents working earns \$20,776 annually. They have a four year old and a seven month old child in need of full-time child care. Child care costs will be about \$19.20 per day for both children or \$98.00 per week for an annual cost of \$4,982 or 24 percent of their gross income.

## Defining Quality

Where is the quality in an early childhood program? This question has been asked of hundreds of groups of professionals and parents since 1981 when NAEYC began developing standards for quality child care. The answer is always the same —Quality is positive interactions among the staff and children. Research shows that children's development depends on frequent, warm, affectionate, individualized interactions with adults. Children's intellectual and language development is greatly influenced by having frequent opportunities for conversation with adults. The development of social and intellectual competence in children is largely dependent on their having positive interactions with adults and other children during early childhood.

The safety of children depends on variables like the physical environment, the amount of space, and whether there are enough adults to adequately supervise. Research shows that the most effective deterrent to the spread of infectious disease in child care is regular and adequate handwashing by adults and children. And yet when there are too many diaper changes, the adult is more likely to lapse into complacency. "I won't wash my hands this one time." Unfortunately, it only takes one time to spread gastro-intestinal illness. Similarly, the best prevention of child abuse is assuring adequate numbers of adults who can relieve each other when stress becomes too great and adults who are trained in appropriate discipline practices and normal child development.

Too often we read horror stories in the newspapers where children are harmed in child care. Recently, a nanny in DC was accused of killing a 9-month old infant by shaking her and banging her head against the wall four times. In confessing to the crime, the nanny explained that the baby would not stop crying. We groan and shake our heads when we read such reports. The nanny sounds like some kind of a monster, and yet we must face the very real possibility that she did not know any better. Caring for other people's children requires training. Caregivers must know what normal child development is and how best to help children grow and learn.

The current frustration in the field of child care is that the public only becomes interested or alarmed when they hear of horror stories. But our goal is not that children just survive child care. We want and need for them to thrive in child care. Knowledge exists about how to help children develop optimally. That knowledge must be applied in practice. Of course good care costs money, but in a free market economy we are used to paying more for better quality products and services. In child care, the local standards tend to establish a marketplace value for child care. Those who want to provide a better quality service whether it is through providing better staff-child ratios or higher salaries so that staff will not leave, typically cannot do so because they price themselves out of the market.

## Barriers to Quality

Currently the biggest threat to the providing quality child care is the staffing crisis. As in many occupations, there is a shortage of qualified workers. In child care, the shortage is exacerbated by extremely low wages and high levels of responsibility. As a result, the yearly rate of turnover is among the highest of any occupational group—estimated at 42% annually. The enormity of this crisis is only understood when one considers that every year as many as 40% of the groups of children in the country experience some kind of disruption when their primary caregiver changes. To provide the kind of positive interactions described above as essential for children's well-being, the caregiver must know the child and be able to interpret his behavior. Young children cannot articulate their needs or feelings. Too many children are relying on the kindness of strangers.

It is important to remember that the current costs of care are based on staff salaries (averaging less than \$10,000/year) that are woefully inadequate to ensure recruitment and retention of qualified staff. The costs paid by working families are currently being subsidized invisibly by staff members who accept inadequate wages for their work. Good child care costs money because it is such a labor-intensive service. As was pointed out earlier, the most salient ingredient is the individualized interaction among the adults and children. The younger the children, the more adults are needed to provide that kind of individualized, personal care.

One of the most important concerns about child care is parental choice. The younger the child, the more integrally the child is linked emotionally and physically to the parents. Therefore, parental involvement and choice are essential elements of a child care service delivery system. When governments rely on consumer choice to ensure accountability, there is an implicit assumption that consumer preferences vary widely and that a variety of services will spontaneously emerge to allow choice to operate as a safety valve against poor service provision. In other words, parental choice assumes that what parents want for their young children is very different and also that there are enough options from which parents can choose that poor quality programs will go out of business. While it is true that parents' preferences regarding setting (their own home, a family day care home, or a center) tend to vary and change with the age of the child, the amount of variance in what parents prefer for their children has been exaggerated. All parents want their children to be kept safe from injury or abuse, to stay well, to learn self-care as they get older, to feel good about themselves, to learn to get along with other people, to learn to communicate and to develop skills for later learning so they will succeed in school and in life. Given a choice, most parents would say that they want their child cared for by someone who cares about and knows their child. Most parents would want to be able to visit their child whenever they liked. Parents do differ on the specific values they hold for their children and the cultural background they wish to promote. But most parents tend to make their decision about child care on the basis of convenience and cost. They have no other basis for judging. They may not realize that the slickest advertisement or the most impressive physical facility does not guarantee the best environment for their child. Parents tend to trust that whatever child care setting they choose is meeting standards and being monitored. Just as when they take their child to a restaurant, they choose one based on convenience, cost, and personal preference for food but they do so confident that the restaurant is meeting standards for the healthy preparation and service of food.

Ideally, the child care marketplace would operate so that parents would have many high quality programs from which to choose the one that best meets their needs and goals for their children. But this is not the case. Most parents are lucky to find one setting where they feel comfortable and not too guilty about leaving their child. Unfortunately, there is too much mediocre care and some very bad care. Until the overall quality of the entire industry is improved, parental choice alone is insufficient to ensure children's best interests.

Child care, whether it is good or bad, costs money. It doesn't begin to approximate the cost of drug rehabilitation (approximately \$8,000/month) or prison incarceration. But good child care and early education represent an investment that serves to prevent later more costly remediation. It is certainly far more humane to invest in prevention. Without standards, the cost of care is not significantly less in the short-run and is far greater in the future. With standards, the likelihood that children will not only be protected from harm, but will actually thrive is greatly increased.

EXAMPLES OF STATUTES WHICH REQUIRE  
STATE COMPLIANCE WITH FEDERAL STANDARDS

Head Start Act

HHS performance standards for educational, health and social services, and parental involvement.

Social Security Act - Medicaid

Federal nursing home standards in areas such as health and safety and patients rights.

Federal Water Pollution Control Act

States must adopt plans satisfactory to EPA with standards for water quality, waste disposal, and toxic substances control.

National School Lunch Act

Minimum nutritional guidelines and income limits for free or reduced price lunches.

Federal Aid Highway Act

States which have not imposed a minimum drinking age of 21 lose federal highway funds.

Occupational Safety and Health Act

Federal standards for toxic substances, protective equipment, fire hazards, noise pollution, etc.

Clean Air Act

States which do not develop plans meeting federal air standards lose federal funds.

Federal Food, Drug and Cosmetic Act

Advertising and labeling standards for food and drugs in interstate commerce.

Federal Aviation Administration

Standards to ensure the safe use of navigable air space, including airport construction, air traffic rules, pilot training and aircraft maintenance.

This information was prepared by the Early Childhood Project. Since Montana lacks a centralized method of collecting information on children, we hope this collection of information will be helpful to you.

#### SOURCES OF INFORMATION:

COUNTY POPULATION: Health and environmental sciences, vital records and statistics. Rankings provided by The Center for Data Systems and Analysis, Montana State University, Bozeman, Montana.

UNEMPLOYMENT RATE: Department of labor and industry, Helena, Montana.

NUMBER OF CHILDREN: Populations for the number of children in each county are from the 1980 census of population, projections 1985. Elementary school age children are defined as under 14 years old.

ANNUAL BIRTHS: Department of Health, Statistical Unit, selected county vital statistics for 1985 and state summaries for 1984 and 1985.

SINGLE PARENT FAMILIES: Census of population projections, 1980, 1985.

ECONOMIC OUTLOOK FOR 1985: Department of Labor and Industry

PRENATAL CARE: Montana Department of Health, report of vital statistics, Bureau of Records (month prenatal care began), 1985 residents live births.

INFANT MORTALITY: Montana Department of Health, report of vital statistics, live birth weight group, Montana counties 1985.

LOW BIRTH WEIGHT BABIES: Montana Department of Health, report of vital statistics, live births by birth weight group, Montana counties 1985.

PUBLIC ASSISTANCE: Montana Department of Social and Rehabilitation Services, Community Services Division, for the year of 1985, average monthly counts, elementary school age children are defined as under 14 years old.

DAY CARE NEEDS: Families need affordable child care, child care - whose priority? A state fact book 1985, Children's Defense Fund. U.S. Department of the Census, 1980, calculations by ECP. Montana Department of Social and Rehabilitation Services.

DAY CARE FOR THE POOR: Montana Department of Social and Rehabilitation Services. State and federal child care funds for poor children, Children's Defense Fund.



For more information contact:

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1985 MONTANA CHILD CARE FACT SHEET

Total Population: 826,000

Total Number of Children 5 and Under: 90,728 (50% of whom live in families where mothers work outside the home)

Total Number of Families: 217,880

Total Number of Female Headed Households: 21,102  
(no husband present)

Total Number of Male Headed Households: 6,505  
(no wife present)



Median Income

In the Labor Force

All married couples	\$20,516	Female head household employed	4,935
All Families	\$19,315		
Families with Children	\$20,067	Married couples with children under 18 with working mother	49,546
Female headed households with children under 6	\$ 5,173	Married couples with children under 6 with working mother	21,517

Families Below Poverty Level

Determining Poverty Level

Families with children under 18	25,428	Two person family	\$5,000
Female headed household with children under 18	5,752	Three person family	\$5,844
Female headed household with children under 6	3,224		

Implications for Montana:

- Female head of households with children under 6 often live below the poverty level (25% of total).
- Approximately 50% of female head of households have mothers who work outside the home. The wages are often at poverty level.
- Approximately 50% of married couples with children under 6 have mothers who work outside the home.

Estimates indicates as many as 50% of the children under 5 in Montana or 45,364 may be involved in some kind of day care institution. These placements must be supervised and regulated to protect the health, safety and future of Montana's children.

Sources are listed on the back of this page.

In 1984, the state infant mortality rate was 8.8 percent. Four states had a lower rate.

61.4 percent of financially eligible pregnant women, infants and children in Montana do not get nutrition supplements through the federal Women, Infants, and Children (WIC) program.

#### CHILD CARE

An estimated 45 percent of Montana mothers with children under age six work outside the home. 63 percent of mothers with children ages six to seventeen work outside the home in Montana.

Between 1981 and 1986, the number of children receiving child care or the number of slots provided by the Title XX Social Services Block Grants funds decreased by 59.9 percent in Montana.

#### EDUCATION AND JOBS

In Montana 3,658 students, or 2.21 percent of all students, were suspended from school for at least one day in 1984. The white suspension rate was 1.58 percent, the Black rate 1.73 percent, and the Hispanic rate 3.78 percent.

17.1 percent of students entering the 9th grade in Montana did not graduate four years later in 1985. The comparable 1985 national dropout rate was 29.4 percent.

In 1985, the average spent on each public school elementary and secondary student nationally was \$3,449. In Montana the average per pupil expenditure was \$3,847. Thirteen states had a higher per pupil expenditure.

The 1985 unemployment rate among sixteen- to nineteen-year-olds in Montana was 18.8 percent. Twenty-five states had a lower rate.

#### CHILD ABUSE

Between 1981 and 1985, the number of child abuse reports in Montana increased by 273, a 5.2 percent change.

#### SOURCES

The data for this fact sheet has been taken from U.S. Government sources. For a complete list, contact the Division of State and Local Affairs at the Children's Defense Fund.

Children's Defense Fund, State Childcare Fact Book, 1987, 122 C Street, N.W., Washington, D.C. 20001



SEPTEMBER 1987

Ex. # 5 HB 200  
4/13/89

KEY FACTS ABOUT CHILDREN IN MONTANA

NUMBER OF CHILDREN

There are an estimated 234,000 children under age eighteen, including 70,000 under age five and 164,000 ages five through seventeen in Montana. Children make up 28.4 percent, or one in four of the state's citizens.

CHILD POVERTY

An estimated 41,000 Montana children live in families with incomes below the poverty line. They represent 17.6 percent, or one in six of all children in the state. 15,000 children under age five live in poor families. They represent 21.2 percent, or one in five of all children under age five.

Children are poor because their parents cannot find work. In 1985, the state's unemployment rate was 7.7 percent. Thirty states had a lower rate.

Children are also poor because of changing family demographics. The number of single-parent households is growing. Nationwide, more than half of all children living in female-headed families are poor. In Montana, 10.4 percent, or one in 10 children live in a family headed by a single mother. In 1984, 15.1 percent of all Montana babies were born out-of-wedlock. Ten states had a lower rate.

Children born to teen parents are particularly vulnerable to poverty. A teen mother has half the lifetime earnings of a woman who has her first child at age twenty or later. In 1984, 14,141 babies were born in Montana; 1,460 or 10.3 percent were born to teenagers. The state ranks 14th among states for percent of all births that were to teens.

Children are poor because their families have inadequate incomes. In 1985, child support collections were made in 5.8 percent of the cases within the state child support enforcement system. 43 states had a better collection rate. Nationwide in 1983, the average actual child support payment was \$2,163 per year.

Children's poverty is exacerbated by low welfare payments. Nationwide, 64 percent, or 7 million, of the roughly 11 million AFDC recipients are children. Montana's monthly welfare benefit for a family of three is \$354, which is 46.6 percent of the monthly federal poverty level. 22 states provide a higher welfare grant to families. The monthly combined welfare and Food Stamps benefit in Montana is 64.2 percent of the monthly federal poverty level.

