

staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

“(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act [42 U.S.C. 9831 et seq.], the Child Care and Development Block Grant [Act] of 1990 [42 U.S.C. 9857 et seq.], and part C of the Individuals with Disabilities Education Act [20 U.S.C. 1431 et seq.], and these programs—

“(A) serve far fewer than half of all eligible children;

“(B) are not primarily designed to provide support for parents who care for their young children in the home; and

“(C) lack a means of coordinating early learning opportunities in each community; and

“(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and the Nation will be prepared for continued leadership in the 21st century.”

## § 9402. Definitions

In this chapter:

### (1) Caregiver

The term “caregiver” means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

### (2) Child care provider

The term “child care provider” means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and complies with applicable State and local requirements for the provision of child care services.

### (3) Early learning

The term “early learning”, used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

### (4) Early learning program

The term “early learning program” means—

(A) a program of services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or

(B) a program that directly provides early learning to young children.

### (5) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of title 25.

### (6) Local Council

The term “Local Council” means a Local Council established or designated under section 9413(a) of this title that serves one or more localities.

### (7) Locality

The term “locality” means a city, county, borough, township, or area served by another

general purpose unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

### (8) Parent

The term “parent” means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

### (9) Poverty line

The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.

### (10) Regional Corporation

The term “Regional Corporation” means an entity listed in section 619(4)(B) of title 42.

### (11) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

### (12) State

The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

### (13) Training

The term “training” means instruction in early learning that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

### (14) Young child

The term “young child” means any child from birth to the age of mandatory school attendance in the State where the child resides.

(Pub. L. 106-554, §1(a)(1) [title VIII, §803], Dec. 21, 2000, 114 Stat. 2763, 2763A-81.)

## § 9403. Prohibitions

### (a) Participation not required

No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this chapter.

### (b) Rights of parents

Nothing in this chapter shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

### (c) Particular methods or settings

No entity that receives funds under this chapter shall be required to provide services under this chapter through a particular instructional