

File: Early Learning

Nicole R. Rabner

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To: Ann O'Leary/OPD/EOP@EOP, Ruby Shamir/OPD/EOP@EOP

cc:

Subject: HHS Draft Bill on Child Care

I can't remember if I sent this to you before, but this was the final HHS child care bill from 1999 -- with the Early Learning Fund in it as I believe it was introduced by Cardin, Dodd, etc.



CHDCARE.HH\$

TITLE __-HUMAN SERVICES

Subtitle _____ - Child Care Quality Improvement

SECTION__. SHORT TITLE.

This subtitle may be cited as the "Child Care Quality Improvement Act of 1999".

SEC.__. CHILD CARE SUBSIDY FUNDING.

(a) APPROPRIATION; ALLOCATION.—Section 418 of the Social Security Act (42 U.S.C. 618) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) CHILD CARE SUBSIDY FUNDING.—

“(1) APPROPRIATION.—There are appropriated out of any funds in the Treasury not otherwise appropriated, for allocation in accordance with this subsection—

“(A) \$1,155,000,000 for fiscal year 2000;

“(B) \$1,280,000,000 for fiscal year 2001;

“(C) \$1,400,000,000 for fiscal year 2002;

“(D) \$1,600,000,000 for fiscal year 2003;

“(E) \$2,065,000,000 for fiscal year 2004; and

“(F) for each fiscal year after fiscal year 2004, such amount shall not be less than \$2,065,000,000.

“(2) ALLOCATION OF APPROPRIATIONS.—Amounts appropriated for each

fiscal year pursuant to paragraph (1) shall be allocated as follows:

“(A) AMOUNT FOR INDIAN TRIBES.—Up to two percent of the total amount appropriated shall be allocated to Indian tribes in proportional shares equal to the shares received by such tribes for such fiscal year under section 658O(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) (hereafter in this section referred to as the ‘CCDBG Act’).

“(B) SECRETARY’S ACTIVITIES.—\$1,000,000 is reserved to the Secretary and shall be available for quality assurance and quality improvement activities relating to programs under the CCDBG Act.

“(C) AMOUNTS FOR STATES AND TERRITORIES.—From the total amount remaining after application of subparagraphs (A) and (B), an amount shall be allocated to each State and territory based on the formula specified in section 403(n) (as such section was in effect before August 22, 1996) notwithstanding any limitation under section 1108.

“(3) MATCHING PAYMENTS TO STATES AND TERRITORIES.—

“(A) QUALIFYING STATE EXPENDITURES.—Payments to a State under this subsection shall be made only with respect to State expenditures for a fiscal year in excess of expenditures necessary to secure payment of the full amount of the State’s allotment (if any) under subsection (a)(2) (but without regard to subsection (a)(2)(D)).

“(B) FEDERAL PAYMENTS.—The Secretary shall pay to each State and territory for a fiscal year an amount equal to the lesser of its allotment under paragraph (2) or 80 percent of expenditures by the State or territory—

“(i) that are for any purpose authorized under the approved plan of such State or territory under the CCDBG Act;

“(ii) that, in the case of a State, meet the condition specified in subparagraph (A); and

“(iii) for which Federal matching payments or reimbursements have not otherwise been made.

“(C) REDISTRIBUTION.—The Secretary shall, to the extent necessary, determine the need for redistribution of, and redistribute, amounts allotted under this subsection to States, in accordance with the procedures and formula set forth in subsection (a)(2)(D).

“(4) PAYMENTS TO INDIAN TRIBES.—The Secretary shall pay to each Indian tribe for a fiscal year an amount equal to the lesser of—

“(A) its allotment under paragraph (2)(A); or

“(B) the total amount of expenditures by the tribe for purposes authorized under the CCDBG Act for which Federal payments have not otherwise been made.”.

(b) INCLUSION OF TERRITORIES IN DEFINITIONS.—Section 418(f) of that Act, as redesignated by subsection (a)(1), is amended to read as follows:

“(f) DEFINITIONS.—As used in this section—

“(1) STATE.—The term ‘State’ means each of the 50 States, the District of Columbia, and (except for purposes of subsection (a)) the Commonwealth of Puerto Rico.

“(2) TERRITORY.—The term ‘territory’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 418(a)(3) of that Act is amended by striking “this section” and inserting “this subsection”.

(2) Section 418(d) of that Act (as redesignated by subsection (a)(1)) is amended in paragraphs (1) and (2) by striking “under this section” each place it appears and inserting “under subsection (a)”.

SEC. __. EARLY LEARNING PROGRAM.

(a) FUNDING.—Section 418 of the Social Security Act (42 U.S.C. 618) is amended by

adding after subsection (b) (as added by section ____) the following new subsection:

“(c) APPROPRIATIONS FOR EARLY LEARNING PROGRAM.—

“(1) IN GENERAL.—There are appropriated out of any funds in the Treasury not otherwise appropriated, for carrying out activities related to early learning programs in accordance with this section and section 658T of the CCDBG Act, \$600,000,000 for each of fiscal years 2000 through 2004, which shall be allocated in accordance with this subsection.

“(2) ALLOCATION OF APPROPRIATIONS.—Amounts appropriated for each fiscal year pursuant to paragraph (1) shall be allocated as follows:

“(A) AMOUNT FOR INDIAN TRIBES.—Up to two percent of the total amount appropriated shall be allocated to Indian tribes in proportional shares equal to the shares received by such tribes for such fiscal year under section 658O(c) of that Act.

“(B) AMOUNTS FOR TERRITORIES.—An amount shall be allotted to each territory that bears the same ratio to one-half of one percent of the total amount appropriated as the amount allotted to such territory for such fiscal year under section 658O(a)(1) of that Act bears to the total amount received by all territories for such fiscal year under such section.

“(C) SECRETARY’S ACTIVITIES.—\$6,000,000 is reserved to the Secretary and shall be available for costs of providing technical assistance to, and conducting national evaluations of, State, local, and tribal early learning programs under such section 658T.

“(D) AMOUNTS FOR STATES.—From the total amount appropriated remaining after application of subparagraphs (A), (B), and (C), an amount shall be allocated among the States based on the formula used for determining the amount of Federal payments to the State under section 658O of the CCDBG Act.

“(3) MATCHING PAYMENTS TO STATES AND TERRITORIES.—

“(A) FEDERAL PAYMENTS.—The Secretary shall pay to each State and territory for a fiscal year an amount equal to the lesser of its allotment under paragraph (2) or 80 percent of expenditures by the State or territory for an early learning program under a plan approved under section 658T of the CCDBG Act.

“(B) REDISTRIBUTION.—The Secretary shall, to the extent necessary, determine the need for redistribution of, and redistribute, amounts allotted under this subsection to States, in accordance with the procedures and formula set forth in subsection (a)(2)(D).

“(4) PAYMENTS TO INDIAN TRIBES.—The Secretary shall pay to each Indian tribe for a fiscal year an amount equal to the lesser of its allotment under paragraph (2)(A) or the total amount of expenditures by the tribe for an early learning program under section 658T of the CCDBG Act.”.

(b) ESTABLISHMENT OF EARLY LEARNING PROGRAM.—

(1) STATE PLAN REQUIREMENT.—Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended by adding at the end the following new paragraph:

“(6) EARLY LEARNING PROGRAM PLAN REQUIREMENTS.—In the case of a State electing to implement an early learning program under section 658T, the State plan shall meet the requirements specified in section 658T(b)(2).”.

(2) EARLY LEARNING PROGRAM.—That Act is amended by adding at the end the following new section:

“SEC. 658T. EARLY LEARNING PROGRAM.

“(a) PROGRAM PURPOSE.—The purpose of the program under this section is to enable States, through grants to communities, to support activities that—

“(1) promote children’s healthy development during the earliest years of life;

“(2) improve the quality of child care for children aged five and under, including those with disabilities;

“(3) encourage and facilitate emerging literacy and language development, and school readiness; and

“(4) enhance programs designed to achieve these goals.

“(b) REQUIREMENTS FOR STATE PARTICIPATION.—

“(1) IN GENERAL.—In order to be eligible for Federal matching funds under section 418(c) of the Social Security Act, the State shall have in effect under its plan under section 658E an early learning program plan meeting the requirements specified in paragraph (2).

“(2) EARLY LEARNING PROGRAM PLAN REQUIREMENTS.—The early learning program plan shall meet the following requirements:

“(A) LEAD AGENCY.—The plan shall provide that the program will be administered by the lead agency designated under 658D.

“(B) COMMUNITY GRANT PROCEDURES.—The plan shall describe the standards and procedures to be applied in the review and approval of community applications, and in setting amounts, terms, and conditions of community grants, including the methods to be used to ensure that no less than 70 percent of grant funds are awarded to low-income communities.

“(C) COMMUNITY PARTICIPATION IN PLANNING AND MONITORING.—The plan shall describe the methods to be used to ensure participation, in planning and monitoring activities under the community plan, of representatives of concerned elements of the community, including parents of young children, child care providers, child development and mental health professionals, early intervention specialists, health care providers, public school representatives, local interagency coordinating councils for children with disabilities, local government, and business leaders.

“(D) PROGRAM ACTIVITIES.—The plan shall specify which of the allowable activities enumerated in subsection (c) may be carried out under

community grants under the plan.

“(E) PERFORMANCE GOALS AND MEASURES.—The plan shall specify—

(i) performance goals to be achieved and the interim and long term performance measures and timetables, as appropriate, to be used to assess progress toward each goal under the plan, which—

(I) shall be developed pursuant to guidance provided by the Secretary and in consultation with local government authorities in accordance with section 658D(b)(2); and

(II) shall be designed to improve child development through coordination with health care and mental health services; enhanced early learning environments, especially those that promote language skills and literacy growth of children; quality of infant and toddler care; parental involvement; consumer education; reduced staff turnover; and increased rates of accreditation by nationally recognized accreditation organizations;

(ii) the steps to be taken by the State or grantees in accordance with guidance provided by the Secretary if the specified benchmarks are not achieved.

“(F) COORDINATION WITH ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—The State plan shall specify the methods to be used to coordinate activities under this section and section 658G(a), including coordination of planning and of performance goals and measures, in order to

maximize the effectiveness of both programs.

“(c) ALLOWABLE ACTIVITIES.—An early learning program under a State plan under this section may provide for any or all of the following activities to promote cognitive, social, emotional, and physical development in order to enhance emerging literacy and language development, and school readiness:

“(1) INFORMATION AND RESOURCES.—

“(A) PARENTING EDUCATION.—Provision of parenting education, including use of or collaboration with Even Start or similar programs, for parents of young children by means including use of community-based resource centers, family literacy programs with parenting education components, collaboration with early intervention and preschool providers of services for children, public elementary schools, centers that serve children with special health care needs or disabilities and their families, and home visiting programs.

“(B) INFORMATION AND REFERRAL.—Initiatives to develop or increase the availability of consumer education information and referral services and other resources to assist parents to locate and assess the quality of available child care services.

“(C) FAMILY CHILD CARE NETWORKS.—Development of support networks, information and referral services, and other supportive services addressing needs of family child care providers for access to such resources as education, training, and community support services.”.

“(2) QUALITY AND AVAILABILITY.—

“(A) PROVIDER TRAINING.—Training of child care personnel, which may include training in early childhood development, early literacy, health, nutrition, hygiene, first-aid and safety, best practices for serving children with disabilities in child care, and other appropriate matters.

“(B) IMPROVED STAFFING RATIOS.—Initiatives to increase ratios of

child care staff to children in care and to reduce child care group sizes.

"(C) LICENSING AND ACCREDITATION ASSISTANCE.—Assistance to entities and individuals in meeting applicable child care accreditation and licensing requirements and in obtaining licensing or accreditation.

"(D) STANDARDS ENFORCEMENT.—Initiatives to increase the numbers of qualified child care licensing and standards enforcement staff and activities to increase monitoring and enforcement of State and local health and safety standards.

"(E) HEALTH SERVICES.—Improving coordination of child care with appropriate health services including health and mental health consultations, hearing and vision testing, and immunizations, by methods such as co-location of health and child care services, referrals of children in child care to health care providers or screening services, and transfer of child health records to public school at school entry. Services under this subparagraph shall not include direct provision of or payment for health care services.

"(F) CARE FOR CHILDREN WITH SPECIAL NEEDS.—Increasing the availability and quality of child care for young children with special health care needs, developmental delays, and disabilities; and coordinating with early intervention and preschool special education services.