MATERNAL AND CHILD HEALTH

In 1984, 2,970 Montana babies, or approximately one in five, were born to mothers who did not receive early prenatal care. 20 states had a higher percentage of babies born to women receiving early prenatal care.

820 of these babies, or one in 17, were born at health risk because they weighed under five and one half pounds at birth. 13 states had a lower percent.

**4-Year-Olds Group Size and Adult:Child Ratios**  
**Number of States with Regulations Meeting or Exceeding Academy Criteria.**

	Adult:Child Ratio												
	1:3	1:4	1:5	1:6	1:7	1:8	1:10	1:12	1:14	1:16	1:18	1:20	1:25
<b>6</b>													
<b>8</b>													
<b>10</b>													
<b>12</b>													
<b>14</b>													
<b>16</b>						1							
<b>18</b>													
<b>20</b>						9						3	
<b>22</b>													
<b>24</b>								1					
<b>26</b>										1			
<b>28</b>										1			
<b>30</b>							1						
<b>32</b>													
<b>35</b>												1	
<b>G.S. UNR</b>						7	8	1	1	5	2	2	3

Academy Criteria in boxed area. For 4-year-olds: group size of 16-18 or 20 at upper limit, with 2 adults for a staff:child ratio of 1:8, 1:9, or 1:10. Group size of 20 and ratio of 1:10 is permitted only if staff are highly qualified; lower limits optimal. Source: *Accreditation Criteria & Procedures of the National Academy of Early Childhood Programs*, Natl. Association for the Education of Young Children, 1986. State regulations based on data from Morgan, 1987, *The National State of Child Care Regulation*, 1986.

Note: G.S. UNR= group size unregulated.

# State Licensing Child Care Staff Training Requirements

## Preservice

	Substantial Relevant College Coursework (10 or more credits)	Some College and Experience	Some College only	Experience only	No Training or Experience
Directors	8	16	3	15	7
Teachers	2	8	9*	9	23
Asst. Teachers	0	0	7*	1	43

\*3 states orientation only

## Inservice

	More than 15 hr/yr	Between 1-15 hr/yr	None
Directors	3	11	37
Teachers	6	28	17*
Asst. Teachers	6	19	26*

\*2 states encourage ongoing training

Table based on data from *The National State of Child Care Regulation 1986*, G. Morgan, Work/Family Directions, 1987.

**Toddlers at 30 months Group Size and Adult:Child Ratios  
Number of States with Regulations Meeting or Exceeding Academy Criteria.**

GROUP SIZE	Adult:Child Ratio												
	1:3	1:4	1:5	1:6	1:7	1:8	1:10	1:12	1:14	1:16	1:18	1:20	1:25
6													
8		1											
10		1						2					
12		1		2			1						
14					1								
16			1			5							
18													
20				1	1	1	2						
22													
24					1				1				
26													
28													
30													
32													
35									1				
G.S. UNR		1	2	2		7	5	9		1			

Academy Criteria in boxed area. For toddlers at 30 months: group size of 8-10 or 12 at upper limit with 2 adults for a staff:child ratio of 1:4, 1:5, or 1:6. Group size of 12 and ratio of 1:6 is permitted only if staff are highly qualified; lower limits optimal. Source: *Accreditation Criteria & Procedures of the National Academy of Early Childhood Programs*, Natl. Association for the Education of Young Children, 1986. State regulations based on data from Morgan, 1987, *The National State of Child Care Regulation 1986*.

Note: G.S. UNR= group size unregulated.

**Infant (up to age 1 year) Group Size and Adult:Child Ratio**  
**Number of States with Regulations Meeting or Exceeding Academy Criteria.**

**Adult:Child Ratio**

G  
R  
O  
U  
P  
S  
I  
Z  
E

	1:3	1:4	1:5	1:6	1:7	1:8	1:10	1:12	1:14	1:16	1:18	1:20	1:25
		1											
6	2			1									
8		12											
10	1		2	2									
12		2		1									
14						1							
16													
18													
20			1										
22													
24													
26													
28													
30													
32													
35													
G.S. UNR		9	4	6	1	1		1					

Academy Criteria in boxed area. For infants up to 1 year: group size of 6-8 with 2 adults for a staff:child ratio of 1:4. Source: *Accreditation Criteria & Procedures of the National Academy of Early Childhood Programs*, Natl. Association for the Education of Young Children, 1986. State regulations based on data from Morgan, 1987, *The National State of Child Care Regulation*, 1986.

Note: G.S. UNR= group size unregulated.

- Lally, J.R. (April, 1987). Syracuse University longitudinal study: Parents and student perceptions of school and family life. Paper presented at the biennial conference of the Society for Research in Child Development, Baltimore, MD.
- McCartney, K. (1984). Effect of quality of day care environment on children's language development. *Developmental Psychology*, 20, 244-260.
- McCartney, K., Scarr, S., Phillips, D., Grajek, S., & Schwarz, C. (1982). Environmental differences among day care centers and their effects on children's development. In E.F. Zigler & E.W. Gordon (Eds.), *Day care: Scientific and social policy issues*. Boston: Auburn House Publishing.
- McKey, R., Condelli, L., Ganson, H., Barrett B., McConkey, C., & Plantz, M. (1985). *The impact of Head Start on children, families, and communities*. Final Report of the Head Start Evaluation, Synthesis, and Utilization Project. Washington, DC: U.S. Dept. of Health and Human Services.
- Pickering, L., & Woodward, W. (1982). Diarrhea in day care centers. *Pediatric Infectious Disease*, 1, 47-52.
- Phyfe-Perkins, E. (1980). Children's behavior in preschool settings—A review of research concerning the influence of the physical environment. In L. Katz (Ed.), *Current topics in early childhood education*, Vol. III. Norwood, NJ: Ablex.
- Prescott, E. (1981). Relations between physical setting and adult child behavior in day care. In S. Kilmer (Ed.), *Advances in early education and day care*, Vol. 2. Greenwich, CT: JAI Press.
- Prescott, E., Jones, E., & Kritchevsky, S. (1972). *Day care as a childrearing environment*. Washington, DC: NAEYC.
- Ramey, C. & Haskins, R. (1981). The causes and treatment of school failure: Insights from the Carolina Abecedarian Project. In M.J. Begab, H.C. Haywood, & H.L. Garber (Eds.) *Psychosocial influences in retarded performance: Strategies for improving competence*. Baltimore: University Park Press.
- Ruopp, R., Travers, J., Glantz, F., & Coelen, C. (1979). *Children at the center: Final report of the National Day Care Study*. Cambridge, MA: Abt Associates.
- Shapiro, S. (1975). Preschool ecology: A study of three environmental variables. *Reading Improvement*, 12, 236-241.
- Schweinhart, L., Weikart, D., & Larner, M. (1986). Consequences of three preschool curriculum models through age 15. *Early Childhood Research Quarterly*, 1 (1), 15-46.
- Silva, R. (1980). Hepatitis and the need for adequate standards in federally supported day care. *Child Welfare*, 59, 387-400.
- Smith, P., & Connolly, K. (1981). *The behavioral ecology of the preschool*. Cambridge, England: Cambridge University Press.
- Vandell, D., & Powers, C. (1983). Day care quality and children's free play activities. *American Journal of Orthopsychiatry*, 53, 493-500.
- Vandell, D., Henderson, V., & Wilson, K. (October, 1988). A longitudinal study of children with day care experiences of varying quality. *Child Development*, 59, 1286-92.

## References

- Aronson, S., & Pizzo, P. (1976). Concept paper on health and safety issues in day care. Washington, DC: Department of Health, Education, & Welfare.
- Berk, L. (1985). Relationship of educational attainment, child oriented attitudes, job satisfaction, and career commitment to caregiver behavior toward children. *Child Care Quarterly*, 14, 103-129.
- Bissell, J. (1971). Implementation of planned variation in Head Start. Washington, DC: U.S. Dept. of Health, Education, & Welfare.
- Bredenkamp, S. (Ed.). (1987). *Developmentally appropriate practice in early childhood programs serving children birth through age 8*. Washington, DC: NAEYC.
- Clarke-Stewart, A., & Gruber, C. (1984). Day care forms and features. In R.. Ainslie (Ed.), *Quality variations in day care*. New York: Praeger.
- Cummings, E. (1980). Caregiver stability and day care. *Developmental Psychology*, 16, 31-37.
- Cummings, M., & Beagles-Ross, J. (1983). Towards a model of infant day care: Studies of factors influencing responding to separation in day care. In R.C. Ainslie (Ed.) *Quality variations in day care*. New York: Praeger.
- Feeney, S., & Chun, R. (1985). Research in review: Effective teachers of young children. *Young Children*, 41 (1), 47-52.
- Francis, P., & Self, P. (1982). Imitative responsiveness of young children in day care and home settings: The importance of the child to caregiver ratio. *Child Study Journal*, 12, 119-126.
- Galinsky, E., & Hooks, W., (1977). *The new extended family: Day care that works*. Boston: Houghton Mifflin.
- Hadler, S., Erben, J., Francis, D., Webster, H., & Maynard, J. (1982). Risk factors for Hepatitis A in day care centers. *The Journal of Infectious Diseases*, 145, 255-261.
- Holloway, S., & Reichhart-Erickson, M. (1988). The relationship of day care quality to children's free play behavior and social problem-solving skills. *Early Childhood Research Quarterly*, 3 (1), 39-54.
- Holloway, S., & Reichhart-Erickson, M. (in press). Child care quality, family structure, and maternal expectations: Relationship to preschool children's peer relations. *Journal of Applied Developmental Psychology*.
- Howes, C. (1983). Caregiver behavior in center and family day care. *Journal of Applied Developmental Psychology*, 4, 99-107.
- Howes, C., & Rubenstein, J. (1985). Determinants of toddlers' experience in day care: Age of entry and quality of setting. *Child Care Quarterly*, 14, 140-151.
- Karnes, M., Schwedel, A., & Williams, M. (1983). A comparison of five approaches for educating young children from low-income homes. In Consortium for Longitudinal Studies, *As the twig is bent . . . lasting effects of preschool programs*. Hillsdale, NJ: Lawrence Erlbaum Associates.
- Kendall, E. (1983, July). Child care and disease: What is the link? *Young Children*, 38, 68-77.
- Krantz, P., & Risley, T. (1972). *The organization of group care environments: Behavioral ecology of the classroom*. Lawrence, KS: University of Kansas.

#### **4. Staff Qualifications**

Teacher/caregiver training specifically related to child development and early childhood education is linked to overall program quality and positive outcomes for children. Teachers with more specialized training engage in more social interaction, are more responsive to children, and are more likely to stimulate intellectual development and verbal skills in children. They are also more likely to use positive guidance approaches and less likely to be overly restrictive. In centers where teachers are trained, children are less likely to be apathetic, wander aimlessly, or be in potential danger. When teachers are specially trained, children are more likely to be involved in positive interactions during play, engaged in activities, and to be more socially competent. (Howes, 1983; Ruopp, Travers, Glantz, & Coelen, 1979; Berk, 1985; Clake-Stewart & Gruber, 1984; Vandell & Powers, 1983; Vandell, Henderson, & Wilson, 1988).

#### **5. Staffing—Staff-Child Ratio, Group Size, and Stability of Adults**

Limiting the size of the group and providing sufficient numbers of adults are major predictors of quality of care provided for children. Early childhood settings with small groups of children and sufficient numbers of adults are characterized by more child interaction with adults and children, less aggressive behavior, more cooperation among children, more involvement in activities, and less aimless wandering. Children need stable, consistent adults who know them well if they are to develop optimally. (Ruopp, et al., 1979; Clarke-Stewart & Gruber, 1984; Cummings & Beagles-Ross, 1983; Holloway & Reichhart-Erickson, 1988; Howes, 1983; Howes & Rubenstein, 1985; Francis & Self, 1982; Smith & Connolly, 1981.)

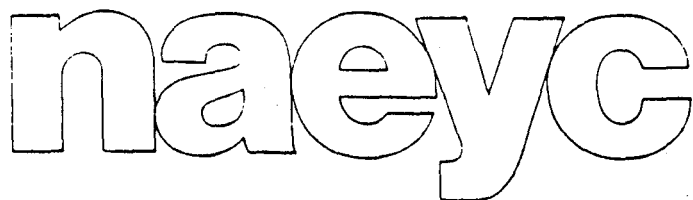
#### **6. Health & Safety**

Children's health and safety must be protected and enhanced in group care. Children must be under adult supervision at all times. The environment can be made safer for children in several ways, such as providing cushioning materials under well-secured climbing apparatus, providing non-slip floor materials to minimize falls, and providing running water near toileting and diapering facilities. The most effective means for preventing the spread of infectious diseases in child care is frequent and appropriate handwashing by children and adults. (Aronson & Pizzo, 1976; Kendall, 1983; Pickering & Woodward, 1982; Silva, 1980; Hadler et al., 1982).

#### **7. Physical Environment**

The amount of space, the arrangement of space, and the amount of appropriate materials affects the quality of children's experiences in group programs. As space decreases, aggressive behavior increases with a possible threshold effect at 25 square feet per person. As space decreases, children also become less involved and less attentive. When space is clearly organized and defined by pathways, children experience fewer distractions and engage in more goal-directed behavior. Insufficient amount of materials is related to stress behavior and aggression in children, while sufficient amount of readily accessible materials increases children's involvement with materials. (Phyfe-Perkins, 1980; Prescott & Jones, 1981; Smith & Connolly, 1980; Krantz & Risley, 1973; Shapiro, 1975; Prescott, Jones, & Kritchewsky, 1972.)





