



November 19, 2021

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**Expand Access to High Quality Early Care and Education for All Children and
Families: Support Inclusive Child Care and Universal PreK Provisions in the Build
Back Better Act**

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 97 undersigned organizations, we strongly urge you to support the Build Back Better Act's inclusion of Child Care and Universal Pre-Kindergarten along with the explicit federal non-discrimination language accompanying the provisions. These new federal funds have the power to transform the lives of young children, their families, and others who care for them.

The Build Back Better proposal builds on the educational opportunity offered by the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 and helps to provide a strong foundation for our youngest residents. The pandemic brought to light how essential child care and early learning are to our country, while also revealing profound flaws and disparities. We know that America's existing child care market is unsustainable. Most parents can't afford the price of care, and too many families live in areas without access to quality care options at all. Further, most providers can only charge what families in their area can afford, which often translates to near-poverty wages for early educators. Addressing these present and ongoing challenges requires a comprehensive approach to securing ample child care supply and capacity, while ensuring there are quality options available for all families when and where they need them.

Since the Civil Rights Act of 1964 became law, Congress has made a commitment that federal funds would not be used to discriminate.¹ Not only will Build Back Better advance racial, gender, disability, and economic justice by ensuring families have access to the care they need and that providers (overwhelmingly women and disproportionately women of color) are treated more fairly, we are greatly heartened that the proposal includes an explicit confirmation – consistent with decades of precedent – that providers participating in federally funded programs, such as the child care and PreK programs in the Build Back Better Act, may not discriminate. While these protections do not expand the scope of existing civil rights laws, they reinforce the commitment Congress has made since the Civil

¹ Passage of the Civil Rights Act of 1964 preceded the passage of the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965. Indeed, those expansions of elementary, secondary, and higher education would not have happened had Congress not prohibited the use of those funds to discriminate. Similarly, this expansion to serving the youngest children should follow on that same commitment.

Rights Act's 1964 passage. No child or their family should be denied the opportunity to participate in a federally funded program because of their race, color, national origin, sex (including sexual orientation and gender identity), disability, or religion.

Faith-based providers have long been and continue to be a critical part of our nation's child care system and Build Back Better makes clear that faith-based providers are eligible to participate in the program. Indeed, families can choose religious providers and those providers that accept child care certificates can include religious content and programming in their services.² All providers must meet the same set of criteria, including state licensing rules and standard non-discrimination protections that ensure that all eligible families can access these vital services and that children are safe and well cared for.

As you face the opportunity and obligation to repair the harms of the COVID-19 crisis and remedy long-standing inequities in our country, we urge you to focus your effort and attention on ensuring that children, families, and early educators – especially those from marginalized backgrounds, have both the resources they need and the protections to which they are entitled to build back better for themselves, their communities, and our country. If you have any questions, please contact Liz King, education equity program senior director, at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
National Women's Law Center
Human Rights Campaign
National Disability Rights Network (NDRN)
Americans United for Separation of Church and State
Council of Parent Attorneys and Advocates
ADL (the Anti-Defamation League)
Alliance of Baptists
American Association of University Women (AAUW)
American Atheists
American Baptist Home Mission Societies
American Federation of Teachers
American Humanist Association
American Psychological Association
Association for University Centers on Disabilities
Association of People Supporting Employment First (APSE)
Augustus F. Hawkins Foundation
Autism Society of America

² Federal funding for programs is provided under BBB through certificates, and grants. If religious providers participate in programs funded by grants, rather than certificates, any religious programming must be paid for solely by the provider and must be offered separately in time or space from the government-funded programming. For programs funded through certificates, religious programming does not need to be separated.

Baptist Joint Committee for Religious Liberty (BJC)
Bayard Rustin Liberation Initiative
Bazelon Center for Mental Health Law
Bend the Arc: Jewish Action
Brain Injury Association of America
Center for Disability Rights
Center for Law and Social Policy
Center for Learner Equity
Center for LGBTQ Economic Advancement & Research (CLEAR)
CenterLink: The Community of LGBT Centers
Child Care Aware of America
Church World Service
Coalition for Social Justice
CommunicationFIRST
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Council of Administrators of Special Education
Disability Concerns, Christian Reformed Church
Division for Early Childhood of the Council for Exceptional Children (DEC)
Easterseals
Equality California
Faith Commons
Faith in Public Life
Faithful America
Family Equality
Family Forward Oregon
Family Values @ Work Action
Freedom From Religion Foundation
GLBTQ Legal Advocates & Defenders
GLMA: Health Professionals Advancing LGBTQ Equality
GLSEN
Hindu American Foundation
Hispanic Federation
Impact Fund
Interfaith Alliance
Justice for Migrant Women
Lake Oconee Community Church
Lambda Legal
Latter-day Saint Democrats of America
Legal Momentum, the Women's Legal Defense and Education Fund
Los Angeles LGBT Center
Movement Advancement Project
Movements for Violence Prevention (MVP)
National Advocacy Center of the Sisters of the Good Shepherd

National Alliance for Partnerships in Equity
National Association of Councils on Developmental Disabilities
National Black Justice Coalition
National Center for Learning Disabilities
National Center for Lesbian Rights
National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
National Center for Transgender Equality
National Council of Churches USA
National Council of Jewish Women
National Down Syndrome Congress
National Employment Law Project
National Organization for Women
National Urban League
National Women's Political Caucus
People For the American Way
PFLAG National
Secular Coalition For America
Silver State Equality
Sisters Lead Sisters Vote
Sojourners
Southern Christian Coalition
SPLC Action Fund
Stop Sexual Assault in Schools (SSAIS)
Texas Impact
The Advocacy Institute
The Arc of the United States
The Education Trust
The Learning Disabilities Association of America
The United Methodist Church - General Board of Church and Society
T'ruah
UnidosUS
Union for Reform Judaism
United Church of Christ Justice and Local Church Ministries
Uri L'Tzedek: Orthodox Social Justice
Wisconsin Faith Voices for Justice
YWCA USA
ZERO TO THREE