"(G) SALARY AND BENEFIT ENHANCEMENT.—Assistance to child care programs to increase the quality and continuity of care by attracting or retaining highly qualified child care staff working directly with children through enhanced compensation.

"(H) MONITORING AND TECHNICAL ASSISTANCE.—Technical assistance to grantees, and monitoring of programs, assisted under this section. State expenditures under this subparagraph shall not exceed a percentage of total State expenditures for the program under this section equal to 10 percent for each

of fiscal years 2000 through 2002, and 5 percent for fiscal year 2003 and each succeeding fiscal year.”.

(c) ANNUAL REPORT.—Section 658K(a)(2) of the Act (42 U.S.C. 9858i(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by inserting after and below subparagraph (E) the following new subparagraphs:

"(F) the early learning program under section 658T, including—

"(i) the number and average dollar amount of grants awarded;

"(ii) the number, average dollar amount, and percentage of the total State award of such grants made to low-income communities;

"(iii) the number of early learning programs;

"(iv) the number of children served with special health care needs, disabilities or developmental delays;

"(v) the number of early learning programs that assist children with special needs;

"(vi) progress toward achievement of each performance goal, for each specific, quantifiable and measurable objective;

"(vii) expenditures for each allowable activity listed in section 658T(c), total expenditures and, to the extent feasible, the volume or frequency of such activity and the average expenditure per unit of such activity; and

"(viii) with respect to any allowable activity listed in section 658T(c) for which expenditures are made by the State both under section 658G(a) and under section 658T, the amount expended under each such

section; and

“(ix) such other data as the Secretary may require.

SEC. __. 4% MINIMUM QUALITY EXPENDITURES.

Section 658G of the Act (42 U.S.C. 9858e) is amended—

(a) by striking "A State" and inserting the following:

"(a) 4% MINIMUM QUALITY EXPENDITURES.—Subject to subsection (b), a State";

and

(b) by adding at the end the following new subsection:

"(b) DISREGARD OF EARLY LEARNING PROGRAM FUNDS.—For purposes of subsection (a), amounts received by the State from amounts appropriated under section 418(c) of the Social Security Act and expended under a plan in accordance with section 658T shall be disregarded.”.

Children's Day Care Health and Safety Improvement Act

S. 2236

Senators Bill Frist (R-TN) and Christopher J. Dodd (D-CT)

Each day, 13 million children spend time being cared for outside of the home. While many of those children are in safe and caring environments, there is alarming evidence to suggest that unsafe child care settings are compromising the health of our children. Recent investigations have revealed that 2/3 of licensed child care settings surveyed exhibit safety hazards, such as insufficient child safety gates, cribs with soft bedding, and unsafe playgrounds. In 1997 alone, 31,000 children ages 4 and younger were treated in hospital emergency rooms for injuries sustained in child care or school settings. And, tragically, since 1990 more than 55 children have died in child care settings.

The "Children's Day Care Health and Safety Improvement Act" will provide \$200 million in new funds each year to the states to improve the health and safety of children in child care. Grants may be used for the following activities:

- training and educating child care providers on preventing injuries and illnesses;
- improving state health and safety standards
- improving enforcement of standards, including increased surprise inspections;
- renovating child care facilities to meet health and safety standards;
- using health consultants to give health and safety advice to child care providers;
- enhancing child care providers' ability to serve children with disabilities;
- conducting criminal background checks on child care providers

In order to receive funding, states are required to assess their child care health and safety needs and set goals for improvement. States would also be required to provide an annual report of their activities to the Secretary of Health and Human Services.

For more information on this legislation, please contact Dave Larson with Senator Frist at 224-7139 or Jeanne Ireland or Kathy Hogan Bruen with Senator Dodd at 224-2823.

STATEMENT ON THE INTRODUCTION OF THE CHILDREN'S DAY CARE HEALTH AND SAFETY ACT

Senator Christopher J. Dodd

March 9, 2000

Mr. President: I'm pleased to join Senator Frist in introducing The Children's Day Care Health and Safety Act, legislation that I believe will have a significant impact on the well-being of the 13 million children who spend some part of every day in child care.

Each morning, millions of parents drop their children off at a child care center, a neighbor's home, or their church's day care center, assuming -- or at least hoping -- that their children will be safe and well cared for. And, in the vast majority of circumstances that's the case. But, unfortunately, there is alarming evidence to suggest that, far too often, unsafe child care settings are compromising the health of our children.

In 1997 alone, 31,000 children ages 4 and younger were treated in hospital emergency rooms for injuries sustained in child care or school settings. Since 1990, more than 55 children have died while in child care settings.

Perhaps most tragically, many of these deaths and injuries were most likely preventable -- if providers were knowledgeable about basic health and safety practices and if states did a better job of developing and enforcing strong health and safety regulations.

Almost all child care providers want to give good care to the children in their charge. Despite the fact that we pay child care providers abysmally -- typically below poverty wages with no paid sick leave -- individuals join this profession because they love children and want to help them grow and thrive. But, we do far too little to support providers in making sure that the environment they provide to our children is a safe and healthy one.

Many child care providers are unaware of the importance of removing soft bedding from cribs -- which presents a suffocation hazard for infants and increases the likelihood of child dying from SIDS. Many child care providers are also unaware of the need to place window-blind cords out of reach. Consequently, one child every month strangles in the loop of a cord.

An investigation by the Consumer Product Safety Commission revealed that 2/3 of licensed child care settings surveyed exhibited these type of safety hazards, as well as others, such as insufficient child safety gates and unsafe playgrounds.

Some states have taken action to improve health and safety practices. For example, Connecticut requires child care centers to receive at least monthly visits from a nurse or pediatrician, who can advise providers on concerns ranging from the basics, like the

importance of handwashing after diaper-changing, to more complex issues, such as how to accommodate the special needs of a child with a disability.

But, many states are hard-pressed simply to meet the enormous demand for child care from working families and families transitioning off welfare. With all the pressure to create child care slots and to help families find any kind of care, unfortunately, child care health and safety often becomes an afterthought.

A survey of state child care standards found that only 1/3 of states had minimally acceptable child care quality regulations. 2/3 of states had regulations that didn't even address the basics – provider training, safe environments and appropriate ratios. And in many cases, even when there are good standards on the books, enforcement is lax.

Too often we view finding safe, high quality child care as a problem parents should struggle with on their own. It's time we recognize that unsafe child care is a public health crisis, not a personal problem.

That's why I'm so pleased to join Senator Frist today in introducing legislation that would provide grants to the states to reduce child care health and safety hazards. Grants could be used for a broad range of activities that we know have the greatest impact on health and safety, such as training and educating providers on injury and illness prevention; improving health and safety standards; improving enforcement of standards, including increased surprise inspections; renovating child care centers and family day care homes; helping providers serve children with disabilities; and conducting criminal background checks on child care providers.

I am also pleased that this legislation has been endorsed by the American Academy of Pediatrics, the Children's Defense Fund, and the National Association for the Education of Young Children.

Sadly just as our children grow – the number of child care abuses and hazards has grown over the years, as well. This measure can help ensure that critically important safeguards are provided so that day care is a safe haven, not a hazard.

October 11, 2000

The Honorable Arlen Specter
Chairman, Labor-HHS Appropriations Subcommittee
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Arlen:

As you work to complete your efforts to craft the Fiscal Year 2001 Labor/Health and Human Services Appropriations legislation, we urge you to provide funding for a program to improve the health and safety of children in child care settings. Legislation authorizing this program, which is based on S. 2236, "The Children's Day Care Health and Safety Improvement Act", will be signed into law within the week as part of the "Children's Health Act of 2000."

Each day, 13 million children spend time being cared for outside of the home. While many of those children are in safe and caring environments, there is alarming evidence to suggest that unsafe child care settings are compromising the health of our children. Recent investigations have revealed that 2/3 of licensed child care settings surveyed exhibit safety hazards, such as insufficient child safety gates, cribs with soft bedding, and unsafe playgrounds. In 1997 alone, 31,000 children ages 4 and younger were treated in hospital emergency rooms for injuries sustained in child care settings. In addition, the American Academy of Pediatrics recently published a report that found evidence of a disturbing trend in Sudden Infant Death Syndrome among babies in child care settings.

In an effort to help address these safety and health concerns, the provisions which we ask your assistance in funding would provide grants to allow states to carry out the following activities: training and educating child care providers on preventing injuries and illnesses; improving state health and safety standards; improving enforcement of standards, including increased surprise inspections; renovating child care facilities to meet health and safety standards; using health consultants to give health and safety advice to child care providers; enhancing child care providers' ability to serve children with disabilities; and conducting criminal background checks on child care providers.

When enacted, this child care health and safety program will be authorized at \$200 million. We believe that funding for FY 2001 in the amount of \$100 million would be an excellent first step toward protecting children in child care settings. We greatly appreciate your past support for programs affecting the health and well-being of children and your consideration of this request.

Sincerely,

BILL FRIST, M.D.
United States Senator

CHRISTOPHER J. DODD
United States Senator

MEMORANDUM TO MELANNE AND SHIRLEY

FROM: ANN O'L

SUBJECT: CHILD CARE QUALITY

As you know, it is very likely that the Early Learning Opportunities Act authorization will be attached to the Labor-H bill. Attached please find a copy of the bill, as well as suggestions I sent up to Senator Kennedy's office recommending changes to make the bill stronger. The recommendations represent work that we had previously done on the Administration's Early Learning bill, as well as suggestions from OMB, HHS, and child advocacy groups. While the bill does have shortcomings, it is my opinion that even without these changes it is important for the Administration to support this bill. It is a bipartisan effort and it is the final piece of the First Lady's 1998 Child Care initiative. HHS has expressed concerns about this bill. They fear that authoring it for 5 years may have the effect of assuring lower funding levels for Head Start and CCDBG in upcoming years given that the Early Learning Opportunities allows states to spend funds on child care slots. Mary Bourdette will be speaking with Secretary Shalala about the bill later today and the Secretary may weigh in with you.

On funding, Barbara Chow had indicated that she strongly believes that the Administration should not be asking for new funding this late in the negotiating process. She does not believe that it will be possible for the Administration to support our existing budget requests and receive new money. Regardless, the First Lady has asked for very little in this budget and I believe that we should keep fighting for more funds for child care quality. There are two child care quality pieces that will be competing for funding and that I believe the First Lady's office should be advocating for: (1) Early Learning – Provide \$150 million to meet the trigger in the authorizing language to allow grants to go out to states (2) Senator Dodd's Day Care Health and Safety Act which was just authorized under the Children's Health Act authorizes funds to be provided to states to improve the safety and health standards of child care centers. We have claimed some credit for the First Lady in getting this bill authorized and I would argue that it would be very helpful to support a small first year investment. The authorization allows for up to \$200 million to be appropriated and Senators Dodd and Frist are asking for \$100 million in the first year. If we could get \$50 million, it would be a help to states and would complement the funding for the Early Learning fund.

Please let me know if you have questions about my great wish list for the First Lady's fight for child care quality!

SUBSTANTIVE SUGGESTIONS FOR EARLY LEARNING OPPORTUNITIES ACT:

(1) Focus on Families Most in Need

- In purpose section, add a language that indicates a focus on low-income families.
- Under Section 11(b) and 99(c) indicate State and Local preferences for programs that focus on families most in need of early learning services, particularly low-income families.

(2) Add Accountability Provisions

- **Clarify Performance Measures to Align with Purposes.**
Under Section 11 (d)(2) please change to indicate a collaborative process for developing performance goals that are aligned to the purpose of the Act:
“Performance goals. The Secretary, in collaboration with the Secretary of Education and in consultation with the States, shall develop performance goals and indicators for quality factors associated with improved developmental outcomes for young children, including parent education, enhanced child care provider training (particularly in language and literacy development), increased ratios of child care staff to children, retention of child care providers, and other quality indicators in Section 2, Purposes.”
- **Provide authority to Secretary to hold grantees accountable for making progress on goals.** Add Section 11(d)(5): “Improvement Plans. If the Secretary determines, based on the State report, that the State is not making progress toward achieving the performance goals, the State must submit a performance improvement plan to the Secretary in order to remain eligible for funding.”
- **Ensure local accountability even if \$150 million State trigger is not met.** Under Section (7)(e) if Congress does not authorize \$150 million, the Secretary is given the authority to provide competitive grants to local communities, but, in doing so, the maintenance of effort language is removed. Please add language to ensure that these funds are not used to supplant existing efforts and that local grantees will be subjected to the above accountability requirements.