## Predictors of Quality in Children's Programs

### The development of professional standards

In 1981, the National Association for the Education of Young Children (NAEYC) began development of criteria for high quality early childhood programs to use in making accreditation decisions about child care centers and preschools. The criteria were developed from three sources: 1) a review of the research on the effects on children of various dimensions of a group program; 2) a review of state licensing standards and other evaluation documents; and 3) the expertise of thousands of early childhood professionals who reviewed the proposed standards. The criteria were field tested in 32 programs in four areas of the country and finalized in July 1984. Since then, the criteria have been applied in approximately 800 accreditation decisions, involving diverse types of early childhood programs in 48 states.

### Research evidence for program components

#### 1. Interactions among staff and children

Children's development and learning is optimized by frequent, warm, affectionate, individualized interactions with adults. Children's language development is enhanced by frequent opportunities for conversation with adults. Positive interactions with adults contribute to the development of social and intellectual competence in children. (McCartney, 1984; McCartney, Scarr, Phillips, Grajek & Schwarz, 1982; Holloway & Reichhart-Erickson, 1988; in press).

The nature of the interactions among the adults and children is the "quality" of the program that is so often discussed. It is also the most difficult aspect of program quality to ensure. It is highly correlated with other variables such as the training of the staff, the ratio of adults to children, and the size of the group.

#### 2. Curriculum

Children's learning is enhanced by the provision of planned activities appropriate to their age and developmental level. The curriculum should be well-organized and provide a balance of child-initiated and teacher-directed activity. (Bissell, 1971; Karnes, Schwedel, & Williams, 1983; Schweinhart, Weikart, & Lamer, 1983; Bredekamp, 1987)

Developmentally appropriate curriculum practices are related to staff training. Untrained staff may provide custodial care that is designed to keep children out of danger but fails to provide challenging, stimulating learning activities. Teachers whose training is not specific to early childhood may go to the opposite extreme and structure the program too much like elementary school with paper-and-pencil seat-work and teacher lectures. Inappropriate academic demand does not improve achievement and may harm motivation.

#### 3. Staff-Parent Interactions

Active involvement of parents in the preschool is related to lasting positive effects of high quality programs for children. Early childhood programs provide family support in a variety of ways—from information on child development and child-rearing to help in locating community resources. Parents should be welcome visitors at all times as the most effective deterrent to child abuse. (Galinsky & Hooks, 1977; Lally, 1987; McKey, Condelli, Ganson, Barrett, McConkey, & Platz, 1985; Ramey & Haskins, 1981).

This legislation will improve the availability, quality, and diversity of child care services in Montana. It has been proposed by a coalition of child care providers, parents, and other interested persons representing the Montana Alliance for Better Child Care, The Montana Child Care Association, The Montana Association for the Education of Young Children, The Montana Federation of Business and Professional Women, the Montana League of Women Voters, Montana Women's Lobby, American Association of University Women, The Montana Committee for the Prevention of Child Abuse, the Early Childhood Project. These organizations and others believe it will make resources available to private child care providers and improve child care in Montana communities. Major provisions are:

**(1) Administrative Consolidation**

Child care services will be coordinated by the Department of Family Services. Other agencies currently involved in child care services are the Department of Social and Rehabilitation Services -- the reimbursement of child care support for AFDC families; the Department of Health and Environmental Sciences -- health inspection of day care facilities and administration of Federal Food Programs; and the Department of Labor and Industries -- which administers the New Horizons Program, a welfare to work training program. A child care advisory council will be created which will include child care providers, parents, state agency representatives, and other child care advocates.

**(2) Resource and Referral**

Resource and Referral services assist parents in finding care for their children suitable to their needs. There is a grant program established in the department to fund local private non-profit and public organizations to provide local resource and referral services. The local organization would maintain a data base of child care services in the community which is continually updated, provide parents with a checklist to identify quality child care services, and provide information of the availability of child care assistance. (\$60,000/yr--recommended by Governor's Budget)

**(3) Child Care Assistance**

This bill contains a mechanism for assisting low income families and former AFDC clients (New Horizons Program) with the cost of child care expense, a major cost for many workers. This assistance may enable these families to remain on the tax rolls not the welfare rolls. These separate provisions are required by the federal Welfare Reform Act of 1988. The cost of these programs is presently attached to other appropriations legislation.

**(4) Exempts Preschool Licensure**

The bill clarifies the definition of a preschool as a facility that offers a program which operates for less than 6 hours per day and is for the education or enrichment of children 3 years of age or older, and excludes such facility from licensure. 2.5 additional PTB's in the Department of Family Services will be required to assist centers and day care homes with obtaining licensure or registration. A licensed or registered child care facility offers advantages to children, parents, and providers, including safety and health requirements, access to federal nutrition program, community resources and technical assistance. (\$65,000/yr--recommended by Governor's budget.

**Rationale: Assures Quality Private Child Care**

Child care services in Montana are currently furnished by 1,005 private providers, licensed or registered to serve nearly 12,000 children under the age of five. This legislation would improve the quality of, and coordination among, child care programs, and provide additional resources for child care services. The availability and diversity of quality child care services for all children and families will be promoted. Assistance will be provided to families whose financial resources are not sufficient to enable them to pay the full cost of child care services. Parents will not be forced to place a child in an unsafe or unhealthy child care facility due to the lack of available programs or financial resources. Parents' productivity at work will be improved by reducing the stress related to the lack of adequate child care.

Ex. # 5a HB 200  
4/13/89

Exhibit # 5a is an original child's painting. It can be seen at the Historical Society.

**PAUL  
GREENBERG**

# Parity for all families?

One of the first insights of married life is, or should be, how *convenient* it is. Just as joy is thin when experienced alone, and troubles harder to bear without someone else to ease them, the mundane routines of life may prove simpler within the context of family — a unit made for efficiencies like division of labor and specialization.

And the human race has yet to discover a more useful institution for rearing its young. As someone once observed, the family is a department of health, education and welfare that works.

Of course there are families that don't work well, but the latest \$2.5 billion proposal in Congress reminds that there are powerful influences in American life that don't give it much of a chance to work, that seek to parcel out the family's traditional function to newer, more fashionable institutions.

This proposal, sponsored by Democratic Sen. Christopher J. Dodd of Connecticut, would set up a

*Why should the tax system favor the parent who opts for day care and penalize the one who chooses to stay home and raise the kids?*

network of day-care centers for poor families. An alternative — being pushed by Republican Sen. Orrin G. Hatch of Utah — isn't as pricey, at \$375 million, and it would extend day-care programs to the middle class, too.

The new push for day care comes at the end of a decade of research into child care that argues strongly for having at least one parent stay home with young children. Perhaps the most impressive convert to home care is Jay Belsky, whose specialty at Pennsylvania State University is child psychology.

A long-time advocate of full-time day care for children, he published a controversial article in 1986 that reviewed the evidence and questioned the conventional view that day care doesn't really make much of a difference in a child's development. Instead, this researcher found that day care may weaken the attachment to parents — a relationship essential to the child's development. Mr. Belsky followed up his article with some research of his own and concluded that children under 2 years old need to be with a parent at home.

Jay Belsky's findings are not unusual; they are becoming typical, as science rediscovers what common sense once knew. Benjamin Spock, whose "Baby and Child Care" made him the whole country's baby doctor, comes to a similar conclusion. He prescribes individual care from the same person until a child is 3, and it's the rare day-care program that can meet that standard. Dr. Spock notes that "even at 6 months, babies will become seriously depressed, losing their smile, their appetite, their interest in things and people, if the parent who has cared for them disappears. . . . Small children . . . may lose some of their capacity to love or trust deeply, as if it's too painful to be disappointed again and again."

More day-care centers are coming and more good ones are probably needed. But why make them economically enticing compared to home care for children? Families who choose day care already get a tax credit; the cost to the federal government is put at some \$3.7 billion a year in lost revenues. Why not an even break for those parents who choose to stay at home with the kids?

A bill sponsored by Republican Rep. Clyde C. Holloway of Louisiana would grant families a tax credit of \$150 to \$400 a year for each child, whether they use day care or not. That would put parents who choose to stay at home on an equal footing with day-care families. A larger tax exemption for each young child would help the family, too.

Not just government but society in general needs to recognize the worth and importance of rearing young children. It is supremely important work. It's a calling, an art and a trial that mingles the sublime and the ridiculous.

Its principal rewards will never be monetary, but why should the tax system favor the parent who opts for day care and penalize the one who chooses to stay home and raise the kids?

Not the least satisfying aspect of giving the role of full-time, at-home parent the respect and tax treatment it's due might be the end of that stupid question, "Do you stay home or do you work?"

Paul Greenberg is editorial page editor of the Pine Bluff (Ark.) Commercial and a nationally syndicated columnist.

- WHEREAS families with children bear a disproportionate share of the U. S. tax burden, and
- WHEREAS in 1948 the income tax exemption for a dependent child equalled 18% of the average American income while in 1988 it equals 4%, demonstrating a devaluation of children in the U. S. tax code, and
- WHEREAS the estimated cost of raising a child today is \$200,000, and,
- WHEREAS mortgage and interest rates make it increasingly more difficult for the single-earner family to buy a home, and
- WHEREAS a heavy tax burden and the high cost of living are causing mothers to seek employment outside the home, forcing them to leave their children in the care of strangers, and
- WHEREAS child development experts are predicting serious problems with future generations who do not receive adequate mother love and nurturing, and
- WHEREAS statistics show that 84% of employed mothers would rather be home taking care of their own children, and
- WHEREAS current tax laws discriminate against single-earner families with a parent in the home, now therefore

BE IT RESOLVED that the Legislature of the State of Montana on the \_\_\_\_\_ th day on the month of April, 1989 by this resolution, calls upon the U. S. Congress to raise the income tax exemption for dependent children to \$3,000, phased to \$5,000 by 1995 and that it give an income tax credit of \$1000 per child under the age of five, to low-income, working families in which at least one parent is employed, and

BE IT FURTHER RESOLVED that this resolution be forwarded to the Congressional Delegation from the State of Montana and to the President of the United States, with the request that action be taken immediately to help reduce the tax burden on the families of America.

Ex. # 5 HB 200  
- 4/13/89



P. O. BOX 3484 BOZEMAN, MT 59772

CHILD CARE RESOURCE AND REFERRAL: CONSUMER LEGISLATION

Child Care Resource and Referral services (R&R) are rapidly expanding throughout the U.S. Child care R&R is a consumer and employment issue. The Child Care R&R contained in HB 200 and the Department of Family Services budget is consumer legislation. It gives parents the ability to make informed choices about child care and establishes a baseline of quality.

R&R creates options for parents to choose the best child care to meet their family needs. Finding adequate child care can be difficult for any parent. Welfare reform legislation mandates an adequate supply of regulated child care be available for low income parents making the transition from welfare to work. R&R services in Montana can be the most economical way to recruit providers, refer parents and provide orientation and training for providers. R&R supports the private sector economy by recruiting new providers which in turn creates more options for parents. The vast majority of child care providers in Montana are small business operators.

Currently 32,000 children under six need child care while mom works. There are approximately 11,000 regulated child care spaces located in 969 facilities. This is a gap of over 20,000 child care spaces. R&R can assist new providers in starting child care businesses. These providers pay taxes, employ workers and add to the economic climate of their communities.

While R&R programs differ slightly, most provide similar services to parents, providers and communities:

1) Provide information to parents

kinds of child care available in their community  
how to recognize and select quality child care  
assistance in monitoring child care services  
assistance in locating care for sick children  
health and social services for families  
information about assistance programs, vouchers  
evening and after hours care lists

2) Support to providers

training and consultation to homes and centers  
start-up information and consultation  
recruitment of new providers  
substitute list, list for sick child care, emergencies  
sponsor Child Care Food Program  
joint purchasing  
toy lending, recycle center

3) Services to community

referral of parents and providers to other agencies  
compile data on needs and resources  
develop policy reports  
assistance to employers  
referrals for employees  
parenting seminars at work place or other  
newsletter or other publications  
speakers, public education

A resource and referral network can provide a means to assure a quality investment of our child care dollars. Child care resource and referral is the first step which must be in place to meet the child care needs of Montana families.



of friction confronted women warns that if we thought Big Brother was bad we are going to be driven up the wall by Big Mama, the latest federal monster being proposed by liberal Democrats. Now the idea is to institutionalize our children under federal authority in "partnership" with the state

# Big Mama's Federal Baby-Sitting Act

By PHYLLIS SCHLAFLY

**T**HE WORDS *crisis, reform, and civil rights* seem to have become part of the packaging necessary to assure passage of any bill in a liberal Congress. Accordingly, the current "crisis in child care" was devised as part of a massive political and media effort to persuade Uncle Sam to become our nation's baby sitter.

This movement is driven by a new coalition including feminists who yearn to be liberated from child-care duties so they can fulfill themselves in the labor force; the big-spending liberal Democrats who have targeted "kids" as a means of capturing the pro-family vote in the 1988 elections; the bureaucrats who see a vast expansion of the Department of Health and Human Services under a federal Administrator of Baby Sitting; and, the social engineers who always want to bring children under state control at the earliest age possible.

