

The Build Back Better Act (BBBA) Effectively Excludes Faith-Based Providers from Child Care and UPK Proposals

The President proposes that universal access to pre-K programs and to child care is essential to advancing equity in our society, growing the economy, and improving America's global economic competitiveness. However, the current version of the Build Back Better Act (BBBA) will significantly restrict the participation of faith-based providers, which will limit options for the many American families that value a religious educational setting. A [2020 study](#) found 53% of families choose faith-based care for their children. The early childhood proposals are two separate programs in the legislation and the program design suppresses participation by the faith-based community differently in each.

Q: How does the BBBA child care proposal effectively exclude the faith-based community?

A: In an explicit departure from the existing CCDBG program design, BBBA childcare rules state that parental certificates brought to a faith-based provider make that provider a recipient of federal financial assistance.

Since 1990, the federal program to support child care, the Child Care and Development Block Grant program (CCDBG, also called the Child Care and Development Fund), has specific features to enable families to choose faith-based child care. BBBA undermines that essential possibility first by virtually eliminating the existing CCDBG program, and second by adding unprecedented limits on religious activities.

The CCDBG program currently funds federal child care by providing child care certificates to eligible parents who then give the certificates to the child care provider of their choice. The program rules specifically protect the religious identity, religious teaching, religious hiring, and religious admissions standards of faith-based child care providers that receive these certificates, in part by specifying that the certificates are not to be regarded as federal financial assistance.

BBBA, in sharp contrast, proposes a different certificate funding program that has religion-limiting restrictions and specifically defines the certificates as federal financial assistance. Faith-based providers that accept the certificates would be bound by the Head Start program's nondiscrimination provisions, which prohibit religious criteria for hiring and for admissions. It prohibits sex discrimination, whereas some centers serving particular faith communities provide sex-differentiated care. And providers that accept the new certificates will be subject to potentially very costly new facilities-access requirements.

Q: How does the BBBA universal pre-kindergarten (UPK) program effectively exclude the faith-based community?

A: The BBBA UPK proposal requires providers to be grantees of the federal government and does not offer parent certificates.

The proposed UPK program would be subject to the same requirements that restrict religion-related practices in the expanded child care funding. In addition, because the federally supported pre-K

programs would be funded directly by federal grants, not indirectly via certificates, no religious teaching or activities—none at all—would be allowed in the federally supported educational program. Many parents would, for the first time, have access to a pre-K program for their young children—but it would be a program that resolutely excludes any religious element, any religious stories or talk.

In sharp contrast to this proposed program design, current federal funding for educational institutions typically is designed specifically to *accommodate* faith-based options and meet the needs of the students they serve. The Every Student Succeeds Act and the Individuals with Disabilities Education Act requires that funding for services for students be distributed “equitably” between students in public and private, including faith-based, schools. Federal support for students in higher education, such as Pell Grants, can be used at either religious or secular colleges and universities. GI Bill support for higher education for veterans can be used at religious as well as secular colleges, and even at seminaries.

What is the solution?

For the child care funding, the best solution would be simply to expand the current CCDBG program so that it remains as accessible to faith-based participation as now. That also means not adding new requirements, such as designating the certificates as Federal Financial Assistance and the Head Start nondiscrimination provision. Child care is not Head Start; for the sake of parents who seek care from institutions they trust and that share their values, the time-tested CCDBG framework should be what Congress specifies.

For the new UPK program, the best solution would be to adopt the principles and basic structure of the current CCDBG certificate program. This would enable faith-based providers of early childhood education to participate without hindrance so that they can offer the religious programming desired by many families.