(3) Remove Barrier to Implementation

- **Remove requirement that State legislatures approve funding.** Delete Section 11(a)(1) that subjects approval of appropriations to approval by State legislation. In States with legislatures that meet infrequently, this provision could seriously delay implementation of the Early Learning Opportunities grants.

(4) Consider removing slots or restricting slots to wrap-around services

- **Focus funding on child care quality rather than additional slots.** Often, funding for quality is superseded by needs for additional spaces for more children. The

Administration is committed to raising funds for CCDBG and Head Start in order to improve access and affordability of child care, but believe that this fund should primarily focus on helping communities improve quality, coordinate existing child care and early learning programs, and focus on improved educational aspects of child care programming. Allowing funds to be used for additional slots may dilute funds for quality. If it is not possible to delete Section 8(b)(6), we would recommend limiting spending on wrap-around services by changing it to read: “Increasing the access to existing learning programs by expanding the days or times that young children are served in order to meet the needs of low-income families who may work non-traditional hours or for extended periods of time during the workday.” Alternatively, we would recommend limiting the percentage of funds that could be spent on slots (e.g. 25%) or triggering appropriations for the Early Learning Opportunities Act only after CCDBG and Head Start are funded at a level that is at least equal to the previous year’s funding.

(5) Include Improvement in Licensing and Accreditation of Child Care.

- Under Section 8, Uses of Funds, include Section 8(b)(9): “Licensing and Accreditation Assistance: Assistance to entities and individuals in meeting applicable child care accreditation and licensing requirements and in obtaining licensing or accreditation” and include Section 8(b)(10): “Standards enforcement. Initiatives to increase the numbers of qualified child care licensing and standards enforcement staff and activities to increase monitoring and enforcement of State and local health and safety standards”

(6) Provide greater set-aside at local level

- **Provide authority to local councils to spend funds on coordination and improvements required under act.** Change Section 14(b)(1) to allow local councils to spend up to 5 percent on administrative costs, which includes coordination.

TECHNICAL CHANGES

- (1) Link Findings to Purpose.** Add a focus on cognitive development in Section 2 under purposes: “(1) promote children's cognitive, social, behavioral and physical development during the earliest years of life”
- (2) Ensure that the Agency that Administers CCDBG is involved in the State collaborative efforts.** In section 10(c)(2)(B)(iv) add at the end: “and, if different, the State agency responsible for administration of the Child Care and Development Block Grant.” (FYI – Increasingly, a number of States are designating lead agencies to administer CCDBG that are not the same as the agencies responsible for children and family services. For example, some states are designating the labor department to administer CCDBG.)

- (3) **Ensure the participation of early childhood experts on Local Council.** Change Section 14(a)(1)(C) to include early childhood experts and providers of Head Start services.

To provide for early learning programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; FINDINGS.

(a) Short Title._This Act may be cited as the ``Early Learning Opportunities Act".

(b) Findings._Congress finds that_

(1) medical research demonstrates that adequate stimulation of a young child's brain between birth and age 5 is critical to the physical development of the young child's brain;

(2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;

(3) parent education and parent involvement are critical to the success of any early learning program or activity;

(4) the more intensively parents are involved in their child's early learning, the greater the cognitive and noncognitive benefits to their children;

(5) many parents have difficulty finding the information and support the parents seek to help their children grow to their full potential;

(6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;

(7) quality early learning programs, including those designed to promote effective parenting, can increase the literacy rate, the secondary school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;

(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

(10) several cost-benefit analysis studies indicate that for each \$1 invested in quality early learning programs, the Federal Government can save over \$5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

(11) for children placed in the care of others during the workday, the low salaries paid to the child care 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, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, 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.

SEC. 2. PURPOSES.

The purposes of this Act are_

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

SEC. 3. DEFINITIONS.

In this Act:

(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 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) Local Council. The term "Local Council" means a Local Council established or designated under section 11414(a) 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 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(10) Regional corporation. The term "Regional Corporation" has the meaning given the term in section 3 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1602).

(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.

SEC. 4. 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 Act.

(b) Rights of Parents._Nothing in this Act 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 Act shall be required to provide services under this part through a particular instructional method or in a particular instructional setting to comply with this Act.

(d) Nonduplication -- No funds provided under this Act shall be used to carry out an activity otherwise funded under another provision of law providing for Federal child care or early learning programs, unless an expansion of such activity is identified by the local needs assessment and performance goals under this Act.

SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this Act_

(1) \$750,000,000 for fiscal year 2001;

(2) \$1,000,000,000 for fiscal year 2002;

(3) \$1,500,000,000 for fiscal year 2003; and

(4) such sums as may be necessary for each of the fiscal years 2004 and 2005.

SEC. 6. COORDINATION OF FEDERAL PROGRAMS.

high quality
* (a) Coordination. The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) Use of Equipment and Supplies. In the case of a collaborative activity funded under this Act and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this part or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this Act or such provision, during a period in which the activity is predominately funded under this Act or such provision.

SEC. 7. PROGRAM AUTHORIZED.

(a) Grants. From amounts appropriated under section 5 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council.

(b) Federal Share.

(1) In general. The Federal share of the cost described in subsection (a) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) Non-federal share. The non-Federal share of the cost described in subsection (a) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term "facilities" includes the use of facilities, but the term "equipment" means donated equipment and not the use of equipment.

(c) Maintenance of Effort. The Secretary shall not award a grant under this Act to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

(d) Supplement Not Supplant. Amounts received under this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

new { (e) If funds appropriated for this Act are less than \$150,000,000 for any fiscal year, the Secretary shall award grants directly to local councils, on a competitive basis, to pay the federal share of the cost of carrying out early learning programs in the locality served by the Local Council. In such case, Section 7, subparagraph (c) Maintenance of Effort, section 10,

subparagraph (b) and (c), and Section 11, subparagraph (a) (1), (2), (3) shall be waived. The Secretary shall provide such technical assistance and monitoring as necessary to sure that the use of the funds by Local Councils and the distribution of the funds to Local Councils are consistent with the Act. Responsibilities of the Lead State Agency shall be assumed by the Secretary.

SEC. 8. USES OF FUNDS.

(a) In General. Subject to section 10, grant funds under this Act shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

(b) Limited Uses. Subject to section 10, Lead State Agencies and Local Councils shall ensure that funds made available under this Act to the agencies and Local Councils are used for 3 or more of the following activities:

(1) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotional, and motor skills, and promote learning readiness.

(2) Promoting effective parenting.

(3) Enhancing early childhood literacy.

(4) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children.

(5) Increasing access to early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

* (6) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families.

— (7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers. *with money for early childhood centers w/ ample space & other things*

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times.

(c) Requirements. Each Lead State Agency designated under section 10(c) and Local Councils receiving a grant under this Act shall ensure—

(1) that Local Councils described in section 14 work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities which are necessary to

support children's readiness for school;

(2) that the programs, services, and activities assisted under this Act will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this Act collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) Sliding Scale Payments. _States and Local Councils receiving assistance under this Act shall ensure that programs, services, and activities assisted under this Act which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

SEC. 9. RESERVATIONS AND ALLOTMENTS.

(a) Reservation for Indian Tribes, Alaska Natives, and Native Hawaiians. _The Secretary shall reserve 1 percent of the total amount appropriated under section 5 for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which _

(1) 0.5 percent shall be available to Indian tribes; and

(2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) Allotments. _From the funds appropriated under this Act for each fiscal year that are not reserved under subsection (a), the Secretary shall allot to each State the sum of _

(1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and

(2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) Minimum Allotment. _No State shall receive an allotment under subsection (b) for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this Act.

(d) Availability of Funds. _Any portion of the allotment to a State that is not expended for activities under this Act in the fiscal year for which the allotment is made shall remain available to the State for 2 additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) Data. _The Secretary shall make allotments under this Act on the basis of the most

recent data available to the Secretary.

SEC. 10. GRANT ADMINISTRATION.

(a) Federal Administrative Costs._The Secretary may use not more than 3 percent of the amount appropriated under section 5 for a fiscal year to pay for the administrative costs of carrying out this Act, including the monitoring and evaluation of State and local efforts.

(b) State Administrative Costs._A State that receives a grant under this Act may use_

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835 (a)(5));

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) Lead State Agency._

(1) In general._To be eligible to receive an allotment under this Act, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) Lead state agency._

(A) Allocation of funds._The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 12.

(B) Functions of agency._In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall_

(i) advise and assist Local Councils in the performance of their duties under this Act;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 13;

(iv) ensure collaboration with respect to assistance provided under this Act between the State agency responsible for education and the State agency responsible for children and family

services; (and if what he) still as per for the CCD (6)

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this Act, which shall include a statement describing how all funds received under this Act are expended and documentation of the effects that resources under this Act have had on_

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

SEC. 11. STATE REQUIREMENTS.

(a) Eligibility. To be eligible for a grant under this Act, a State shall_

(1) ensure that funds received by the State under this Act shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 10(c) to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this Act are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this Act comply with the requirements of this Act.

(b) State Preference. In awarding grants to Local Councils under this Act, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this Act are funded under this Act, and shall give preference to supporting_

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 13, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this Act with other resources available for early learning programs., *for the purpose of enhancing the system & giving it the system early learning*

(c) Local Preference. In awarding grants under this Act, Local Councils shall give preference to supporting_

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this Act with other resources available for early learning programs; *Program is the community.*

(2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and *enhancing parents*

(3) programs that help parents and ~~other~~ caregivers promote early learning with ~~their~~ young children.

(d) Performance Goals.

(1) Assessments. Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) Performance goals. Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this Act.

(3) Requirement. The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

*Initials
&
initials*

(4) Report. The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

SEC. 12. LOCAL ALLOCATIONS.

(a) In General. The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this Act for a fiscal year.

(b) Limitation. The Lead State Agency shall allocate funds provided under this Act on the basis of the population of the locality served by the Local Council.

SEC. 13. LOCAL APPLICATIONS.

(a) In General. To be eligible to receive assistance under this Act, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) Contents. Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 14, and the Local Council has developed a local plan for carrying out early learning programs under this Act that includes_

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this Act; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

SEC. 14. LOCAL ADMINISTRATION.

(a) Local Council. _

(1) In general. To be eligible to receive funds under this Act, a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of_

(A) representatives of local agencies directly affected by early learning programs assisted under this Act;

Agencies responsible for early learning programs
CCP132

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representatives of entities providing elementary education, child care resource and referral services, early learning services, programs or activities, child care, and health services; and

(D) other key community leaders.

(2) Designating existing entity. If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunities Act, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe or corporation may designate the council or entity as a Local Council under this Act, and shall be considered to have established a Local Council in compliance with this subsection.

(3) Functions. The Local Council shall be responsible for preparing and submitting the application described in section 13.

(b) Administration.

(1) Administrative costs. Not more than 3 percent of the funds received by a Local Council under this Act shall be used to pay for the administrative costs of the Local Council in carrying out this Act.

(2) Fiscal agent. A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this Act.

*How far
in*

*Curriculum
appears*

SUBSTANTIVE SUGGESTIONS FOR EARLY LEARNING OPPORTUNITIES ACT:

- **Clarify Performance Measures to Align with Purposes.**

Under Section 11 (d)(2) please change to indicate a collaborative process for developing performance goals that are aligned to the purpose of the Act:

“Performance goals. The Secretary, in collaboration with the Secretary of Education and in consultation with the States and local councils, shall develop performance goals and indicators for quality factors associated with improved developmental outcomes for young children, including parent education, enhanced child care provider training (particularly in language and literacy development), increased ratios of child care staff to children, retention of child care providers, and other quality indicators in Section 2, Purposes.”

Ensure local accountability even if \$150 million State trigger is not met. Under Section (7)(e) if Congress does not authorize \$150 million, the Secretary is given the authority to provide competitive grants to local communities. In so doing, however, the maintenance of effort language is removed. Please add language to ensure that these funds are not used to supplant existing efforts. Please also add the following sentence to the end of Section 7(e), “Responsibilities designated in Section 11(d) as State responsibilities shall be assumed by the Local Council with regard to the locality.”

7/6/2017

SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS

(a) There are authorized to be appropriated to the Department of Health and Human Services to carry out this Act__

- (1) \$750,000,000 for fiscal year 2001;
- (2) \$1,000,000,000 for fiscal year 2002;
- (3) \$1,500,000,000 for fiscal year 2003; and
- (4) such sums as may be necessary for each of the fiscal years 2004 and 2005.