May/June, 1988

Conservative Digest 81

The guru of the federal baby-sitting movement is psychology professor Edward F. Zigler, director of the Bush Center in Child Development at Yale. At the Center's tenth anniversary dinner on September 18, 1987, Zigler revealed the plans and purposes of people such as himself whom he calls "developmentalists." Indeed, Professor Zigler called for a federal child-care program that will cost "\$75 to \$100 billion a year." He said he wants the new federal day-care system to "become part of the very structure of our society," under the principle that "every child should have equal access to child care and all ethnic and socioeconomic groups should be integrated as fully as possible."

Not surprisingly, Edward Zigler further urged: "The child-care solution must cover the child from as early in pregnancy as possible through at least the first 12 years of life." He wants children to be reared by a "partner-

## CONSERVATIVE DIGEST

ship between parents and the children's caretakers." Such liberal use of that word "partnership," conservatives remember, was the offense that helped to defeat the discredited Walter Mondale Child and Family Services Bill of 1975. Parents wanted to know who made the federal government their "partners" in child rearing.

A Modest Proposal. The current federal baby-sitting bill, proposed by Senator Chris Dodd (D.-Connecticut) and Congressman Dale Kildee (D.-Michigan), has a price tag of \$2.5 billion, but is described as only a "small" first step toward the goal of those who want to institutionalize American children. The bill is an attempt by social-welfare professionals to establish a new federal bureaucracy to regulate and control baby sitting, and to create entitlements so the program can expand to the budget of \$100 billion a year anticipated by Professor Zigler.

The Dodd-Kildee baby-sitting bill is thoroughly unjust because it is (1) outrageously discriminatory against mothers who care for their own children; (2) outrageously discriminatory against families who choose alternate child care by relatives, friends, or neighbors without regard to whether they are licensed by government; (3) outrageously discriminatory against families who choose religiously affiliated day care; (4) outrageously discriminatory against those excellent day-care arrangements that would be made more costly or driven out of business by an influx of federal money going only to institutions that submit to busybody government regulations; (5) bureau-

cracy-building instead of benefit-giving; and, (6) fraudulent because its regulations will at once increase the cost and reduce availability of day care without preventing the hiring of child caretakers with records of crime, drugs, or disease.

The Real Problem. There is, indeed, a problem of not enough child care, but the advocates of federal baby sitting have focused on the wrong cause. The chief problem is that the number of children living in homes without a fulltime mother, or without any father at all, has increased dramatically over the last decade. And nobody has yet figured out a more successful or cost-efficient method of raising the next generation than by a mother/homemaker and father/provider.

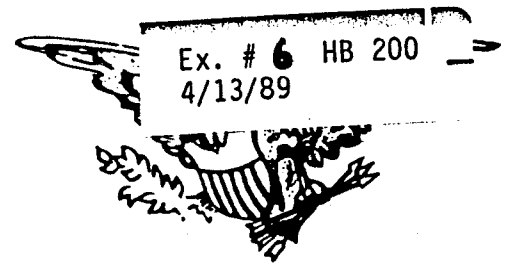
Until the late 1960s and the 1970s brought us the age of feminism, our society always recognized that mother care of children is a social good. Now that the *New York Times* has put us in the "post-feminist era," perhaps it is time to face that social truth. The availability of mother care is critical to the self-sufficiency and independence of millions of American families. Mothers should not be forced into the labor force out of economic necessity. Since it is obvious that this has been happening, we should figure out ways to prevent it.

After all, mother care is especially needed in the critical development years from birth to age six. The powerful constancy that only a mother can provide is all but indispensable to a child up to age three. Mother care

May/June, 1988

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# The Phyllis Schlafly Report

VOL. 22, NO. 7, SECTION 1

BOX 618, ALTON, ILLINOIS 62002

FEBRUARY, 1989

## The Challenge of Child Care Costs

**Why are families with children short of cash? Because their tax burden has dramatically increased!**

**In 1948, an average couple with two children paid 2% of annual income in federal taxes. In 1988, an average couple with two children paid 24% of annual income in federal taxes. Families need tax relief — not government handouts! They want to spend their own money — not be told how to spend subsidies.**

Dozens of child care bills will be introduced into the current Congress. More than a hundred bills were introduced into the last Congress. They can be grouped into two types of legislative options: (1) The liberal Dodd-Kennedy (ABC) daycare bills to subsidize licensed centers, impose regulations, and discriminate against family care. (2) The Child Tax Credit plan to assure parental choice in child care. This plan was pioneered by Congressmen Clyde Holloway, Richard Schulze, and Philip Crane, and Senators Malcolm Wallop and Pete Domenici, and is advocated by President George Bush.

### The liberal child care action plan would —

1. Increase taxes.
2. Create a federal baby-sitting bureaucracy.
3. Discriminate against mothers who take care of their own children.
4. Discriminate against relatives who take care of children out of love and without pay.
5. Impose federal regulations and control that will
  - interfere with the curriculum of religious daycare,
  - cause legal harassment of religious daycare,
  - raise dramatically the cost of neighborhood daycare,
  - drive low-cost daycare out of business or underground,
  - reduce availability and affordability of daycare.
6. Discriminate against low-income families by subsidizing
  - upper-income families,
  - with two-earner couples,
  - who put their children in secular daycare centers.
7. Lead to a federal daycare system with a potential tax cost of \$100 billion annually.
8. Reward agencies that are paid for daycare services but penalize families that take care of their children out of love and commitment without payment.
9. Lead to a society modeled on Sweden where most children are cared for in government institutions.

### The pro-family solution to the cost of child care is to give a tax credit for each child. This pro-family plan would —

1. Assure 100% parental freedom of choice in child care. Therefore, it would not substitute government decisions or incentives for parental choices.
2. Not discriminate against mothers who take care of their own children.
3. Not discriminate against or require the licensing or registration of grandmothers or other relatives.
4. Put 100% of the available cash in the hands of parents instead of bureaucrats, regulators, and providers.
5. Not build a federal baby-sitting bureaucracy.
6. Relieve some of the present unfair tax burden on families with children.
7. Help low-income families proportionately more than higher-income.
8. Move toward tax reduction instead of tax increases and costly bureaucratic growth.
9. Not interfere with religious daycare or cause lawsuits or harassment.
10. Not raise the costs of neighborhood daycare.
11. Preserve local control over daycare licensing standards.

## Day-Care Bill Blasted By Schlafly

By Ann Scales Cobbs  
Of the Post-Dispatch Staff

Conservative Phyllis Schlafly says a day-care bill that has been introduced by Sen. Christopher J. Dodd, D-Conn., would "Sovietize the American family" and discriminate against mothers who care for their own children.

Schlafly, of Alton, is a leading opponent of the feminist movement. She spoke to about 250 people Sunday at a brunch sponsored by the Cardinal Mindszenty Foundation. The foundation, an organization formed to combat communism, concluded a three-day national leadership conference at the Marriott Airport Hotel.

Under Dodd's bill, mothers who are employed would be eligible for subsidies for day-care services in centers that are licensed by the government. His bill would cost \$2.5 billion for the first year, Schlafly said.

Schlafly argued that this would "Sovietize" families by giving the government a larger role in child care. In the Soviet Union, infants and children are placed in government-operated centers eight weeks after birth, she said.

The bill has the support of a coalition of child-development experts, whom Schlafly described as "people who think they know how to raise children better than we do: feminists, liberal Democrats and the bureaucracy, which always wants to expand."

Schlafly also contended that the



Phyllis Schlafly  
Bill would "Sovietize"

bill "discriminates against mothers who take care of their own children ... and favors those who don't." She said the bill discriminated against parents who use other forms of day care, such as a family member, friend or neighbor or church-sponsored day care. Because those forms of day care are often unlicensed, families who use them would be ineligible for subsidies under the bill, Schlafly said.

"The whole system is skewed to help the upper-income family, because when a mother goes to work, she raises the family's income," she said.

Schlafly said she supported another day-care bill, one introduced by U.S. Rep. Clyde Holloway, R-La. His bill would allow tax credits for day-care services to all families with pre-school children, she said.

# the problem:

Ex. # 5 HB 200  
4/13/89

*There is not enough good child care that parents can afford.*

- Children suffer because they are, all too often, not getting the care they need. Or worse, they are being left unsupervised by desperate parents.
- Unemployed parents suffer because they cannot get the child care that they need to obtain and keep jobs.
- Employed parents suffer because they fear for the health and safety of their children.
- Our economy suffers because many parents remain dependent on welfare, and employed parents experience on-the-job stress that lowers their productivity.

# the solution:

*The state government must join in a partnership with local governments, private charities, employers and families to increase the supply of good child care at a price that families can afford.*

## TOGETHER WE NEED TO . . .

- help make child care more affordable for low income and moderate income families;
- improve the quality of child care; and
- increase the availability of good child care to all families.

# the issues:

*More AFFORDABLE Child Care.  
More AVAILABLE Child Care.  
Better QUALITY Child Care.*

- Money must be provided for assistance for low income families.
- Recruit licensed/registered providers.
- Develop local resource and referral programs to help link families to child care.
- Support employer involvement.
- Expand existing regulations to include preschools.
- Improve enforcement of child care standards.
- Provide training to child care providers.
- Strengthen consumer protection for families.

# we care!

*The Montana Alliance For Better Child Care*

## IS WORKING . . .

- to foster interagency cooperation in identifying the needs and finding solutions for quality child care,
- to improve public awareness concerning the importance of quality, affordable, accessible child care for all Montana children, and
- to organize member groups to effect state and local policy decisions at a grassroot level for the improvement of child care.

# Child Care Act Is Virulently Anti-Religious

*The Wanderer*  
2/15/88

Ex. # 6 HB 200  
4/13/89

By FRANK MORRISS

The Act for Better Child Care (Senate Bill 135 and House Resolution 3660) is far more virulently anti-religious than the *Religious News Service* story (*Wanderer*, Jan. 7th) indicated. Observers say that the Act for Bet-

ter Child Care language contains the most explicitly anti-religious provisions to appear in congressional legislation in memory. As a precedent, this act moves the United States a far into an absolutely secular state as has never been done. It rivals the anti-religion of Communist nations or of the French Republic of the 18th century and 19th century revolutions.

Section 19, pages 59-61, of the bill, "sectarian purposes or activities" include not only "advancing or promoting a particular religion," but also "religion generally." It puts this federal activity at odds not only with specific religious establishments, but with the very concept or notion of religion. It is not a mere neutrality toward religion; it is hostility toward it. Religion in general is not "sectarian." Indeed, it is the opposite of sectarian.

Here are some of the anti-religious measures this act would put in force:

- No religious thanks for food could be offered by children involved in the model secular child care centers the act would foster and sustain;
- All religious symbols and artifacts (crucifixes, pictures of Jesus, or of any religious events) Christian, Jewish, or Islamic would have to be taken down;
- No teacher (Religious or lay person) of any denominational school could provide the child care center any service whatsoever;
- No funds could be used for construction, repair, renovation of any child care facility located on the premises of a religious institution that is "pervasively sectarian" or if the child care facility is not "permanently restricted to nonreli-

gious purposes."

- All persons otherwise employed as teachers and teachers' aides in sectarian schools are barred from benefits of such child care centers.

Other provisions would for the first time make a "child care certificate" evidence of federal funding of an institution (sec. 20, pp. 61-62). If a child care center at a university, for example, was utilized by those paying with a federal voucher under the act, then the "child care provider" that is, the university itself, would fall under full federal regulation. The same section demands that child care centers not practice "discrimination on the basis of sex" to enjoy the act's benefits. In other words, unisex child-rearing is required in such centers.

The act goes so far as to put such centers outside the provisions of the Civil Rights Act of 1964 that allowed denominational institutions to favor members of their faiths in regard to employment.

It is clear to see that those of religious belief are being unfavorably classified for the purpose of penalty by this act. Parents and teachers alike are discriminated against on the basis of their religious belief insofar as it is expressed by working for a religious institution that happens to have a child care center, no matter how nonsectarian that child care center might be. Further, sectarian institutions are discriminated against in the sense that they themselves fall under full federal regulation if they utilize this act, no matter how nonsectarian or even unreligious their child care centers might be.

It is not particularly amazing that Catholic Sen. Christopher Dodd would sponsor such an act; but it is somewhat amazing to find Catholic Charities USA as an endorser of the bill, along with the Lutheran Office of Government Affairs and other religious agencies. They may be excused to some extent

because when Sen. Dodd and his cosponsor Cong. Kildee circulated the proposal to gain endorsements, section 19 was not included. That section came to light only when the bills were introduced Nov. 19th. Still, no protest has been heard from the representatives of religious faiths who have lent their endorsement.

Humanist and biased organizations are among the endorsers, including Americans for Democratic Action, the National Organization for Women, the NOW Legal Defense and Education Fund, the American Federation of Teachers, the International Ladies Garment Workers' Union, etc., etc. It is discouraging to see the National Council of Catholic Women in this long list which includes anti-Catholic, anti-religious, and far-left organizations which would gladly see destroyed whatever is left of this nation's religious heritage.

This nonsense is all possible because of the anti-religious interpretations given in recent decades to the First Amendment of the Constitution. Believers should be prepared to move from the defensive to an offense to protect their rights. For if the First Amendment prohibits a religious establishment by government, so too does it prohibit interference with the free exercise of religion. Sen. Dodd's and Cong. Kildee's act would go a long way toward such interference, so that perhaps the present Judiciary would be prepared to recognize, for a change, the right to believe as well as the right to disbelieve.

And the right to believe, if it means anything, means the right to believe without deprivation of the benefits extended to other U.S. citizens. To demand an aura and appearance of complete secularization before citizens can share in federal benefits is to ask citizens to throw incense to the god of secular humanism. Nero, Stalin, or Robespierre couldn't have written a more anti-religious child care act.

IN THE INTEREST OF THE CHILDREN

Childcare options should be considered with the best interest of the child at heart. Often parents will make choices based on their own convenience (on-site childcare center) without really thinking about the comfort and peace of mind of the child.

Seeking "quality" day care is nothing more than trying to find a substitute for the mother and the home that is the least traumatizing to the child. Finding someone to love your child happens rarely, so it is especially important that the environment in which a child spends most of his waking hours be as homelike and warm as possible.

MOST PREFERABLE

-----  
Mothercare in the home  
-----

Other consistent relative in the  
child's own home.  
-----

Child goes to home of consistent relative.  
-----

Consistent baby sitter in child's own home.  
-----

Consistent neighbor care.  
(includes small group neighbor care)  
-----

Church run center.  
-----

On-site workplace center.  
-----

Day Care center  
-----

LEAST ACCEPTABLE

Ex. #6  
4-13-89

# The ABCs of Child-Care Politics

By DOUGLAS J. BESHAROV

Congress right now, members of both parties are rushing to "do something" about the child-care crisis. Unfortunately, the bill most likely to pass will not help low-income families as much as the middle class, who will get another entitlement of dubious social necessity.

The spark for this legislative activity is the Act for Better Child Care Services (the "ABC" bill), which was drafted by a 107-member coalition of child-care providers and advocates. Introduced last November by Sen. Christopher Dodd (D., Conn.) and Rep. Dale Kildee (D., Mich), the bill now has 23 co-sponsors in the Senate and 155 in the House. It would give grants to states to expand child-care services to families earning up to 115% of the median income. Two and a half billion dollars are authorized for the first year and, after that, "such sums as may be necessary."

Backers of the ABC bill reportedly expected opposition from conservative Republicans and, possibly, a Reagan veto, creating an instant women's issue for the '88 election. But conservatives recognized the potential threat to their support among middle-class women and, suppressing their traditional fear of big government, in a family matter no less, either supporting ABC or coming up with cheaper alternatives.

## Good Politics, Bad Policy

The key Republican bill was just introduced by Sen. Orrin Hatch (R., Utah) and 11 other senators, together with Rep. Nancy Johnson (R., Conn.) and 22 other House members. Their Child Care Service Improvement Act would provide about \$1.5 billion a year to expand day-care programs, give tax breaks to firms providing child-care services for employees, and set up insurance pools to lower liability costs. Among Republicans, says a House staffer, support for the bill is "increasing by the day."

A compromise between the Dodd-Kildee and Hatch-Johnson camps could ensure a virtually veto-proof bill. But good politics will result in bad social policy.

The rapid increase of women—including mothers—in the paid labor force is one of the most significant social changes of the past two decades. There is a great—and growing—need for child care, and the cost strains many tight family budgets. But an across-the-board federal subsidy is not the way to help low-income families.

The eventual cost of a national child-care subsidy could be staggering. Median parental expenditures for child care are currently about \$2,000 a year. The cost of a

full subsidy to the roughly 16 million eligible children of working mothers would be about \$72 billion.

That's only a minimum price tag, though, because both the ABC and Hatch bills would actually drive up child-care costs. To improve the quality of child care, the bills require the adoption of licensing standards, which will undoubtedly include lower staff-to-child ratios and other expensive requirements. Edward Zigler, one of the nation's pre-eminent academic experts on pre-school programs, estimates that a government program to provide quality child care would cost between \$75 billion and \$100 billion a year. That's almost 10% of total federal expenditures.

Given fiscal realities, annual appropriations in the \$1 billion to \$4 billion range are more likely for the foreseeable future. If these funds are not targeted, they will be spread too thin to help anyone—a \$1 billion

that they call for a sliding scale of subsidies. But even a relatively steep scale, doubtful given the politics of the situation, would give most funds to higher-income families. That's because these families are more likely to buy child care from day-care centers—the providers to be subsidized the most.

According to the Census Bureau, 31% of college-educated (and thus wealthier) women with children under five use day-care centers, compared with only 15% of women without a high-school diploma. About 55% of this latter group relies on relatives to care for their children, and 62% of women who use relatives pay nothing. Few of these low-income mothers are likely to switch to center-based programs where they will have to pay a subsidized—but still significant—fee.

When they do not use relatives, most mothers pay to have their children cared

cludes mothers who sacrifice their own careers to care for their children or an elderly or sick relative.

And while divorce, separation and out-of-wedlock births have combined to impoverish nearly four million female-headed families, most single, working mothers are not in such dire straits. We frequently hear that in 1986 female-headed families had a median income of \$13,647. That figure, however, includes families on welfare. The median income of single mothers who work full time was \$21,958. Twenty-four percent earned more than the median income of traditional, one-earner families.

Recognizing these realities, many social analysts reject a generalized federal child-care subsidy in favor of financial assistance for all low-income families. The fairest and most efficient vehicle, most agree, is tax relief.

## A Way to Pay

While the Tax Reform Act of 1986 lessened the tax burden on all low-income families and almost totally removed the working poor from the federal income-tax rolls, taxes still take an unreasonably big bite from the paychecks of low-income families. And things are getting worse as the Social Security levy continues to rise. This has led to proposals for further tax relief through (1) increasing the personal exemption to offset the reductions in its value caused by inflation, (2) universalizing the Child and Dependent Care Tax Credit so that it benefits all families, including those where the mother stay home to care for their children, or (3) expanding the Earned Income Tax Credit and varying it by the size of the family.

Ideas such as these have long been liberal favorites. Now, they are being raised by GOP opponents of both the ABC and Hatch bills. These Republicans have even come up with a way to pay for this tax relief: Place an income cap on the Child-Care Credit, so that it is no longer available to higher-income families.

So far, the Democratic response has been cool. That's too bad, because tax relief would do more to help low-income families—whether or not the mother is working—than any federal child-care bill now on the horizon.

With bipartisan leadership, the middle class might be persuaded to forgo a new child-care subsidy and to support financial assistance to those who need it most.

Mr. Besharov is a resident scholar at the American Enterprise Institute. Paul Tramontozzi and Matthew L. Biben helped prepare this article.

*Both major bills contain subsidies that will go to middle-class rather than low-income families, while driving up the price of child care for all families.*

expenditure works out to only about \$60 per year per child. The criterion for evaluating any federal child-care program, therefore, is whether its benefits are directed to those in greatest need.

Both major bills now before Congress fall this test. Their subsidies will go to middle-class rather than low-income families, while driving up the price of child care for all families.

The ABC bill, for example, sets eligibility at 115% of the median income of families of the same size. That would create a national income cap of about \$33,908. But the bill sets eligibility by state medians, so that many states are capped at considerably higher amounts. Furthermore, the bill does not guarantee low-income families a minimum percentage of appropriated funds, as do many other federal programs. It merely requires that state plans "give priority for services to children with the lowest family incomes." The Hatch bill provides no income cap.

This should not be surprising. A desire to help the disadvantaged would be better accomplished by spending more on existing federal child-care programs, such as Head Start. But liberal Democrats want a program that also appeals to middle-class mothers, an important constituency. And that's why—against their basic instincts—Republicans are also on the child-care bandwagon.

Defenders of both bills rightly point out

for in their own home or someone else's. This home-based care will not be subsidized by the bills unless the home meets the newly imposed licensing requirements. Even if these informal providers qualified for aid, it's unlikely that much money will be allocated to them. They have little political clout, and many are in the underground economy to avoid taxes.

This new child-care benefit will be as inappropriately targeted as the current \$4 billion Child and Dependent Care Tax Credit, which also is based on what parents spend for child care. In 1983, less than 1% of benefits went to families with adjusted gross incomes below \$10,000; only 16% went to families with adjusted gross incomes below \$15,000.

The new subsidy is needed, it is argued, to make quality child-care affordable. But the vast majority of working mothers do not fit the stereotype of the low-income mother working long hours to make ends meet. Two-earner families, for example, had a median income of \$38,346 in 1986; "traditional" two-parent, one-earner families, \$25,803.

Government policy can and should be more supportive to working mothers. But at a time when most social-welfare programs are feeling the budgetary pinch, should a subsidy go to two-earner families that, on average, earn half again as much as traditional, one-earner families? The latter group, which is one-third larger, in-

Ex. #6  
4-13-8

To: Senators and Congressmen

From: Eagle Forum

Re: WHO IS SUBSIDIZING WHOM IN THE DAY CARE BILLS?

The median family income of traditional two-parent, single-earner families is \$25,803.

The median family income of single mothers who work full time is \$21,958.

HOWEVER, the Dodd-Kildee ABC Day Care Bill would require all these low-income families to subsidize day care at government-approved facilities for TWO-INCOME FAMILIES (where both the mother and father are employed) up to 115% of the median family income in their own states. The following list shows this 115% of median family income for four-person families, by state. (Source: Family Support Administration estimate for FY 1988.)

Alabama	32,668	Montana	32,199
Alaska	49,102	Nebraska	35,253
Arizona	36,948	Nevada	37,161
Arkansas	30,193	New Hampshire	41,057
California	41,656	New Jersey	46,920
Colorado	40,496	New Mexico	31,196
Connecticut	46,779	New York	39,650
Delaware	39,346	North Carolina	34,834
Dist. of Columbia	36,920	North Dakota	33,342
Florida	36,069	Ohio	38,500
Georgia	36,693	Oklahoma	33,408
Hawaii	39,831	Oregon	35,352
Idaho	31,490	Pennsylvania	37,105
Illinois	39,530	Rhode Island	39,277
Indiana	36,074	South Carolina	33,830
Iowa	33,839	South Dakota	33,526
Kansas	35,781	Tennessee	32,105
Kentucky	31,403	Texas	37,017
Louisiana	34,397	Utah	34,079
Maine	32,818	Vermont	34,522
Maryland	46,063	Virginia	40,656
Massachusetts	44,941	Washington	37,627
Michigan	38,994	West Virginia	30,096
Minnesota	39,532	Wisconsin	36,808
Missouri	36,126	Wyoming	35,352
Mississippi	29,573		
		U.S. Average	37,694

Senator Dodd's bill would force low-income traditional families and single-parent families all over the country to subsidize day care for middle income yuppie couples in Connecticut with family incomes up to \$46,779. What a rip-off!

# SCHOOL-BASED DAYCARE FOR ALL CHILDREN

by Edward F. Zigler

Ex. #6

4-13-89

Testimony to the U.S. House Education and Labor Committee

February 9, 1989

Thank you for the opportunity to share with you my concerns about the urgent need for good quality child care and my thoughts how as a nation we can respond to the problem. In the course of these hearings and those held during the 100th Congress, numerous witnesses testified to the need for child care, so you have a sense of the magnitude of the problem and the fact that we have reached a crisis stage.

Today there is an extreme shortage of good quality and affordable child care services. What is of even greater concern, we have no child care system within which we can work to upgrade the quality and availability of services. I see it as a non-system out there. The situation will not improve without intervention. It can only become worse as more mothers work and more children need daycare, and a decade from now we will have 26 million children, or half the population of children, who have either a mother, or both a mother and a father, in the work force, and these children will be in some type of out-of-home care.

Whether the children will grow up to be healthy, productive members of our society depends very much on the decisions we make now about child care. I say this because a child care facility, whether it is a center or a family daycare home, is an environment in which children spend a significant portion of their day, every day. We know from years of research that the child's environment is a major determinant of the development of children. Environments can be arranged on a continuum of quality, from good to bad. There are certain ingredients which are needed for a good-quality environment. If the environment is lacking in these ingredients, if it is of poor quality, children's development will be compromised.

Today's hearings are an indication that there is an awareness at every level, from parents to policymakers and developmental experts, that the development of tens of thousands of children is indeed already being compromised as we sit here today. There are simply not enough child care slots of good quality to fill the need. Many families have no choice but to place their children in facilities which are inadequate. I have visited some of these facilities and am left with great concern for the children I encountered there.

Mr. Chairman, I support your efforts to address the crisis our nation's families are facing. I understand that you introduced the Child Development Education Act of 1989 as a means of developing a bipartisan consensus on the issue and identifying the Federal Government's role in the solution to the child care problems. For that you are to be commended.

There are many parts of the bill which I endorse. Specifically, the provisions in Title II for school-based child care. Like you, Mr. Chairman, I believe that schools have an important role to play in the solution to the child care problem. The fact is, the problem has reached such crisis proportions that we cannot continue to address it in a piecemeal manner. Rather, we must begin to establish a child care system that is reliable, accessible to all children -- I commend the concept of



integration, it should be basic -- a system that becomes part of the very structure of society. The school, which is a major societal institution with which parents and children are familiar, can provide us with the structure for creating such a child care system, enabling us to offer good quality care to all children.

One aspect of the child care issue that the nation will have to address, and we have not yet done so, is the cost. Nobody really seems to want to look at what the cost of what we're talking about really is. At present we have no firm figure on how much it would cost to put in place a child care system, but we do know that the figure is in the tens of billions of dollars. The question is: How are we going to pay for it? School-based child care figures prominently in the cost issue. We already have a trillion dollar-plus investment in school buildings which can help offset part of the cost of child care. The rest will have to be paid for as follows: (1) through parental fees, (2) through state funds.