(b) Special Funding Rule Section (a) shall only apply in years in which appropriations under section 639 of the Head Start Act meet or exceed \$7.135 billion and appropriations for section 658B of the Child Care and Development Block Grant Act meet or exceed the adjusted prior year appropriation. The term "adjusted prior year appropriation" means with respect to a fiscal year, the amount appropriated pursuant to section 658B of the Child Care and Development Block Grant Act for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

EARLY LEARNING OPPORTUNITIES ACT

Revise Section 5 to read as follows:

SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS

(a) There are authorized to be appropriated to the Department of Health and Human Services to carry out this Act__

- (1) \$750,000,000 for fiscal year 2001;
- (2) \$1,000,000,000 for fiscal year 2002;
- (3) \$1,500,000,000 for fiscal year 2003; and
- (4) such sums as may be necessary for each of the fiscal years 2004 and 2005.

(b) Special Funding Rule__ Section (a) shall only apply in years in which appropriations under section 639 of the Head Start Act meet or exceed the adjusted prior year appropriation and appropriations for section 658B of the Child Care and Development Block Grant Act meet or exceed the adjusted prior year appropriation. The term “adjusted prior year appropriation” means with respect to a fiscal year, the amount appropriated pursuant to section 639 of the Head Start Act for the preceding fiscal year or section 658B of the Child Care and Development Block Grant Act for the preceding fiscal year, adjusted to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) during such preceding fiscal year.

(c) There are appropriated out of any funds in the Treasury not otherwise appropriated, for carrying out activities to foster early learning in accordance with this Act, \$50,000,000 for fiscal year 2001, which shall be allocated in accordance with Section 9, and which shall be appropriated only if

(1) Section 11(d)(2) is revised to state, “Performance goals. The Secretary, in collaboration with the Secretary of Education and in consultation with the States, who in turn shall consult with local councils, shall develop performance goals and indicators for quality factors associated with improved **developmental outcomes for young children**, including parent education, enhanced child care provider training (particularly in language and literacy development), increased ratios of child care staff to children, retention of child care providers, and other quality indicators in Section 2, Purposes.” ;

(2) A Section 11(d)(5) is added that states: “Improvement Plans. If the Secretary determines, based on the State report, that the State is not making progress toward achieving the performance goals, the State must submit a performance improvement plan to the Secretary in order to remain eligible for funding.”; and

(3) Section (7)(e) is revised to state, “If funds appropriated for this Act are less than \$150,000,000 for any fiscal year, the Secretary shall award grants directly to local councils, on a competitive basis, to pay the federal share of the cost of carrying out early learning programs in the locality served by the Local Council. In such case, Section 7, subparagraph (c) Maintenance of effort, Section 10, subparagraphs (b) and (c), and

Section 11, subparagraphs (a)(1), (2), and (3) shall be waived. The Secretary shall provide such technical assistance and monitoring as necessary to ensure that the use of the funds by Local Councils and the distribution of the funds to Local Councils are consistent with the Act. Responsibilities of the Lead State Agency shall be assumed by the Secretary. Responsibilities designated in Section 11(d) as State responsibilities shall be assumed by the Local Council with regard to the locality.”

FAX TRANSMISSION

DEMOCRATIC OFFICE OF
THE UNITED STATES SENATE
COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

To:

Ann O'Leary

FROM:

Stephanie Robinson

FAX #:

456-2878

DATE:

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STEVENS-KENNEDY-JEFFORDS-DODD-BOND-KERRY
“EARLY LEARNING OPPORTUNITIES ACT” AMENDMENT TO ESEA
—\$1.75 Billion Over 2 Years—

The “Early Learning Opportunities Act” (ELOA) provides states with additional resources to invest in early learning activities.

PROMOTES SCHOOL READINESS THROUGH EARLY LEARNING: Between ages zero and five, each child’s brain grows synapses, the connections that are the foundation of all learning, faster than any other time. Because each lesson taught in the classroom is built on the language and cognitive skills that children possess when they first walk through the schoolhouse door, the efficacy of all education efforts can be improved by ensuring that children receive adequate brain stimulation between ages zero and five. The nation’s governors realized this a decade ago when they resolved that **the nation’s number one goal** should be to prepare all children to enter school “ready to learn.” Inclusion of the Early Learning Opportunities Act as an amendment to ESEA is an integral part of education reform, recognizing that education occurs over a continuum beginning at birth.

PROVIDES RESOURCES TO INVEST IN THE BUILDING BLOCKS THAT HELP CHILDREN SUCCEED IN SCHOOL:

- Teach parents and other caregivers how to facilitate development of cognitive, language comprehension, expressive language, social-emotional, and motor skills.
- Increase access to existing programs by expanding the days or times that children are served or by making services available to children in low-income families.
- Enhance early childhood literacy.
- Link early learning providers to one another and to health services.
- Improve quality of existing early learning programs through recruitment, retention, and professional development incentives.
- Increase early learning opportunities for children with special needs.

FLEXIBILITY TO MEET THE MOST URGENT NEEDS: Communities have diverse needs and options for improving early learning opportunities. ELOA empowers localities to decide how to respond to the most urgent needs while building coordination among existing programs to promote efficiency. ELOA leaves existing parental rights and responsibilities unchanged.

FUNDING: The federal commitment to early learning is increased by 10% over five years. Authorized appropriations are \$750 million in FY 2001 and \$1 billion in FY 2002.

ALLOCATION OF FUNDS: The Department of Health and Human Services makes formula grants to states: half based on the relative number of children under age four and half based on the relative number of children under age four in low-income families. States make grants to localities in accord with state plans for improving coordination and quality of early learning throughout each state. Parents, local officials, early learning providers, educators, and others decide how funds will best be used in each locality.

OVERSIGHT: The Department of Health and Human Services oversees the program in consultation with the Department of Education.

EARLY LEARNING OPPORTUNITIES ACT AMENDMENT

Senators Stevens, Kennedy, Jeffords, Dodd, Bond, Kerry, Voinovich, Lautenberg, Domenici, Murray, Cochran, Bingaman, G. Smith, Durbin, Chafee, Baucus, Murkowski, Robb, Rockefeller, Roberts, Wellstone, Feinstein, Mikulski, Snowe, Boxer, Specter, and Warner

PURPOSE -- The purpose of this amendment is to increase the availability of voluntary programs, services, and activities that support early childhood education and promote school readiness of young children (age birth to 6) by helping parents, caretakers, child care providers, and educators who desire to incorporate appropriate developmental activities into the daily lives of pre-school age children, and to facilitate broader involvement of the community to develop a cohesive network of early learning opportunities. The Secretary of HHS is responsible for administering this initiative in collaboration with the Secretary of Education.

COORDINATION OF FEDERAL PROGRAMS -- The legislation requires and provides the authority to the Secretaries of the Department of Health and Human Services and Education to develop effective mechanisms to resolve conflicts between early learning programs and remove barriers to the creation of a community-driven, unified system of services, activities, and programs for young children and their families.

PRESERVING PARENTAL RIGHTS AND ROLES -- While the legislation focuses on providing more opportunities for parents to participate in activities designed to promote early learning, it is essential that participation be voluntary. The bill clearly states that parents are not required to participate in any programs, services or activities funded under this part and reinforces that parents are their child's first and most effective teacher.

FEDERAL FUNDING -- \$3.25 billion over three years for a discretionary grant program to the states: \$750,000,000 in the first year, increasing to \$1 billion in the second year and \$1.5 billion in year 3.

GRANTS TO STATES-- The federal share is 85% for the first two years of the grant, decreasing to 80% in the second and third years, and to 75% for the remainder of the initiative. There is a broad definition of how states can meet the match requirements including cash or in-kind facilities, equipment or services. The funds are allocated to the states based equally on the population of children aged 4 or under and the number of children aged 4 or under who are living in poverty. There is a small state minimum of .4% and a 1% set-aside for Indian Tribes, Native Alaskans, Hawaii Natives, and the Outlying areas. States are not permitted to use the funds to supplant existing funding for child care, Head Start, and other early learning programs.

LIMIT ON ADMINISTRATIVE COSTS -- Administrative costs are limited for both the Department of Health and Human Services (3%) and the States (2% for state-level coordination of services, 2% for administrative costs, and 3% for training/technical assistance/wage incentives).

STATE ELIGIBILITY -- To receive a grant allotment, States must submit an application, designate a lead entity, ensure that funds are distributed on a competitive basis throughout the state, ensure that a broad array/variety of early learning programs, activities, and services receive funds

(OVER)

and develop mechanisms to ensure compliance with the requirement of the initiative. States also are required to develop performance goals based on an assessment of needs and available resources and annually report the State's progress towards meeting those goals.

AWARDING GRANT TO LOCALITIES -- States must award grants consistent with the performance goals set by the State. To the maximum extent possible, states will ensure that a broad variety of early learning programs which provide a continuity of services across the age spectrum will be funded. The state must fund programs that help increase parenting skills, that provide direct activities for young children, as well as improve the skills of child care providers. Local Councils receiving funds will work with local educational agencies to identify cognitive, social, and developmental abilities which are expected to be mastered prior to a child entering school. Programs, services and activities funded under this initiative will represent developmentally appropriate steps to mastery of those abilities. Preference is given to grants which include services to areas of greatest need (as defined by the state), and to grants which increase local collaboration to maximize the use of existing resources. There is no definition of entities eligible to receive grants, in order to facilitate the broadest possible participation among local community resources.

USE OF FUNDS -- Local Councils receiving funds from the State grant allotment will distribute the funds to community resources to:

- 1) Help parents, care givers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotion, and motor skills and promote learning readiness in their young children;
- 2) Promote effective parenting
- 3) Enhance early childhood literacy
- 4) Develop linkages among early learning programs within a community and between early learning programs and health care services for young children
- 5) Increase access to early learning opportunities for young children with special needs, by facilitating coordination with other programs serving this population
- 6) Increase access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of children served, or improving the affordability of the programs for low-income children; and
- 7) Improve the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers.
- 8) Remove ancillary barriers to early learning, including transportation difficulties and absence of programs during non-traditional work times.

ACCOUNTABILITY -- The State is primarily responsible for monitoring the use of funds by state grantees. If the State determines that the grantee is not complying with the requirements of the grant, the state must inform the grantee of the problems, provide training and technical assistance to help them correct the problems, and if that fails, terminate the grant.

AVAILABILITY OF FUNDS -- The State has 3 years to expend the funds received under the State's allotment. Any unexpended funds will be used by HHS to fund research-based early learning demonstration projects.

S 2866 IS

106th CONGRESS

2d Session

S. 2866

To provide for early learning programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

July 13, 2000

Mr. STEVENS (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. DOMENICI, Mr. KERRY, Mr. BOND, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. COCHRAN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. DURBIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROBB, Mr. ROCKEFELLER, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERREY, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for early learning programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE- This Act may be cited as the 'Early Learning Opportunities Act'.

(b) FINDINGS- Congress finds that--

- (1) medical research demonstrates that adequate stimulation of a young child's brain between birth and age 5 is critical to the physical development of the young child's brain;
- (2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;
- (3) parent education and parent involvement are critical to the success of any early learning program or activity;
- (4) the more intensively parents are involved in their child's early learning, the greater the cognitive and noncognitive benefits to their children;
- (5) many parents have difficulty finding the information and support the parents seek to help their children grow to their full potential;
- (6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;
- (7) quality early learning programs, including those designed to promote effective parenting, can increase the literacy rate, the secondary school graduation rate, the

employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;

(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

(10) several cost-benefit analysis studies indicate that for each \$1 invested in quality early learning programs, the Federal Government can save over \$5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

(11) for children placed in the care of others during the workday, the low salaries paid to the child care 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, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, 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.

SEC. 2. PURPOSES.

The purposes of this Act are--

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports,

and local planning for services.

SEC. 3. DEFINITIONS.

In this Act:

(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 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) LOCAL COUNCIL- The term 'Local Council' means a Local Council established or designated under section 14(a) 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 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(10) REGIONAL CORPORATION- The term 'Regional Corporation' has the meaning given the term in section 3 of the Alaskan Native Claims Settlement Act (43 U.S.C. 1602).

(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.