I say this because child care, like education, is not mentioned in the Constitution. Therefore, like education, child care must be primarily a state-based system. Finally, besides parental fees and state responsibility for child care, the Federal Government has an important role which is to subsidize the care of needy and handicapped children, as it currently does with Chapter I of the Elementary and Secondary Act in Public Law 94-142. I support a school-based approach to child care because I have seen it work.

Last year I conceptualized a plan for comprehensive school-based child care and family support services. This plan is known as the 21st Century School Program. It has attracted considerable attention across the nation and has been implemented now in two states, Missouri and Connecticut. It is in the process of being implemented in the Columbus, Ohio school district and state-wide in Wisconsin. The 21st Century School Program and Title II of the Child Development and Education Act have much in common. If I may, I would like to share with the committee what I have learned from the implementation of the program about the possibilities inherent in school-based child care.

The 21st Century School Program has five components: (1) all-day child care for three-, four-, and five-year-old children, (2) before and after school and vacation care for both preschool and school-age children. Children who spend a half day in kindergarten would spend the rest of the day in child care if the parents' work schedule made this a necessity. These child care services are provided in the school.

In addition to these services, the 21st Century Program calls for three outreach services. One is a home visitation program beginning in the last trimester of pregnancy up to the child's third year, modeled after the Parents As First Teachers program in Missouri, which offers parents guidance and support to help promote the child's development.

Another outreach service is information and referral to help parents with specific child care needs, such as night care. The third outreach service is support and assistance to family daycare providers in the catchment area of the schools. This latter aspect of the program is of vital importance. Family daycare providers shoulder the awesome task of caring for many of the nation's infants and toddlers. I believe that good quality family daycare is an appropriate setting for very young children. The home-like atmosphere, small group size and individualized attention, which

this type of care offers, is conducive to children's development.

Ex. #6

4-13-89

However, family daycare providers are often isolated from the child care community. They need opportunity for social support, training and respite that school-based child care services can offer them. In the 21st Century School Program, family daycare homes surrounding the school are combining into a network, with the school's child care system providing the hub of this network. The 21st Century child care program is based on developmental principles and my knowledge accumulated over 30 years' work on the needs of children.

I have specified certain criteria to ensure that the program delivers good quality child care, that it is made available to all children in an integrated fashion regardless of family income, that it is operated by individuals who have knowledge and training in child development, and that it emphasize parental involvement. Parts of the 21st Century School Program already exist at some level in communities across the nation. What is unique about the 21st Century Program are: (1) it offers a range of child care support services under one umbrella instead of piecemeal, (2) the services are school-based, providing us with an opportunity to establish a child care system within which we can work to upgrade and expand services as may be needed.

Today we have no real system for child care, but rather a patchwork of different types of services. The test of any plan, no matter how good it is on paper, can be noted in its implementation. What I have to report in this regard about the 21st Century Program is very promising. First, the 21st Century School Program enjoyed a great deal of support and enthusiasm. As with any new idea, it had its share of critics who continue to voice their concerns. However, the interest in this program has been overwhelming, indicating to me a readiness on the part of parents and schools for school-based programs. I have had a request for information and assistance in implementing the program from school districts in Ohio, Wisconsin, Florida, Wyoming, Utah, North Carolina, Colorado, and other states. There appears to be a commitment on the part of school administrators to enhance the development of children and assist families with child care.

Second, as I noted earlier, the program has already been implemented in two states. In my own state of Connecticut, the legislature appropriated \$500,000 for startup and operational support of three demonstration programs, one each in an urban, suburban, and rural school district. The Department of Human Resources, which in conjunction with the Department of Education is administering the program, is providing the subsidies for low-income children so the schools can offer a sliding-scale fee system. In Missouri, the program is initiated by the superintendents of Independence and Platt County school districts. Startup funds were made available by community foundations. Some funds for the school-age programs and for staff training were made available by the Missouri Department of Education. This program, as you can see, is a true public-private partnership in Missouri.

The Missouri program has been in operation since September 6, 1987. A total of 1,400 children are being served in 13 schools. I've visited the Missouri schools recently. The programs are being delivered according to the principles and criteria I have identified. The programs have yet to operate on a sliding scale fee system. This is where the Federal Government can help. The largest problem with the school approach is how do you get the money to pay for poor children who can afford no fee.

4

I'm especially encouraged by two aspects of the program, namely, parental satisfaction and its cost effectiveness. It appears that the school-based child care program can operate on reasonable fees, once startup costs are provided. For the two school districts in Missouri, startup costs were approximately \$180,000. The fees they are now being charged can easily be handled by families who live in the suburbs. They are fees of \$45 to \$54 a week for all-day child care for preschoolers, and \$18 a week for before and after school care. These fees are much lower than the national average. In a middle-class neighborhood, the school-based programs can be self-supportive on parental fees within a relatively short period of time. My colleagues in Missouri tell me they will be in the black within one year, just on fees alone.

There is a need, however, to subsidize the care of low-income families. I would very much hope that this is where the Federal Government would step in. The 21st Century School plan, Mr. Chairman, is a long-term vision in terms of creating a reliable and stable child care system. I see the Child Development and Education Act of 1989 as enabling schools to start initiating these programs across the country and providing the subsidies necessary for low-income children. I believe that our ability to institutionalize a child care system, parental satisfaction, and cost effectiveness are three arguments in favor of school-based child care.

It is for these reasons that I am pleased to see the provisions for school-based programs in Title II of the Child Development and Education Act of 1989. Mr. Chairman, I endorse the Title II provision as written. In particular, the financial support for low-income children, enabling schools to use funds for startup costs, and enabling schools to sub-contract with community-based organizations for services. The one change I would suggest, however, is that services be made to children beginning at age three. At this age, children are ready for group care and, in the school-based programs I have seen, children that age do well. Their families are satisfied and they have the opportunity for continuity of care. Mr. Chairman, I thank you again for the opportunity to testify in support of a school approach to child care. I would like to submit to the Committee, my plan, my complete plan, for the 21st Century School, for the record.

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Edward Zigler has been since 1967 the director of the Bush Center in Child Development and Social Policy at Yale University, and since 1967 has been head of the psychology section of the Yale Child Study Center. Prior to that, he was assistant professor of psychology at the University of Missouri and then held successive posts in psychology as a member of the faculty of Yale University starting in 1959. He was chairman of the Yale psychology department in 1973-74. In 1970-72, he was Chief of the Children's Bureau of the Department of Health, Education and Welfare.

Dr. Zigler received his B.A. from the University of Missouri at Kansas City and his Ph.D. from the University of Texas. He is the recipient of honorary degrees from Yale University and Boston College. He is the author of many books and contributor of many articles to professional journals. He is the recipient of awards from the National Association of Retarded Children and the Social Science Auxiliary, and received the Alumni Achievement award of the University of Missouri. He was an honorary commissioner of the International Year of the Child in 1979.

Dr. Zigler has served on many commissions including Project Head Start, the National Advisory Committee on Early Childhood Education, and the President's Commission on Mental Retardation. He is a member of the American Orthopsychiatric Association, the American Psychological Association, and other professional societies.

Ex. # 6

4-13-89

## Licensing Grandma

The rush is on to define "kinder, gentler," so it's no surprise that the first proposal out of Washington would make government bigger, richer. Senators Christopher Dodd and Orrin Hatch are co-sponsoring a bill that has the potential to do for child care what the Great Society did for public housing.

The Act for Better Child Care Services (ABC) echoes back to what George Bush, in his inaugural address, called "the old solution, the old way . . . to think that money alone" could address social ills. The bill would throw money at state bureaucracies to "expand and improve working parents' child-care options." So a few thousand well-meaning but beleaguered state employees somehow are supposed to regulate and "improve" child rearing in America.

The bill would spend only \$2.5 billion the first year, but make no mistake: This is the camel's nose under the tent. Medicare and Medicaid were also first promoted as modest programs, but by now they're rising on autopilot.

Politically, ABC is cleverly designed to create and finance a permanent constituency for bigger government. Much, if not most, of the bill's \$2.5 billion wouldn't go to parents at all, but instead to licensed "child-care providers." It's a good bet that many of these "providers" will be affiliated with the 100 special interests that Senator Dodd advertises as endorsing the bill. ABC also is careful to make the middle class eligible for its subsidies, because that's where the votes are.

The bill does discriminate against at least one group of Americans, however—parents who choose to stay at home to raise children themselves. They of course get nothing from such

a program; so ABC effectively taxes those parents in order to subsidize those who work. Senators Dodd and Hatch seem to believe the government should assign a lower social value to a mother or father who chooses to raise children full time.

Senator Dodd claims ABC will expand the supply of child care, but the bill's regulations would only reduce it. Robert Rector, a child-care expert at the Heritage Foundation, cites studies showing the United States has at least 1.65 million unlicensed neighborhood providers. To receive benefits under ABC, these providers would suddenly have to meet OSHA-like standards, including at least 40 hours of health and safety training every two years. Mr. Dodd even wants to license grandmas. No joke.

Then there's the anti-religious provision. ABC would provide a subsidy to church day-care centers only if they're "nonsectarian." So any day-care center that dared to teach five-year-olds stories from the Bible would appear to be out of luck.

One expects all of this from Senator Dodd, a devoted social engineer. But the mystery is why Senator Hatch would want to be the main Republican co-sponsor. Perhaps Mr. Hatch wants to burnish his compassion credentials. Perhaps he hasn't been spending enough time in Utah. Whatever the reason, someone should tell him that the candidate who supported ABC last year was Michael Dukakis.

President Bush, on the other hand, supported a \$1,000 child-care tax credit to reduce the tax burden on the poor and expand parental (not bureaucratic) choice. Mr. Bush also spoke of "a thousand points of light." The Dodd-Hatch ABC bill is merely a single point of light, a beacon for statist.

# Study Shows Negative Effects Of Full-Time Child Care

## Youngsters Found to Be Uncooperative, Unpopular

By Sandra Evans  
Washington Post Staff Writer

All right, working parents, get ready for more worry and guilt.

Adding to an ongoing debate about the social and psychological effects of child care, new research indicates that children who are in day care from an early age are more likely to be uncooperative and unpopular by the third grade.

Full-time child care also was associated with poorer study skills, lower grades and diminished self-esteem, according to a study of primarily middle-class children conducted by University of Texas at Dallas researchers Deborah Lowe Vandell and Mary Anne Corasaniti.

Vandell presented the findings yesterday at a four-day International Conference on Infant Studies being held at the J.W. Marriott Hotel in Washington.

The study comes at a time when Congress, the Reagan administration and presidential candidates are looking at the creation of a national policy on child care, now a largely unregulated patchwork of arrangements.

Child care advocates, including labor organizations and working parents, have argued for the positive effect of quality day care and promoted it as a necessity for the health and safety of children at a time when more parents are at work outside the home.

In that vein, a seminar to be held today bears the unambiguous title of "Infant Day-care Is Not Bad." One paper promises to show that infant day care does not lead to insecure attachments to the mother (a commonly used research measure of ill effects)

and helps make children more sociable and cooperative. Another attempt to shoot down a widely publicized and controversial study by Pennsylvania State University researcher Jay Belsky that indicated risks to children put in day care in their first year.

Belsky, who participated in yesterday's symposium, termed Vandell's study "very significant," particularly because—in looking at third graders—it measured effects over a longer term than other research on infant day care.

This study found that extensive child care during the first year was associated with long-term negative outcomes," the report concludes. In addition, those who went into full-time care after the first year did not develop as well socially, emotionally and intellectually as those in part-time care or those whose mothers stayed home with them, it said.

"Children who were in full-time care (regardless of age of entry) performed more poorly than children who were in part-time care (regardless of age of entry) in terms of teachers' and parents' ratings of peer relationships and work study skills, the children's self-ratings, and the children's first-, second- and third-grade academic and conduct marks."

The researchers studied 236 third graders in Dallas suburban schools, gathering data in 1985 and 1986. They compared groups of those who started full-time care (at least 30 hours a week) as infants, those cared for by their mothers for at least the first year before going into full-time care, those who started part-time care their first year, those in part-time care after age 1,

and those cared for only by their mothers until kindergarten.

The children were rated on various academic, social and emotional skills by teachers, their parents, classmates and themselves. Classmates were asked to nominate three same-sex children they liked to play with and three they did not play with (the Dallas school system would not let the researchers ask the children who they did not "like to" play with).

Children in full-time care from infancy got few positive nominations from classmates, the researchers said.

The researchers studied only white children and attempted to control for social class, sex and quality of care.

A bright spot for parents with part-time jobs was the finding that children in part-time care (less than 30 hours a week) "were performing well," regardless of when the care began.

Children with divorced, stay-at-home mothers were rated by teachers as being the least compliant and having the worst study skills of any of the children studied. They also had the lowest test scores and the worst grades. In the case of divorce, outside child care may act as a buffer to stress at home, the researchers theorized.

Vandell, a full-time professor and mother of a 3-year-old and an 8-year-old, said she had expected different results from the study and does not want her findings to be read as a call for mothers to stay at home.

Quality of care may well prove to be a factor in long-term outcomes, she said in an interview. While those studied were predominantly middle-class families, some of them buying expensive care, what was available in the Dallas suburbs generally was one-to-one care by someone with little education or care by well-educated providers in large groups, Vandell said.

Another paper delivered at yesterday's conference, by Carollee Howes of UCLA, found that the quality of early child care made a significant difference in the behavior of kindergarten, with those who had been in low-quality care being more hostile.

2x. #6  
4-13-89

# WE WANT GOVERNMENT OUT OF THE DAY CARE.

**GOVERNMENT SHOULD STAY OUT OF DAY CARE BUSINESS!**

**LEAVE THAT RESPONSIBILITY TO THE PARENTS.**

SENATE FINANCE AND

EXHIBIT NO. 7

DATE 4-13-89

BILL NO. 200

**WHO IS MINDING THE CHILDREN? - PARENTS SHOULD HAVE THE RIGHT TO CHOOSE THEIR OWN DAY CARE LICENSED OR UNLICENSED.**

**CHILD CARE IS EXPENSIVE - AND PAYING THE CHILD CARE COST FOR WORKING PARENTS COULD VERY EASILY BE AS EXPENSIVE AS THE WELFARE CHECK. THIS BILL COULD EASILY BE ABUSED BY THE RECIPIENT.**

**QUALITY CHILD CARE - PRIVATE ENTERPRISE CAN PROVIDE THE SAME QUALITY OF CARE THAT THE STATE CAN PROVIDE.**

**THE COST - STATE OR FEDERAL MONEY - IT IS ALL COMING FROM THE POCKETS OF THE TAX PAYERS.**

**WHO GETS THE FREE CHILD CARE - IT APPEARS TO US THAT THIS BILL BORDERS ON BEING DISCRIMINATORY.**

**STATE LICENSING - COSTS EVERYONE MORE IN THE LONG RUN AND TAKES AWAY A FREEDOM OF CHOICE. WITH PRIVATE ENTERPRISE THE WORKING INDIVIDUALS HAVE A CHOICE IN THE FACILITY AND THE COST OF CARE.**

**DAY CARE CENTERS - PUT LARGER GROUPS OF CHILDREN TOGETHER AND THEREFORE THEIR IS A GREATER CHANCE OF SPREADING DISEASE.**

<i>License 12</i>		<i>2 caregivers with 3 children under 6 yrs</i>	
<i>Gross @ 8<sup>00</sup> per child</i>	<i>72.00</i>	<i>Gas - lites</i>	<i>6.00</i>
<i>net for 2 caregivers</i>	<i>18.82 ea</i>	<i>Child Inv.</i>	<i>1.25</i>
		<i>House Inv.</i>	<i>1.10</i>
		<i>Rent (480<sup>00</sup>)</i>	<i>16.00</i>
		<i>Supplies</i>	<i>10.00</i>
			<u><i>34.35</i></u>

THANK YOU.

Dear

Page 2, Section 2

- (2) The availability of quality child care is hindered in many cases by interference of state agencies.
- (3) The legislature should provide money to train and provide advice for child care providers and then leave the provider to private enterprise. I personally have seen a few times over the years that I'd appreciate an agency with one intelligent person to answer questions for me.

Page 3

- a. The state can't improve the quality of the day care, this has to be done by the provider; depending if the provider is truly interested in children or merely in the business for financial gain.
- d. The state can't guarantee that there will be good available day care - the state can license all the places they want but they can't guarantee the quality. Just yesterday, 2-23-89, a friend stopped at my house in a panic trying to find another place for her 2 children. They were being mistreated in the licensed day care that the state had licensed for the care of her children. I know of homes that these children would receive good care but they don't qualify because the state hasn't approved. I personally don't believe the state has any business entering the day care business when the state admits to being short of money for the day care business. Leave day care to private enterprise.

Page 4, New Section, Section 3

To establish this department to do all the things and establish all the departments the state is asking for is price prohibitive. Why not leave this to private enterprise and provide just one agency with an intelligent person for questions and answers with just a phone call?

Page 6

- f. How can the state identify quality care in a place they have licensed and never visited?

Page 16, Section 11

- 1. I personally can provide you names of licensed day cares operating 3 years or longer that have never been visited.
- 3. Is it 15% or 20% (can't be both)? What about the care of the other children in the homes that don't come under the 15% - 20%?

Page 17

- 2. I personally talked to approximately 180 women in 1988 who were caring for children and were not licensed and had no desire to be licensed. If these places were all closed it would be a real strain on an already over-crowded situation.

If any one is interested in who this parent is I'll be glad to provide this information.

**PUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

#8  
SENATE FINANCE AND CLAIMS  
EXHIBIT NO. 8  
DATE 4-13-89  
BILL NO. 200

\_\_\_\_\_  
No. 87-3713  
\_\_\_\_\_

FOREST HILLS EARLY LEARNING CENTER, INC.;  
ACADEMY DAY CARE, INC.; HOLLOMAN CHILD  
CARE CENTERS, INC.

Plaintiffs - Appellees

v.

GRACE BAPTIST CHURCH; BEREAN BAPTIST CHURCH;  
THE ROCK CHURCH; TABERNACLE BAPTIST CHURCH

Defendants - Appellants

COALITION FOR RELIGIOUS FREEDOM;  
UNITED STATES OF AMERICA

Amicus Curiae

and

LARRY D. JACKSON, Director, Department of  
Welfare and Institutions, Commonwealth of  
Virginia; SHENANDOAH BAPTIST CHURCH;  
ROBERT L. ALDERMAN, Pastor

Defendants

\_\_\_\_\_  
No. 87-3714  
\_\_\_\_\_

FOREST HILLS EARLY LEARNING CENTER, INC.;  
ACADEMY DAY CARE, INC.; HOLLOMAN CHILD  
CARE CENTERS, INC.

Plaintiffs - Appellees

v.

LARRY D. JACKSON, Director, Department of  
Welfare and Institutions, Commonwealth  
of Virginia

Defendant - Appellant

and

SHENANDOAH BAPTIST CHURCH; ROBERT L. ALDERMAN,  
Pastor; GRACE BAPTIST CHURCH; BEREAN BAPTIST  
CHURCH; THE ROCK CHURCH; TABERNACLE BAPTIST  
CHURCH

Defendants



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No. 87-3703

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FOREST HILLS EARLY LEARNING CENTER, INC.;  
ACADEMY DAY CARE, INC.; HOLLOMAN CHILD  
CARE CENTERS, INC.

Plaintiffs - Appellees

v.

SHENANDOAH BAPTIST CHURCH; ROBERT L. ALDERMAN,  
Pastor

Defendants - Appellants

and

LARRY D. JACKSON, Director, Department of  
Welfare and Institutions, Commonwealth of  
Virginia; GRACE BAPTIST CHURCH; BEREAN  
BAPTIST CHURCH; THE ROCK CHURCH;  
TABERNACLE BAPTIST CHURCH

Defendants

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Appeals from the United States District Court for the Eastern  
District of Virginia, at Richmond. Richard L. Williams, District  
Judge. (CA-80-116-R)

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Argued: February 4, 1988

Decided: May 6, 1988

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Before RUSSELL and HALL, Circuit Judges, and BUTZNER, Senior  
Circuit Judge.

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Jesse Herbert Choper (Mary Sue Terry, Attorney General of Virginia; Gail Starling Marshall, Deputy Attorney General; Guy W. Horsley, Senior Assistant Attorney General; Peter R. Messitt, Assistant Attorney General; Anthony F. Troy; David G. Shuford; George A. Somerville; Mays & Valentine; David C. Gibbs, Jr.; Charles E. Craze; Daniel Jon Loomis; Terry L. Hamilton; Gibbs & Craze Co., L.P.A.; Donald W. Huffman; Bird, Kinder & Huffman on brief) for Appellants; John Edward Heintz (Stephen A. Chernow; Stephanie E. Humbert; Popham, Haik, Schnobrich & Kaufman, Ltd.; John Vanderstar; Covington & Burling on brief) for Appellees; (William Bradford Reynolds, Assistant Attorney General; Roger Clegg, Deputy Assistant Attorney General; David K. Flynn; Lisa J. Stark, Department of Justice on brief) for Amicus Curiae United States; (Kathryn A. Hazeem on brief) for Amicus Curiae Coalition for Religious Freedom.

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4-13-87

BUTZNER, Senior Circuit Judge:

This challenge to the constitutionality of Virginia's exemption of religiously affiliated child care centers from state licensing requirements has been before this court on several occasions. See Forest Hills Early Learning Center v. Lukhard, 728 F.2d 230 (4th Cir. 1984); Forest Hills Early Learning Center v. Lukhard, 789 F.2d 295 (4th Cir. 1986). Acting on the basis of our earlier instructions, the district court conscientiously reviewed the various requirements of the licensing statute and held that compliance with them would not impermissibly burden the churches' free exercise rights. Consequently, the court concluded that the statute exempting the churches from obtaining licenses and from complying with regulations governing child care centers violates the establishment clause of the first amendment. Forest Hills Early Learning Center v. Lukhard, 661 F. Supp. 300 (E.D. Va. 1987). Because the Supreme Court's recent decision in Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, 107 S. Ct. 2862 (1987), requires an analysis different from that which we previously employed, we reverse the judgment of the district court and hold the challenged statute to be constitutional.

I

The background of this dispute has been set forth in detail in our earlier opinion in this case. Forest Hills, 728 F.2d at 233-37. A brief review will suffice for the present discussion.

The state of Virginia since 1948 has required all child care center operators to obtain a license, and to comply with certain basic standards. In 1976 the Department of Welfare promulgated new and substantially broader and more stringent regulations, setting detailed mandatory standards concerning, among other areas, programs, space, health, nutrition, disciplinary practices, and parental participation. Spurred to examine their positions by this more intensive regulation and by news of related controversies in other states, some churches informed state authorities that their religious beliefs could not permit them to apply for or accept a state license to carry out a function they consider an integral part of their religious ministry. In response to these concerns, the Virginia legislature enacted Va. Code § 63.1-196.3, which exempts child care centers operated by religious institutions, at their option, from licensing and compliance with many regulations. Exempt centers must still meet basic health and safety standards.

The appellees are child care centers without religious affiliations. They allege that the exemption of religious centers from licensing requirements places secular centers at a competitive disadvantage, and that they have suffered actual injury as a result of this effect.

II

The churches contend that the secular child care centers lack standing to challenge the constitutionality of the exemption because they have introduced no evidence, beyond assertions, that

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they have suffered actual economic injury as a result of the exemption of religious centers. The district court ruled that the secular centers had demonstrated sufficient injury to establish standing. 661 F. Supp. at 307-08.

The Supreme Court's decision last term in Arkansas Writers' Project v. Ragland, 107 S. Ct. 1722 (1987), supports the secular centers' claim of standing. In that case a publisher whose magazine was subject to the general state sales tax brought suit challenging the constitutionality of a sales tax exemption granted to certain types of magazines. The Court held that the plaintiff did have standing to bring that challenge, pointing to "the numerous decisions of this Court in which we have considered claims that others similarly situated were exempt from the operation of a state law adversely affecting the claimant." 107 S. Ct. at 1726. The facts and positions of the parties in the present case are closely analogous to those in Arkansas Writers' Project, and the same principle must govern.

### III

Our earlier analysis of the statutory exemption was guided by the three-prong test for establishment clause violations articulated in Lemon v. Kurtzman, 403 U.S. 602 (1971). The Supreme Court's decision last term in Amos adheres to the Lemon test, but explains and clarifies it in ways which require us to revise our analysis.

At issue in Amos was a statute specifically exempting religious organizations from the ban on religious discrimination

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imposed on all other employers by Title VII of the Civil Rights Act of 1964. The plaintiff was a building engineer employed in a gymnasium run as a nonprofit facility open to the public by entities connected with the Mormon Church. He was fired when he failed to qualify as a member in good standing of that church. The district court held that the exemption violated the establishment clause.

On direct appeal, the Supreme Court reversed. The Court employed the Lemon test for distinguishing between permissible accommodations and unconstitutional establishments of religion: "First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion, . . . finally, the statute must not foster 'an excessive government entanglement with religion.'" Lemon, 403 U.S. at 612-13. The Court held that the exemption of religious employers from Title VII's mandate passed each of the elements of the Lemon test. In reaching its conclusion, it emphasized that "'[t]he limits of permissible state accommodation to religion are by no means co-extensive with the noninterference mandated by the Free Exercise Clause.'" Amos, 107 S. Ct. at 2867, quoting Waltz v. Tax Comm'n, 397 U.S. 664, 673 (1970).

The Court held it a permissible and sufficient legislative purpose "to alleviate significant governmental interference with the ability of religious organizations to define and carry out their religious missions." Amos, 107 S. Ct. at 2868. The government interference to be avoided includes both positive statutory mandates to which a religious group would have to conform

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its practices, and the "significant burden on a religious organization" caused by forcing it to defend its beliefs and practices in extended free exercise litigation before "a judge [who may] not understand its religious tenets and sense of mission." Amos, 107 S. Ct. at 2868.

The potential for just the sorts of burdens the Court is concerned with is very clear in the present case. Absent the exemption, some church leaders would immediately be forced to violate their convictions against submitting aspects of their ministries to state licensing, or face legal action by the state. This would be an unseemly clash of church and state which the legislature might well wish to avoid. Our earlier opinion shifted to the churches the initial burden of producing evidence "to establish the extent, if any, of their free exercise rights in the exempted activities." See Forest Hills, 728 F.2d at 246. As a result, they have already been put to the difficult and intrusive burden of attempting to persuade a secular court of the sincerity and centrality of the beliefs they consider threatened by government licensing.