SEC. 4. 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 Act.
- (b) RIGHTS OF PARENTS- Nothing in this Act 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 Act shall be required to provide services under this Act through a particular instructional method or in a particular instructional setting to comply with this Act.

SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this Act--

- (1) \$750,000,000 for fiscal year 2001;
- (2) \$1,000,000,000 for fiscal year 2002; and
- (3) \$1,500,000,000 for fiscal year 2003.

SEC. 6. COORDINATION OF FEDERAL PROGRAMS.

- (a) COORDINATION- The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.
- (b) USE OF EQUIPMENT AND SUPPLIES- In the case of a collaborative activity funded under this Act and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this Act or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this Act or such provision, during a period in which the activity is predominately funded under this Act or such provision.

SEC. 7. PROGRAM AUTHORIZED.

- (a) GRANTS- From amounts appropriated under section 5 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council.

(b) FEDERAL SHARE-

(1) **IN GENERAL-** The Federal share of the cost described in subsection (a) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) **NON-FEDERAL SHARE-** The non-Federal share of the cost described in subsection (a) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term 'facilities' includes the use of facilities, but the term 'equipment' means donated equipment and not the use of equipment.

(c) **MAINTENANCE OF EFFORT-** The Secretary shall not award a grant under this Act to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

(d) **SUPPLEMENT NOT SUPPLANT-** Amounts received under this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

SEC. 8. USES OF FUNDS.

(a) **IN GENERAL-** Subject to section 10, grant funds under this Act shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

(b) **LIMITED USES-** Subject to section 10, Lead State Agencies and Local Councils shall ensure that funds made available under this Act to the agencies and Local Councils are used for 3 or more of the following activities:

(1) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotional, and motor skills, and promote learning readiness.

(2) Promoting effective parenting.

(3) Enhancing early childhood literacy.

(4) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children.

(5) Increasing access to early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

(6) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families.

(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers.

(8) Removing ancillary barriers to early learning, including transportation difficulties and

absence of programs during nontraditional work times.

(c) REQUIREMENTS- Each Lead State Agency designated under section 10(c) and Local Councils receiving a grant under this Act shall ensure--

(1) that Local Councils described in section 14 work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities which are necessary to support children's readiness for school;

(2) that the programs, services, and activities assisted under this Act will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this Act collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) SLIDING SCALE PAYMENTS- States and Local Councils receiving assistance under this Act shall ensure that programs, services, and activities assisted under this Act which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

SEC. 9. RESERVATIONS AND ALLOTMENTS.

(a) RESERVATION FOR INDIAN TRIBES, ALASKA NATIVES, AND NATIVE HAWAIIANS- The Secretary shall reserve 1 percent of the total amount appropriated under section 5 for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which--

(1) 0.5 percent shall be available to Indian tribes; and

(2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) ALLOTMENTS- From the funds appropriated under this Act for each fiscal year that are not reserved under subsection (a), the Secretary shall allot to each State the sum of--

(1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and

(2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) MINIMUM ALLOTMENT- No State shall receive an allotment under subsection (b) for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this Act.

(d) AVAILABILITY OF FUNDS- Any portion of the allotment to a State that is not expended for activities under this Act in the fiscal year for which the allotment is made shall remain available to the State for 2 additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) DATA- The Secretary shall make allotments under this Act on the basis of the most recent data available to the Secretary.

SEC. 10. GRANT ADMINISTRATION.

(a) **FEDERAL ADMINISTRATIVE COSTS-** The Secretary may use not more than 3 percent of the amount appropriated under section 5 for a fiscal year to pay for the administrative costs of carrying out this Act, including the monitoring and evaluation of State and local efforts.

(b) **STATE ADMINISTRATIVE COSTS-** A State that receives a grant under this Act may use--

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835 (a)(5));

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) **LEAD STATE AGENCY-**

(1) **IN GENERAL-** To be eligible to receive an allotment under this Act, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) **LEAD STATE AGENCY-**

(A) **ALLOCATION OF FUNDS-** The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 12.

(B) **FUNCTIONS OF AGENCY-** In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall--

(i) advise and assist Local Councils in the performance of their duties under this Act;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 13;

(iv) ensure collaboration with respect to assistance provided under this Act between the State agency responsible for education and the State agency responsible for children and family services;

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this Act, which shall include a statement describing how all funds received under this Act are expended and documentation of the effects that resources under this Act have had on--

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

SEC. 11. STATE REQUIREMENTS.

(a) ELIGIBILITY- To be eligible for a grant under this Act, a State shall--

(1) ensure that funds received by the State under this Act shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 10(c) to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this Act are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this Act comply with the requirements of this Act.

(b) STATE PREFERENCE- In awarding grants to Local Councils under this Act, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this Act are funded under this Act, and shall give preference to supporting--

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 13, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this Act with other resources available for early learning programs.

(c) **LOCAL PREFERENCE-** In awarding grants under this Act, Local Councils shall give preference to supporting--

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this Act with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

(d) **PERFORMANCE GOALS-**

(1) **ASSESSMENTS-** Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) **PERFORMANCE GOALS-** Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this Act.

(3) **REQUIREMENT-** The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

(4) **REPORT-** The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

SEC. 12. LOCAL ALLOCATIONS.

(a) **IN GENERAL-** The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this Act for a fiscal year.

(b) **LIMITATION-** The Lead State Agency shall allocate funds provided under this Act on the basis of the population of the locality served by the Local Council.

SEC. 13. LOCAL APPLICATIONS.

(a) **IN GENERAL-** To be eligible to receive assistance under this Act, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) **CONTENTS-** Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 14, and the Local Council has developed a local plan for carrying out early learning programs under this Act that includes--

(1) a needs and resources assessment concerning early learning services and a statement

describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this Act; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

SEC. 14. LOCAL ADMINISTRATION.

(a) LOCAL COUNCIL-

(1) IN GENERAL- To be eligible to receive funds under this Act, a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of--

(A) representatives of local agencies directly affected by early learning programs assisted under this Act;

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

(2) DESIGNATING EXISTING ENTITY- If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunities Act, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe or corporation may designate the council or entity as a Local Council under this Act, and shall be considered to have established a Local Council in compliance with this subsection.

(3) FUNCTIONS- The Local Council shall be responsible for preparing and submitting the application described in section 13.

(b) ADMINISTRATION-

(1) ADMINISTRATIVE COSTS- Not more than 3 percent of the funds received by a Local Council under this Act shall be used to pay for the administrative costs of the Local Council in carrying out this Act.

(2) FISCAL AGENT- A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this Act.

END

Bill Summary & Status for the 106th Congress

Item 1 of 5000

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S.2866Sponsor: [Sen Stevens, Ted](#) (introduced 7/13/2000)

Latest Major Action: 7/13/2000 Referred to Senate committee

Title: A bill to provide for **early learning** programs, and for other purposes.

Jump to: [Titles](#), [Status](#), [Committees](#), [Related Bill Details](#), [Amendments](#), [Cosponsors](#), [Summary](#)

TITLE(S): *(italics indicate a title for a portion of a bill)*

- SHORT TITLE(S) AS INTRODUCED:
Early Learning Opportunities Act
 - OFFICIAL TITLE AS INTRODUCED:
A bill to provide for **early learning** programs, and for other purposes.
-

STATUS: *(color indicates Senate actions)***7/13/2000:**

Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

COMMITTEE(S):

Committee/Subcommittee:	Activity:
Senate Health, Education, Labor, and Pensions	Referral

RELATED BILL DETAILS:***NONE***

AMENDMENT(S):***NONE***

COSPONSORS(25), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

Sen Bingaman, Jeff - 7/13/2000

Sen Boxer, Barbara - 7/13/2000

Sen Cochran, Thad - 7/13/2000

Sen Domenici, Pete V. - 7/13/2000

Sen Feinstein, Dianne - 7/13/2000

Sen Kennedy, Edward M. - 7/13/2000

Sen Kerry, John F. - 7/13/2000

Sen Mikulski, Barbara A. - 7/13/2000

Sen Murray, Patty - 7/13/2000

Sen Roberts, Pat - 7/13/2000

Sen Smith, Gordon - 7/13/2000

Sen Voinovich, George V. - 7/13/2000

Sen Wellstone, Paul D. - 7/13/2000

Sen Bond, Christopher S. - 7/13/2000

Sen Chafee, Lincoln D. - 7/13/2000

Sen Dodd, Christopher J. - 7/13/2000

Sen Durbin, Richard J. - 7/13/2000

Sen Jeffords, James M. - 7/13/2000

Sen Kerrey, J. Robert - 7/13/2000

Sen Lautenberg, Frank R. - 7/13/2000

Sen Murkowski, Frank H. - 7/13/2000

Sen Robb, Charles S. - 7/13/2000

Sen Rockefeller, John D., IV - 7/13/2000

Sen Snowe, Olympia J. - 7/13/2000

Sen Warner, John W. - 7/13/2000

SUMMARY:

NONE

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS (Senate - July 13, 2000)

Mr. KENNEDY. Mr. President, our bipartisan goal in introducing The Early Learning Opportunities Act is to provide greater support for parents across the country in preparing their children for a lifetime of learning, beginning at the earliest age.

I commend Senators **Stevens**, **Jeffords**, **Dodd**, **Domenici**, and **Kerry** for their support and leadership in developing this legislation and in seeing to it that children's voices are heard and their needs are a priority in this Congress. Senator **Kerry** and I have worked together to improve early learning opportunities in Massachusetts, and this national initiative is based in part on successful models in our state. Senator **Dodd** has been an outstanding leader on children's issues for many years. Senator **Jeffords**, the chairman of our Senate committee, has shown great skill and determination in shaping this legislation, and in keeping our committee focused on the important issue of early learning. Senator **Domenici** has been an essential ally throughout the development of this bill, as has the senior Senator from Alaska. Senator **Stevens** and I introduced the Early Learning Trust Fund Act as a predecessor to this legislation, and he was a leader in obtaining approval of \$8.5 billion for early learning in this year's Senate budget resolution.

Clearly, the need for this legislation is urgent. Today's families are legitimately worried about the quality of care provided to their infants and toddlers while the parents are at work. Of mothers with children aged zero to five, a record 64 percent worked outside the home in 1999. The average cost of care for each of these children is four to ten thousand dollars a year. This is their highest expense besides food and shelter, consuming a quarter to half of their wages. Too often, even this level of sacrifice isn't enough. Many families simply cannot find quality care for their children. Facilities are dangerous, crowded, or closed at the non-traditional times that many mothers work. Low wages attract the least skilled care givers, over a third of whom quit each year. Enforcement of quality standards is rare. Elementary and Secondary education fully deserve to be a priority for the nation, but so does early learning--and it is needed at a time when many young families are least able to bear the full cost.

In Massachusetts, the Community Partnerships for Children Program currently provides quality full-day early learning for 15,300 young children from low-income families. Yet today, over 14,000 additional eligible children in the state are waiting for the early learning services they need--and some have been on the waiting list for 18 months. A 1999 report by the Congressional General Accounting Office on early learning services for low-income families was unequivocal--'infant toddler care [is] still difficult to obtain.'

Even as the need to provide early learning opportunities increases, it is clear that many current facilities are unsafe. The average early learning provider is paid under seven dollars an hour--less than the average parking lot attendant or pet sitter. These low wages result in high turnover, poor quality of care, and little trust and bonding with the children.

The Nation's military faced these same problems in the 1980's, and because of the threat

that the poor quality of care posed to children, to morale, and to retention of personnel, the armed forces worked long and well to create a model program. The Defense Department now provides quality care to 200,000 children. Many European nations have followed the same path as the U.S. military, building a broad array of quality early learning models that prepare children to reach their full potential.

Head Start is one example of the kind of quality program that has already proved effective throughout the United States. A recent survey found that more parents are satisfied with Head Start than any other federal program. But only two in five eligible 3- and 4-year-olds are enrolled in Head Start--and only one in 100 eligible infants and toddlers are enrolled in Early Head Start. As a result, literally millions of young children never have the chance to reach their full potential. We must do better, and we can do better.

It is time to act to make early learning a top education priority for the nation, just as governors urged us to do a full decade ago. All preschool children should have access to the kind of care and brain stimulation necessary to enable them to enter school ready to learn. We cannot rest until all children have the opportunity to develop to their full potential.