The interference that the Supreme Court sought to avoid is apparent in an approach which permitted the district court to declare that "while the [churches] may characterize this activity as a part of their ministries, the Court is not bound to accept this characterization," and to conclude that "operation of child care centers by these sectarian institutions is a secular, and not religious, activity." Forest Hills, 661 F. Supp. at 309. The district court, noting that child care centers in general are

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relatively recent phenomena, suggested that "sectarian groups, in establishing day care centers, were responding to secular economic need rather than expanding the scope of their ministries." 661 F. Supp. at 309. But religious groups have throughout history reshaped their ministries to respond to changed circumstances. Amos clarifies that it is a legitimate legislative purpose to avoid interference with the execution of religious missions in a nonprofit area in which a church operates, without reference to the role played by churches in the past.\*

Addressing the requirement that a law must have a "principal or primary effect . . . that neither advances nor inhibits religion," Lemon, 403 U.S. at 612, the Court distinguished laws such as those invalidated in Lemon which positively aid, endorse, and advance religion, from laws which, by adopting a hands-off policy, leave the way open for churches to advance their own teachings. "A law is not unconstitutional simply because it allows churches to advance religion, which is their very purpose. For a law to have forbidden 'effects' under Lemon, it must be fair to say that the government itself has advanced religion through its own activities and influence." Amos, 107 S. Ct. at 2868-69. Virginia, in exempting religious child care centers from its licensing requirement, cannot be said to be "advanc[ing] religion through its own activities and influence." On the contrary, we believe that "the objective observer should perceive [this exemption] as an accommodation of the exercise of religion rather than

\*The Supreme Court has not decided whether the state may as readily exempt for-profit operations of religious groups from otherwise applicable regulations. Amos, 107 S. Ct. at 2873

as a government endorsement of religion." Amos, 107 S. Ct. at 2875 (O'Connor, J., concurring). The fact that this accommodation may make the churches' task marginally easier than it would be were no exemption given, the Supreme Court has indicated, is of no moment. Nor does a regulatory statute's singular exemption of religious groups render its purpose suspect: "Where, as here, government acts with the proper purpose of lifting a regulation that burdens the exercise of religion, we see no need to require that the exemption comes packaged with benefits to secular entities." Amos, 107 S. Ct. at 2869.

Finally, the Court held that exemptions such as those challenged in Amos and in the present case actually lessen the risk of entanglement between church and state. The burdensome issue-by-issue free exercise litigation that would be necessary absent a general exemption "results in considerable ongoing government entanglement in religious affairs." Amos, 107 S. Ct. at 2872 (Brennan, J., concurring). This would both chill and interfere with religious groups, enmeshing judges in intrusive and sometimes futile attempts to understand the contours, sincerity, and centrality of the religious beliefs of others. Amos, 107 S. Ct. at 2870 (opinion of the Court) and 2872 (Brennan, J., concurring).

In sum, applying to these nonprofit facilities the Lemon test as now explained by Amos, we do not discern any distinctions that would justify a result in this case different from that

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\* -(Cont.) (Blackmun, J., concurring) and 2875 (O'Connor, J., concurring).



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reached in Amos. Indeed, if an exemption is permissible in the context of employment practices in a gymnasium, one can only be more solidly justified where it acts to prevent state interference with church programs that provide education and care for children.

#### IV

Our decision on the merits renders moot the appeal of Shenandoah Baptist Church from an order dismissing it from the case.

Since the appellees are no longer the prevailing party within the meaning of the Civil Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988, we vacate the district court's award of attorney's fees.

The judgment of the district court declaring Va. Code § 63.1-196.3 unconstitutional is reversed, and the injunction it issued is dissolved.

Kelley Law Firm:  
Douglas B. Kelley  
Bryan L. Asay

FROM: Bryan L. Asay, Montana Family Coalition  
RE: Amendment for HB 200  
DATE: April 12, 1989

NEW SECTION. Day-care center operated by religious institution exempt from licensure and registration; annual statement and documentary evidence required; enforcement; injunctive relief. (1) Notwithstanding any other provisions of this chapter, a day-care center operated or conducted under the auspices of a religious institution shall be exempt from licensure as required by (this act). Such religious institution shall file with the Department, prior to beginning any such operation and thereafter annually, a statement of intent to operate a day-care center, certification that the day-care center has disclosed to the parents or guardians of the children in the center the qualifications of the personnel employed therein and evidence that:

(a) Such religious institution has a tax exempt status as a nonprofit religious institution pursuant to section 501(c) of the Internal Revenue Code of 1954, as amended, or that the real property owned and exclusively occupied by the religious institution is exempt from local taxation.

(b) Within the prior ninety (90) days, the local health authority and the state fire marshall or his designee, have inspected the physical facilities of the day-care center and have certified that the facility is in compliance with applicable laws and regulations with regard to health and fire safety rules.

(c) The institution maintains liability insurance coverage for the day-care center.

(d) The day-care center maintains the child/staff ratio required for all licensed day care centers operating in Montana.

(e) The following aspects of the day-care center's operations are described in a written statement provided to the parents or guardians of the children in the center and made available to the general public: a typical daily schedule of activities, admission requirements, enrollment procedures, hours of operation, meals and snacks served, fees and payment plan, regulations concerning sick children, transportation and trip arrangements, discipline policies, and exemption from Department day-care licensing requirements.

**Kelley**  
LAW FIRM

1900 Flowerree

Helena, Montana 59601

(406) 442-0770

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(2) If a religious institution operates a day-care center and does not file the statement and evidence required by section A. hereof, the Department shall give reasonable notice to such religious institution of the nature of its non-compliance and may thereafter take such action as it determines appropriate, including a suit to enjoin the operation of the day-care center.

(3) Nothing in this section shall prohibit a day-care center operated by or conducted under the auspices of a religious institution from obtaining a license pursuant to (this act).

NOTES

ex. # 8c  
4-13-89

(1) The outline of this proposed section and much of the wording comes directly from a Virginia statute providing a religious exemption to the child care/day care licensing statutes of that state. This exemption was upheld as a constitutional provision of the exemption in Forrest Hills Early Learning Center, Inc. v. Lukhard, 728 F.2d 230 (4th Cir. 1984).

(2) The language in subsection (1)(b) of the proposed section follows paragraph (A)(2) of the Virginia statute with the exception that language has been changed to reflect language used in current regulations regarding day care centers in Montana. The rule referred to is ARM 11.14.103(3).

(3) Subsection (1)(c) of the proposed section requires the religious institution to maintain liability insurance coverage, as required of all licensed facilities pursuant to ARM 11.14.103(3).

(4) Subsection (1)(d) of the proposed section simply requires the religious institution to maintain the same child/staff ratios that all licensed day care centers must maintain as required by ARM 11.14.226.

(5) Subsection (1)(e) requires written information be made available to the parents. The information required by this subsection is required of all licensed day care centers in Montana, pursuant to ARM 11.14.228.

EX. 8A  
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House Bill 200  
Senate Finance & Claims  
Committee  
April 13, 1989  
LWVM Contact: Chris Deveny  
442-2617

Mr. Chairman, members of the committee, my name is Christine Deveny, representing the League of Women Voters of Montana.

In 1988, the League completed a two-year study of child care in Montana. The results of our study demonstrated the need for improved, affordable and accessible quality child care. Our study conclusions prompted the League to join with the broad coalition of Montana child care advocates working for quality child care through the enactment of HB 200.

The preschool definition contained in the original bill, but unfortunately amended out by the House Appropriations Committee, was a much needed clarification to existing child care regulations. The definition closed a loop hole that some child care providers were using to avoid licensure required by law. By defining preschools, those that truly provided preschool services remained exempt from licensure/registration requirements, while it was made clear just what facilities must be licensed or registered. We ask that HB 200 be amended to close this unfair loophole by reinstating the preschool definition.

If funded, HB 200 will do several things that will greatly improve child care in Montana. One of the most important, is the funding of grants to provide child care resource and referral services for parents, child care providers and communities. When one considers the significant improvements that can be made to

Ex. #8c

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child care through resource and referral services, it is evident that the \$60,000 per year appropriation needed for these grants is an economical investment of state dollars. Resource and referral services are needed to provide the foundation for quality affordable child care in Montana. These services assist parents and communities in finding care for their children. They help locate and develop facilities when there is a shortage, or when special child care needs must be met. Resource and referral services also assist child care providers in improving the quality of their care. They provide training and consultation to providers, help with recruitment and program development, and match providers to the needs of the community.

The need for quality affordable child care in Montana and in the U.S. continues to grow as our work force changes to meet the demands of economic necessity and the challenges of careers. As well, new Federal welfare legislation will also increase the demand for child care, as welfare recipients participate in mandatory job training and education programs, and make the transition from welfare to work. The League of Women Voters supports an active partnership among parents, child care providers, private employers and government to meet this need. We feel that HB 200 is a positive step in that direction, and we urge your support of the reasonable funding request in this bill, and ask you to reinstate the preschool definition. Thank you.

WITNESS STATEMENT

4-13-89

NAME Miss. Beverly Glueckert BILL NO. HB 20  
 ADDRESS 1529 Chateau St. - Helena, Mt. DATE 4/13/89  
 WHOM DO YOU REPRESENT? Myself  
 SUPPORT \_\_\_\_\_ OPPOSE  AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

It is time to bite the bullet and just say "no" to this potentially massive bureau-crazy. The taxpayers of Montana have been crying "Halt" to taxes and want and need tax relief!

If you truly want to help young Montana fathers and mothers give them tax credits or outright grants of money so they can stay home with their own children - this is true quality child care. This is the concern.

Thank you.

Beverly Glueckert - Mother,  
 Grandmother and Taxpayer

B200

DATE 4/13/89

COMMITTEE ON Finance & Claims

1 of 6

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
Mrs Mary Doubek	Small Eng. Forum / Family	HB 200		✓
v. Beverly Blueckert	Self	HB 200		✓
BJ Wood	AAUW		✓	
Iris Devany	League of Women Voters <sup>MT</sup>	HB 200	✓	
RYAN ASAY	Mont. Family Coalition	HB 200		✓
Kathy Nelson	MT. Children's Alliance	HB 200	✓	
Harold M. Murthy	Alliance Better Child Care	HB 200	✓	
Mary Taylor	DFI	HB 200	✓	
Pat Baylor	League of Women Voters	HB 200	✓	
Pat George	Child Care Provider	HB 200	✓	
Janice Trotter	Child Care Resources	HB 200	✓	
Janice Trotter	Mont. League of Women Voters	HB 200	✓	
Ann Simmons	Working Parent	HB 200	✓	
Tom McEwen	US West	HB 200	✓	
Valie Carter	Self	HB 200		✓
A. O'Leary	Self	HB 200		✓
Merle Brueckner	Self	HB 200		✓
Shelley Morris	Self	HB 200		✓
Kris Root	Self	HB 200		✓
Lebbie Linkenbach	Self	HB 200		✓
BRIAN MARTIN	ASSOC. STUDENTS OF MSH	HB 510 HB 767	✓	
Kona Beachler	Self	HB 200		✓
Lola Johnson	Self	HB 200		✓
Judy Frank	Self	HB 200		✓
Kathi Campbell	MT Assoc. Young Child	HB 200	✓	
Bill Knudson	Self			✓
Brenda Nordlund	MT Women's Lobby	HB 200	✓	



HB 200

DATE 4/13/89

COMMITTEE ON Finance - Claims

2 of 6

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Patricia Reis	self	HB200		✓
N.G. Characht	self	HB200		
Polly Green	Wm E	HB200	✓	
Creech McGuire	Wm C - Early Childhood Ed.	HB200	✓	
Marie Sord	Int Womans hold	HB200	✓	
Rosemary Miller	Parent	HB200	✓	
Virginia Allison	Montana Law Prose Coll	HB200	✓	
Nancy Druffin	Emilio Nursery School		✓	
PAT RICK			✓	
CUPIA			✓	
Karen Sanders MD.	Montana Children's Alliance	HB200	✓	
Lisa M. Blomquist	Self	HB200	✓	
Thomas N. Lee	Belfast	HB200		✓
Vivian M. Beale	self - Missoula	HB200	✓	



HB 768

DATE 4-13-89

COMMITTEE ON Finance & Claims

4 of 6

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
BRIAN HARLIN	ASSOC. STUDENTS OF MSU	HB 768	✓	
Audrey O'Connell	Museum of the Rockies - MSU	HB 768	✓	
Shelley Alban	Museum of the Rockies	HB 768	✓	
Judy Weaver	Museum of the Rockies	HB 768	✓	
Gia Tutwiler	MT CHAMBER COMMERCE	HB 768	✓	
Phil Campbell	MEA	HB 510	✓	
Haley Milneham				
Colin Harris	-			
JUDITH CARLSON	NASW MSCA	HB 200 HB 763	✓	
CAROL KRAUSE	COMM OF N.E.D.	HB 768	✓	
Wm Tidy	MSU - Bgn	HB 768	✓	
Keith L. Colbo	Museum of the Rockies	HB 768	✓	
RICH GRAETZ	" "	" "	✓	
Stacy Farmer	Mus. Rockies / MSU	HB 768	✓	
<del>Robb Brown</del>	<del>WMC</del>	<del>HB 200</del>	<del>✓</del>	
Quentin Rhoades	MSU	HB 768	✓	