Academic studies have confirmed what parents have long understood--education occurs over a continuum that begins at birth and extends throughout life. Study after study proves that positive brain stimulation very early in life significantly improves a child's later ability to learn, to interact successfully with teachers and peers, and to develop crucial skills like curiosity, trust, and perseverance. Two years ago, the Rand Corporation reported that 'after critically reviewing the literature and discounting claims that are not rigorously demonstrated, we conclude that these [early learning] programs can provide significant benefits.' Governors, state legislatures, local governments, and educators have all supported these studies and called for increased investments in early learning as the most effective way to promote healthy and constructive behavior.

The goal of this legislation is to enable all children to enter school ready to learn, and to maximize the impact of federal, state, and local investments in education. We must do more to ensure that children have access to the experiences they need during the five or six years before they walk through their first schoolhouse door. Education begins at birth. It is not a process that occurs only in a school building during a school day. When our policies respond to this reality, we will reduce delinquency, improve productivity, and become a stronger and better nation. Early learning programs are good for children, good for parents and good for society as a whole.

The Committee for Economic Development reports that the nation can save over five dollars in the future for every dollar invested in early learning today. The investment significantly reduces the number of families on welfare, the number of children in special education, and the number of children in the juvenile justice system. Investment in early learning is not only morally right--it is economically right.

Two months ago, Fight Crime: Invest in Kids, a bipartisan coalition including hundreds of police chiefs, sheriffs, and crime victims, released another convincing report. It finds that children who receive quality early learning are half as likely to commit crimes and be arrested later in life. Our greatest opportunity to reach at-risk children is in their youngest years.

It is especially important for low-income parents who accept the responsibility of work under welfare reform to have access to quality early learning opportunities for their children. The central idea of welfare reform is that families caught in a cycle of dependence can be shown that work pays. But children's development must not be sacrificed as families move from welfare to work.

We must expand access to Head Start and Early Head Start. We must make parenting assistance available to all who want it. We must support model state efforts that have already proved successful, such as Community Partnerships for Children in Massachusetts and Smart Start in North Carolina, which rely on local councils to identify early learning needs in each community and allocate new resources to meet them. We must give higher priority to early childhood literacy. In ways such as these, we can take bolder action to strengthen early learning opportunities in communities across the nation.

The legislation that we introduce today will move us closer to all of these goals. It includes \$3.25 billion over the next three years to enable local communities to fill the gaps that limit current early learning efforts. Local councils will direct the funds to the most urgent needs in each community. These needs include parenting support and education--improving child care quality through professional development and retention initiatives--expanding the times and the days that parents can obtain these

services--enhancing childhood literacy--and greater early learning opportunities for children with special needs. These priorities are designed to strengthen early learning programs in all communities across the country, and give each community the opportunity to invest the funds in ways that will meet its most urgent needs.

Much more needs to be done to improve early learning throughout America. But we know from our experience in improving the military's early learning program that with small steps, over time we can go a long way. I urge the Senate to approve this important bill, and I look forward to its enactment and to the significant differences it will make.

[Page: S6680] GPO's PDF

By Mr. DeWINE:

S. 2867. A bill to provide for the funding and administration of a Veterans Mission for Youth Initiative within the Troops-to-Teachers Program; to the Committee on Health, Education, Labor, and Pensions.

VETERANS MISSION FOR YOUTH INITIATIVE

Mr. DeWINE. Mr. President, I am pleased to introduce a bill today--the 'Veterans Mission for Youth Initiative'--that would expand the current mission of the successful Troops to Teachers program. As many of my colleagues know, Troops to Teachers is a practical and sensible teacher recruitment program--a program that helps our veterans and retired military personnel gain the necessary certification to teach in our children's classrooms.

The bill I am introducing today would build on the current program's success by expanding its mission to help veterans who want to volunteer in our schools and be role models, but do not necessarily want to become certified teachers. This bill not only will help children benefit from the knowledge and experiences of veterans, but it also will help our veterans get more involved and active in their own local communities. I am pleased that Governor George W. Bush is proposing this same idea today in Pittsburgh.

Specifically, the 'Veterans Mission for Youth Initiative,' would authorize \$75 million to be used for matching federal grants to community organizations that help train and then link veterans and retired military personnel with local school volunteer opportunities to mentor and tutor students. The grant program will be administered through the Defense Department's Defense Activity for Non-Traditional Education Support division, which runs the Troops-to-Teachers program.

Mr. President, the sad reality is that our schools are in crisis--especially in the inner cities and in places like Appalachia. And, I am frustrated and saddened that far too many children simply are not getting the quality education they deserve. The current Troops to Teachers program is helping to improve educational quality in America by providing mature, motivated, experienced, and dedicated personnel for our nation's classrooms. In fact, when administrators were asked to rate Troops to Teachers participants in their schools, 54 percent of the administrators said that the former military personnel turned teachers were among the best teachers at the schools. I am pleased to say that since 1994, 3,720 retired members of the U.S. military have been hired as teachers in all 50 states.

Additionally, a 1999 alternative teacher certification study found that participants in the Troops to Teachers program broaden the make-up and skills of our current teacher pool. For example, 30 percent of participants are minorities, compared to 10 percent of all teachers; 30 percent of participants are teaching math, compared to 13 percent of all teachers; 39 percent are willing to teach in inner cities compared to the current 16 percent urban teaching force; and 90 percent are male, compared to the overall current teaching force which is 26 percent male.

By expanding the current mission of the Troops to Teachers program by helping to link veterans with community volunteer opportunities to tutor and mentor school children, we can strengthen our education

SUBSTANTIVE SUGGESTIONS FOR EARLY LEARNING OPPORTUNITIES ACT:

(1) Focus on Families Most in Need

- In purpose section, add a language that indicates a focus on low-income families.
- Under Section 11(b) and 99(c) indicate State and Local preferences for programs that focus on families most in need of early learning services, particularly low-income families.

(2) Add Accountability Provisions

- **Clarify Performance Measures to Align with Purposes.** Under Section 11 (d)(2) please change to indicate a collaborative process for developing performance goals that are aligned to the purpose of the Act:
“Performance goals. The Secretary, in collaboration with the Secretary of Education and in consultation with the States, shall develop performance goals and indicators for quality factors associated with improved developmental outcomes for young children, including parent education, enhanced child care provider training (particularly in language and literacy development), increased ratios of child care staff to children, retention of child care providers, and other quality indicators in Section 2, Purposes.”
- **Provide authority to Secretary to hold grantees accountable for making progress on goals.** Add Section 11(d)(5): “Improvement Plans. If the Secretary determines, based on the State report, that the State is not making progress toward achieving the performance goals, the State must submit a performance improvement plan to the Secretary in order to remain eligible for funding.”
- **Ensure local accountability even if \$150 million State trigger is not met.** Under Section (7)(e) if Congress does not authorize \$150 million, the Secretary is given the authority to provide competitive grants to local communities, but, in doing so, the maintenance of effort language is removed. Please add language to ensure that these funds are not used to supplant existing efforts and that local grantees will be subjected to the above accountability requirements.

(3) Remove Barrier to Implementation

- **Remove requirement that State legislatures approve funding.** Delete Section 11(a)(1) that subjects approval of appropriations to approval by State legislation. In States with legislatures that meet infrequently, this provision could seriously delay implementation of the Early Learning Opportunities grants.

(4) Consider removing slots or restricting slots to wrap-around services

- **Focus funding on child care quality rather than additional slots.** Often, funding for quality is superseded by needs for additional spaces for more children. The

Administration is committed to raising funds for CCDBG and Head Start in order to improve access and affordability of child care, but believe that this fund should primarily focus on helping communities improve quality, coordinate existing child care and early learning programs, and focus on improved educational aspects of child care programming. Allowing funds to be used for additional slots may dilute funds for quality. If it is not possible to delete Section 8(b)(6), we would recommend limiting spending on wrap-around services by changing it to read: "Increasing the access to existing learning programs by expanding the days or times that young children are served in order to meet the needs of low-income families who may work non-traditional hours or for extended periods of time during the workday." Alternatively, we would recommend limiting the percentage of funds that could be spent on slots (e.g. 25%) or triggering appropriations for the Early Learning Opportunities Act only after CCDBG and Head Start are funded at a level that is at least equal to the previous year's funding.

(5) Include Improvement in Licensing and Accreditation of Child Care.

- Under Section 8, Uses of Funds, include Section 8(b)(9): "Licensing and Accreditation Assistance: Assistance to entities and individuals in meeting applicable child care accreditation and licensing requirements and in obtaining licensing or accreditation" and include Section 8(b)(10): "Standards enforcement. Initiatives to increase the numbers of qualified child care licensing and standards enforcement staff and activities to increase monitoring and enforcement of State and local health and safety standards"

(6) Provide greater set-aside at local level

- **Provide authority to local councils to spend funds on coordination and improvements required under act.** Change Section 14(b)(1) to allow local councils to spend up to 5 percent on administrative costs, which includes coordination.

TECHNICAL CHANGES

- (1) Link Findings to Purpose.** Add a focus on cognitive development in Section 2 under purposes: "(1) promote children's cognitive, social, behavioral and physical development during the earliest years of life"
- (2) Ensure that the Agency that Administers CCDBG is involved in the State collaborative efforts.** In section 10(c)(2)(B)(iv) add at the end: "and, if different, the State agency responsible for administration of the Child Care and Development Block Grant." (FYI – Increasingly, a number of States are designating lead agencies to administer CCDBG that are not the same as the agencies responsible for children and family services. For example, some states are designating the labor department to administer CCDBG.)

- (3) **Ensure the participation of early childhood experts on Local Council.** Change Section 14(a)(1)(C) to include early childhood experts and providers of Head Start services.



DOMESTIC POLICY COUNCIL

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Subject: _____

Early Lang

Pages: _____ (Including this cover sheet)

Comments:

I need to get comments to Stephanie ASAP. Please call me if you have any suggestions.

LANGUAGE ISSUES IN LABOR-HHS: October 17, 2000

(w/Lambrew and Chow comments)

EDUCATION

School construction tax (Armey)

School construction (2nd version w/Specter formula)

Title I accountability

Class Size

Teacher Quality

College Completion Challenge Grants (Administration)

Adult Education "Civics" education (Administration)

Gregg after school community based org.

National testing (House-Goodling; Senate-current law)

Internet filtering Software Requirement (Istook, McCain, Santorum)

Arts in Education transfer to NEA

*Even start LIFT (Goodling)

*Equal Access to Special Ed funds home schoolers (Armey)

*Rural Ed authorization

*Charter school demos (House/Senate R's)

*Cohort default rates (Middlesex College [H+S D's])

*Impact Aid Section 8002(j) set-a-side

*Impact Aid Air Force Academy timely filed (House R's)

*Rohrabacher cap (Impact Aid) (House R's and D's)

*Transfer Impact Aid to DOD (Jeffords)

*Tiberon Property transfer (Pelosi)

*I can learn authorization - Porter *→ private, for private company, (maybe) - not*

*LEAP technicals (Reed) -

*HBCU (technical)

*Character Education Technical (House R's)

*NAGB date change Technical (Senate)

*Title I School Choice (Goodling) - *ammm*

*Handling of "Institutes" named after members

*Vocational Education Tribal Technical (Kildee)

*Testing Language (Goodling) -

*Physical Education Authorization (Stevens) -

*Rural Education Program Authorization

*Rename Olympic Scholarships for BJ Stupak (House Dems)

*San Marcos formula change for SEOG, etc. (Feinstein)

*Sally Mae Compensation Parity for Auditors

*St. Louis University Suspend IG Recovery of Higher Education Funds

*Graceland College Technical Fix (Harkin)

*Plus Loan Indexing

Early Planning
Call me
Eggs



PhyEd - Gov Stx - Gov Stx
CL
no comment from

TO: *Zoe Murray*DATE: 10/18

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FAX NO : 2156-2878TOTAL PAGES
INCLUDING COVER) : 3

REMARKS:

*Eargleary - See
my email*

Comments on Stevens, Kennedy, et al Early Learning Opportunities Amendment
September 18, 2000

Overall Position

The Administration should push for enactment of this legislation, and FY 2001 funding for the new program, provided the technical changes, especially those in bold below, are made. Also included are more substantive suggestions that we believe would improve the bill, but our support for the legislation is not contingent on incorporation of these changes. Support for FY 2001 funding of the new program is contingent on full funding of the Administration's FY 2001 CCDF and Head Start requests.

Technical

1. In section 6(a), insert "high quality" before "early learning programs" in the last line.
2. In section 8(b)(7), insert after "training activities" the following: "including increasing the numbers of caregivers and providers with associate, baccalaureate, or advanced degrees in early childhood education."
3. In section 8(c)(1), insert after "local education agencies" the following: ", Head Start and other early childhood programs and experts."
4. The reference to wage incentives in section 10(b)(3) seems out of place. Wouldn't the local council (if it chose) offer the wage incentives to early learning providers? Would the State be providing dollars to local councils that would be earmarked for wage incentives to providers? Presumably the wage incentives would not be for council members themselves.
5. In section 10(c)(2)(B)(iv), change the last two lines to read: **"among the State agency responsible for education, the State agency responsible for children and family services, and, if different, the State agency responsible for administration of the Child Care and Development Block Grant."**

In an increasing number of States, the lead agency for CCDBG is no longer the same as, or part of, the children and family services agency (for example, in some States it is part of the labor department).

6. In sections 11(b)(2) and 11(c)(1), add after "programs" the following: **", for the purpose of enhancing the accessibility and quality of the system of early learning programs in the community."**

SLAs — *Department* —

7. In section 11(c)(3), change the sentence to read: "...parents, caregivers and early learning providers promote early learning with young children."
8. In section 13(b)(2), replace "meet" with "contribute to the achievement of..."
9. In section 14(a)(1)(C), insert "including Head Start services," after "early learning opportunities."

Non-Technical

1. Add to section 11(a) a requirement that each State ensure that a minimum percentage of the funds it awards to local councils are used for activities 4, 5 or 7 in section 8(b). We are flexible regarding the exact percentage.
2. Modify section 8(b)(6) to read "...existing early learning programs that meet minimum standards as determined by the Secretary in consultation with the States,..."
3. Add to section 11(c) a preference for programs that provide or enhance services to infants and toddlers.
4. Add to section 11(d) language giving the Secretary the ability to review and approve State performance goals, pursuant to criteria to be developed in consultation with States, and language requiring a State that is not making progress toward its performance goals to submit a performance improvement plan to the Secretary in order to remain eligible for funding under this Act.

FAX COVER SHEET**NAEYC**

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Total number of pages including cover 27

~~Date:~~ We understand that ELO may be added to Labo/HHS

* Changes needed to Early Learning

from CDF, NAEYC & comments from

Sue Russell & Lynn Kagan

① Set asides at state & local level pp 16, 25

② Councils must work w/EC experts pp 13, 25
on identifying abilities

③ State agency collaboration pp. 18, 20

④ Delay mechanism needs to be removed
p. 20

106TH CONGRESS
2D SESSION

S. 2866

To provide for early learning programs, and for other purposes

IN THE SENATE OF THE UNITED STATES

JULY 13, 2000

Mr. STEVENS (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. DOMENICI, Mr. KERRY, Mr. BOND, Mr. VOINOVICH, Mr. LAUTENBERG, Mr. COCHRAN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. DURBIN, Mr. MUCOWSKI, Mr. ROBERTS, Mr. ROBE, Mr. ROCKEFELLER, Mr. WELLSTONE, Mrs. FEINSTEIN, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Mr. KERRY, and Mr. WARNER) introduced the following bill, which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for early learning programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE; FINDINGS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Early Learning Opportunities Act”.

6 (b) FINDINGS.—Congress finds that—

7 (1) medical research demonstrates that ade-
8 quate stimulation of a young child’s brain between

2

1 birth and age 5 is critical to the physical develop-
2 ment of the young child's brain;

3 (2) parents are the most significant and effec-
4 tive teachers of their children, and they alone are re-
5 sponsible for choosing the best early learning oppor-
6 tunities for their child;

7 (3) parent education and parent involvement
8 are critical to the success of any early learning pro-
9 gram or activity;

10 (4) the more intensively parents are involved in
11 their child's early learning, the greater the cognitive
12 and noncognitive benefits to their children;

13 (5) many parents have difficulty finding the in-
14 formation and support the parents seek to help their
15 children grow to their full potential;

16 (6) each day approximately 13,000,000 young
17 children, including 6,000,000 infants or toddlers,
18 spend some or all of their day being cared for by
19 someone other than their parents;

20 (7) quality early learning programs, including
21 those designed to promote effective parenting, can
22 increase the literacy rate, the secondary school grad-
23 uation rate, the employment rate, and the college en-
24 rollment rate for children who have participated in
25 voluntary early learning programs and activities;

1 (8) early childhood interventions can yield sub-
2 stantial advantages to participants in terms of emo-
3 tional and cognitive development, education, eco-
4 nomic well-being, and health, with the latter 2 ad-
5 vantages applying to the children's families as well;

6 (9) participation in quality early learning pro-
7 grams, including those designed to promote effective
8 parenting, can decrease the future incidence of teen-
9 age pregnancy, welfare dependency, at-risk behav-
10 iors, and juvenile delinquency for children;

11 (10) several cost-benefit analysis studies indi-
12 cate that for each \$1 invested in quality early learn-
13 ing programs, the Federal Government can save over
14 \$5 by reducing the number of children and families
15 who participate in Federal Government programs
16 like special education and welfare;

17 (11) for children placed in the care of others
18 during the workday, the low salaries paid to the
19 child care staff, the lack of career progression for
20 the staff, and the lack of child development special-
21 ists involved in early learning and child care pro-
22 grams, make it difficult to attract and retain the
23 quality of staff necessary for a positive early learn-
24 ing experience;

1 (12) Federal Government support for early
2 learning has primarily focused on out-of-home care
3 programs like those established under the Head
4 Start Act, the Child Care and Development Block
5 Grant of 1990, and part C of the Individuals with
6 Disabilities Education Act, and these programs—

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

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

12 (C) lack adequate means of coordinating early
13 learning opportunities in each community; and

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

20 **SEC. 2. PURPOSES.**

21 The purposes of this Act are—

22 (1) to increase the availability of voluntary pro-
23 grams, services, and activities that support early
24 childhood development, increase parent effectiveness,
25 and promote the learning readiness of young chil-

1 dren so that young children enter school ready to
2 learn;

3 (2) to support parents, child care providers, and
4 caregivers who want to incorporate early learning ac-
5 tivities into the daily lives of young children;

6 (3) to remove barriers to the provision of an ac-
7 cessible system of early childhood learning programs
8 in communities throughout the United States;

9 (4) to increase the availability and affordability
10 of professional development activities and compensa-
11 tion for caregivers and child care providers; and

12 (5) to facilitate the development of community-
13 based systems of collaborative service delivery mod-
14 els characterized by resource sharing, linkages be-
15 tween appropriate supports, and local planning for
16 services.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) CAREGIVER.— The term “caregiver” means
20 an individual, including a relative, neighbor, or fam-
21 ily friend, who regularly or frequently provides care,
22 with or without compensation, for a child for whom
23 the individual is not the parent.

24 (2) CHILD CARE PROVIDER.—The term “child
25 care provider” means provider of non-residential

1 child care services (including center-based, family-
2 based, and in-home child care services) for com-
3 pensation who or that is legally operating under
4 State law, and complies with applicable State and
5 local requirements for the provision of child care
6 services.

7 (3) EARLY LEARNING.—The term “early learn-
8 ing”, used with respect to a program or activity,
9 means learning designed to facilitate the develop-
10 ment of cognitive, language, motor, and social-emo-
11 tional skills for, and to promote learning readiness
12 in, young children.

13 (4) EARLY LEARNING PROGRAM.—The term
14 “early learning program” means—

15 (A) a program of services or activities that
16 helps parents, caregivers, and child care pro-
17 viders incorporate early learning into the daily
18 lives of young children; or

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

21 (5) INDIAN TRIBE.—The term “Indian tribe”
22 has the meaning given the term in section 4 of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 450b).

1 (6) LOCAL COUNCIL.—The term “Local Coun-
2 cil” means a Local Council established or designated
3 under section 14(a) that serves one or more local-
4 ities.

5 (7) LOCALITY.—The term “locality” means a
6 city, county, borough, township, or area served by
7 another general purpose unit of local government, an
8 Indian tribe, a Regional Corporation, or a Native
9 Hawaiian entity.

10 (8) PARENT.—The term “parent” means a bio-
11 logical parent, an adoptive parent, a stepparent, a
12 foster parent, or a legal guardian of, or a person
13 standing in loco parentis to, a child.

14 (9) POVERTY LINE.—The term “poverty line”
15 means the poverty line (as defined by the Office of
16 Management and Budget, and revised annually in
17 accordance with section 673(2) of the Community
18 Services Block Grant Act (42 U.S.C. 9902(2))) ap-
19 plicable to a family of the size involved.

20 (10) REGIONAL CORPORATION.—The term “Re-
21 gional Corporation” has the meaning given the term
22 in section 3 of the Alaskan Native Claims Settle-
23 ment Act (43 U.S.C. 1602).

24 (11) SECRETARY.—The term “Secretary”
25 means the Secretary of Health and Human Services.

1 (12) STATE.—The term “State” means each of
2 the several States of the United States, the District
3 of Columbia, and the Commonwealth of Puerto Rico.

4 (13) TRAINING.—The term “training” means
5 instruction in early learning that—

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

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

10 (C) is received in a postsecondary edu-
11 cation program focused on early learning or
12 early childhood development in which the indi-
13 vidual is enrolled;

14 (D) is provided, certified, or sponsored by
15 an organization that is recognized for its exper-
16 tise in promoting early learning or early child-
17 hood development.

18 (14) YOUNG CHILD.—The term “young child”
19 means any child from birth to the age of mandatory
20 school attendance in the State where the child re-
21 sides.

22 **SEC. 4. PROHIBITIONS.**

23 (a) PARTICIPATION NOT REQUIRED.—No person, in-
24 cluding a parent, shall be required to participate in any
25 program of early childhood education, early learning, par-

ent education, or developmental screening pursuant to the provisions of this Act.

(b) RIGHTS OF PARENTS.—Nothing in this Act 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 Act shall be required to provide services under this Act through a particular instructional method or in a particular instructional setting to comply with this Act.

SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this Act—

- (1) \$750,000,000 for fiscal year 2001;
- (2) \$1,000,000,000 for fiscal year 2002; and
- (3) \$1,500,000,000 for fiscal year 2003.

SEC. 6. COORDINATION OF FEDERAL PROGRAMS.

(a) COORDINATION.—The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

1 (b) USE OF EQUIPMENT AND SUPPLIES.—In the case
2 of a collaborative activity funded under this Act and an-
3 other provision of law providing for Federal child care or
4 early learning programs, the use of equipment and
5 nonconsumable supplies purchased with funds made avail-
6 able under this Act or such provision shall not be re-
7 stricted to children enrolled or otherwise participating in
8 the program carried out under this Act or such provision,
9 during a period in which the activity is predominately
10 funded under this Act or such provision.

11 **SEC. 7. PROGRAM AUTHORIZATION.**

12 (a) GRANTS.—From amounts appropriated under
13 section 5 the Secretary shall award grants to States to
14 enable the States to award grants to Local Councils to
15 pay the Federal share of the cost of carrying out early
16 learning programs in the locality served by the Local
17 Council.

18 (b) FEDERAL SHARE.—

19 (1) IN GENERAL.—The Federal share of the
20 cost described in subsection (a) shall be 85 percent
21 for the first and second years of the grant, 80 per-
22 cent for the third and fourth years of the grant, and
23 75 percent for the fifth and subsequent years of the
24 grant.

1 (2) NON-FEDERAL SHARE.—The non-Federal
2 share of the cost described in subsection (a) may be
3 contributed in cash or in kind, fairly evaluated, in-
4 cluding facilities, equipment, or services, which may
5 be provided from State or local public sources, or
6 through donations from private entities. For the
7 purposes of this paragraph the term “facilities” in-
8 cludes the use of facilities, but the term “equip-
9 ment” means donated equipment and not the use of
10 equipment.

11 (c) MAINTENANCE OF EFFORT.—The Secretary shall
12 not award a grant under this Act to any State unless the
13 Secretary first determines that the total expenditures by
14 the State and its political subdivisions to support early
15 learning programs (other than funds used to pay the non-
16 Federal share under subsection (b)(2)) for the fiscal year
17 for which the determination is made is equal to or greater
18 than such expenditures for the preceding fiscal year.

19 (d) SUPPLEMENT NOT SUPPLANT.—Amounts re-
20 ceived under this Act shall be used to supplement and not
21 supplant other Federal, State, and local public funds ex-
22 pended to promote early learning.

23 **SEC. 8. USES OF FUNDS.**

24 (a) IN GENERAL.—Subject to section 10, grant funds
25 under this Act shall be used to pay for developing, oper-

1 ating, or enhancing voluntary early learning programs
2 that are likely to produce sustained gains in early learn-
3 ing.

4 (b) LIMITED USES.—Subject to section 10, Lead
5 State Agencies and Local Councils shall ensure that funds
6 made available under this Act to the agencies and Local
7 Councils are used for 3 or more of the following activities:

8 (1) Helping parents, caregivers, child care pro-
9 viders, and educators increase their capacity to fa-
10 cilitate the development of cognitive, language com-
11 prehension, expressive language, social-emotional,
12 and motor skills, and promote learning readiness.

13 (2) Promoting effective parenting.

14 (3) Enhancing early childhood literacy.

15 (4) Developing linkages among early learning
16 programs within a community and between early
17 learning programs and health care services for
18 young children.

19 (5) Increasing access to early learning opportu-
20 nities for young children with special needs, includ-
21 ing developmental delay, by facilitating coordination
22 with other programs serving such young children.

23 (6) Increasing access to existing early learning
24 programs by expanding the days or times that the
25 young children are served, by expanding the number

13

1 of young children served or by improving the afford-
2 ability of the programs for low-income families.

3 (7) Improving the quality of early learning pro-
4 grams through professional development and train-
5 ing activities, increased compensation, and recruit-
6 ment and retention incentives, for early learning
7 providers.

8 (8) Removing any barriers to early learn-
9 ing, including transportation difficulties and absence
10 of programs during nontraditional work times.

11 (c) REQUIREMENTS.—Each Lead State Agency des-
12 igned under section 10(c) and Local Councils receiving
13 a grant under this Act shall ensure—

14 (1) that Local Councils described in section 14
15 work with ^{early childhood experts and} local educational agencies to identify cog-
16 nitive, social, emotional, and motor developmental
17 abilities which are necessary to support children's
18 readiness for school;

19 (2) that the programs, services, and activities
20 assisted under this Act will represent develop-
21 mentally appropriate steps toward the acquisition of
22 those abilities; and

23 (3) that the programs, services, and activities
24 assisted under this Act collectively provide benefits

*important —
Lynn Kagan

14

1 for children cared for in their own homes as well as
2 children placed in the care of others.

3 (d) SLIDING SCALE PAYMENTS.—States and Local
4 Councils receiving assistance under this Act shall ensure
5 that programs, services, and activities assisted under this
6 Act which customarily require a payment for such pro-
7 grams, services, or activities adjust the cost of such pro-
8 grams, services, and activities provided to the individual
9 or the individual's child based on the individual's ability
10 to pay.

11 **SEC. 9. RESERVATIONS AND ALLOTMENTS.**

12 (a) RESERVATION FOR INDIAN TRIBES, ALASKA NA-
13 TIVES, AND NATIVE HAWAIIANS.—The Secretary shall re-
14 serve 1 percent of the total amount appropriated under
15 section 5 for each fiscal year, to be allotted to Indian
16 tribes, Regional Corporations, and Native Hawaiian enti-
17 ties, of which—

18 (1) 0.5 percent shall be available to Indian
19 tribes; and

20 (2) 0.5 percent shall be available to Regional
21 Corporations and Native Hawaiian entities.

22 (b) ALLOTMENTS.—From the funds appropriated
23 under this Act for each fiscal year that are not reserved
24 under subsection (a), the Secretary shall allot to each
25 State the sum of—

1 (1) an amount that bears the same ratio to 50
2 percent of such funds as the number of children 4
3 years of age and younger in the State bears to the
4 number of such children in all States; and

5 (2) an amount that bears the same ratio to 50
6 percent of such funds as the number of children 4
7 years of age and younger living in families with in-
8 comes below the poverty line in the State bears to
9 the number of such children in all States.

10 (c) MINIMUM ALLOTMENT.—No State shall receive
11 an allotment under subsection (b) for a fiscal year in an
12 amount that is less than 4 percent of the total amount
13 appropriated for the fiscal year under this Act.

14 (d) AVAILABILITY OF FUNDS.—Any portion of the al-
15 lotment to a State that is not expended for activities under
16 this Act in the fiscal year for which the allotment is made
17 shall remain available to the State for 2 additional years,
18 after which any unexpended funds shall be returned to the
19 Secretary. The Secretary shall use the returned funds to
20 carry out a discretionary grant program for research-
21 based early learning demonstration projects.

22 (e) DATA.—The Secretary shall make allotments
23 under this Act on the basis of the most recent data avail-
24 able to the Secretary.

16

1 SEC. 10. GRANT ADMINISTRATION.

2 (a) FEDERAL ADMINISTRATIVE COSTS.—The Sec-
 3 retary may use not more than 3 percent of the amount
 4 appropriated under section for a fiscal year to pay for
 5 the administrative costs of carrying out this Act, including
 6 the monitoring and evaluation of State and local efforts.

7 (b) STATE ADMINISTRATIVE COSTS.—A State that
 8 receives a grant under this Act may use—

state
 total
 390

Comments
 based on
 Sue Russell

✓ 9 (1) not more than 1 percent of the funds made
 10 available through the grant to carry out activities
 11 designed to coordinate early learning programs on
 12 the State level, including programs funded or oper-
 13 ated by the State educational agency, health, chil-
 14 dren and family, and human service agencies, and
 15 any State-level collaboration or coordination council
 16 involving early learning and education, such as the
 17 entities funded under section 640(a)(5) of the Head
 ✓ 18 Start Act (42 U.S.C. 935 (a)(5)), and

✓ 19 ~~(2) not more than 1 percent of the funds made~~
 ✓ 20 ~~available through the grant for the administrative~~
 21 costs of carrying out the grant program and the
 22 costs of reporting State and local efforts to the Sec-
 23 retary; and

✱ 24 ~~(3)~~ ² not more than ² percent of the funds made
 25 available through the grant for training, technical

1 assistance, and wage incentives provided by the
2 State to Local Councils

3 (c) LEAD STATE AGENCY.—

4 (1) IN GENERAL.— To be eligible to receive an
5 allotment under this Act, the Governor of a State
6 shall appoint, after consultation with the leadership
7 of the State legislature, a Lead State Agency to
8 carry out the functions described in paragraph (2).

9 (2) LEAD STATE AGENCY.—

10 (A) ALLOCATION OF FUNDS.—The Lead
11 State Agency described in paragraph (1) shall
12 allocate funds to Local Councils as described in
13 section 12.

14 (B) FUNCTIONS OF AGENCY.—In addition
15 to allocating funds pursuant to subparagraph *stet*

16 (A), the Lead State Agency shall—

17 (i) advise and assist Local Councils in
18 the performance of their duties under this
19 Act;

20 (ii) develop and submit the State ap-
21 plication;

22 (iii) evaluate and approve applications
23 submitted by Local Councils under section
24 13;

18

Plan and

(iv) ensure collaboration with respect to assistance provided under this Act between the State agency responsible for education and the State agency^{ies} responsible for children and family services, *and health*

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this Act, which shall include a statement describing how all funds received under this Act are expended and documentation of the effects that resources under this Act have had on—

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

19

1 (VI) access to existing early
2 learning programs through expansion
3 of the days or times that children are
4 served;

5 (VII) access to existing early
6 learning programs through expansion
7 of the number of young children
8 served;

9 (VIII) access to and affordability
10 of existing early learning programs for
11 low-income families;

12 (IX) the quality of early learning
13 programs resulting from professional
14 development, and recruitment and re-
15 tention incentives for caregivers; and

16 (X) removal of ancillary barriers
17 to early learning, including transpor-
18 tation difficulties and absence of pro-
19 grams during nontraditional work
20 times; and

21 (vi) ensure that training and research
22 is made available to Local Councils and
23 that such training and research reflects the
24 latest available brain development and

20

1 early childhood development research re-
2 lated to early learning.

3 **SEC. 11. STATE REQUIREMENTS.**

4 (a) **ELIGIBILITY.**—To be eligible for a grant under
5 this Act, a State shall—

6 ~~(1) ensure that funds received by the State~~
7 ~~under this Act shall be subject to appropriation by~~
8 ~~the State legislature, consistent with the terms and~~
9 ~~conditions required under State law;~~

10 (2) designate a Lead State Agency under sec-
11 tion 10(c) to administer and monitor the grant and
12 ensure State-level coordination of early learning pro-
13 grams;

~~*~~ 14 (3) submit to the Secretary an application at
15 such time, in such manner, and accompanied by
16 such information as the Secretary may require;

17 (4) ensure that funds made available under this
18 Act are distributed on a competitive basis through-
19 out the State to Local Councils serving rural, urban,
20 and suburban areas of the State; and

21 (5) assist the Secretary in developing mecha-
22 nisms to ensure that local Councils receiving funds
23 under this Act comply with the requirements of this
24 Act.

developed with other
state agencies responsible
for education, child
development, health, and
family services,

1 (b) STATE PREFERENCE.—In awarding grants to
2 Local Councils under this Act, the State, to the maximum
3 extent possible, shall ensure that a broad variety of early
4 learning programs that provide a continuity of services
5 across the age spectrum assisted under this Act are fund-
6 ed under this Act, and shall give preference to
7 supporting—

8 (1) a Local Council that meets criteria, that are
9 specified by the State and approved by the Sec-
10 retary, for qualifying and serving an area of greatest
11 need for early learning programs; and

12 (2) a Local Council that demonstrates, in the
13 application submitted under section 13, the Local
14 Council's potential to increase collaboration as a
15 means of maximizing use of resources provided
16 under this Act with other resources available for
17 early learning program

18 (c) LOCAL PREFERENCE.—In awarding grants under
19 this Act, Local Councils shall give preference to
20 supporting—

21 (1) projects that demonstrate their potential to
22 collaborate as a means of maximizing use of re-
23 sources provided under this Act with other resources
24 available for early learning programs;

1 (2) programs that provide a continuity of serv-
2 ices for young children across the age spectrum, in-
3 dividually, or through community-based networks or
4 cooperative agreements; and

5 (3) programs that help parents and other care-
6 givers promote early learning with their young chil-
7 dren.

8 (d) PERFORMANCE GOALS.—

9 (1) ASSESSMENTS.—Based on information and
10 data received from Local Councils, and information
11 and data available through State resources, the
12 State shall biennially assess the needs and available
13 resources related to the provision of early learning
14 programs within the State.

15 (2) PERFORMANCE GOALS.—Based on the anal-
16 ysis of information described in paragraph (1), the
17 State shall establish measurable performance goals
18 to be achieved through activities assisted under this
19 Act.

20 (3) REQUIREMENTS.—The State shall award
21 grants to Local Councils only for purposes that are
22 consistent with the performance goals established
23 under paragraph (2).

24 (4) REPORT.—The State shall report to the
25 Secretary annually regarding the State's progress to-

ward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

SEC. 12. LOCAL ALLOCATIONS

(a) IN GENERAL.—The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this Act for a fiscal year.

(b) LIMITATION.—The Lead State Agency shall allocate funds provided under this Act on the basis of the population of the locality served by the Local Council.

SEC. 13. LOCAL APPLICATION

(a) IN GENERAL.—To be eligible to receive assistance under this Act, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 14, and the Local Council has developed a local plan for carrying out early learning programs under this Act that includes—

24

1 (1) a needs and resources assessment con-
2 cerning early learning services and a statement de-
3 scribing how early learning programs will be funded
4 consistent with the assessment;

5 (2) a statement of how the Local Council will
6 ensure that early learning programs will meet the
7 performance goals reported by the Lead State Agen-
8 cy under this Act; and

9 (3) a description of how the Local Council will
10 form collaboratives among local youth, social service,
11 and educational providers to maximize resources and
12 concentrate efforts on areas of greatest need.

13 **SEC. 14. LOCAL ADMINISTRATION.**

14 (a) LOCAL COUNCIL.—

15 (1) IN GENERAL —To be eligible to receive
16 funds under this Act, a local government entity, In-
17 dian tribe, Regional Corporation, or Native Hawai-
18 ian entity, as appropriate, shall establish or des-
19 ignate a Local Council, which shall be composed
20 of—

21 (A) representatives of local agencies di-
22 rectly affected by early learning programs as-
23 sisted under this Act;

24 (B) parents;

* 1 (C) ²⁵ *early childhood expert and* other individuals concerned with early
 2 learning issues in the locality, such as rep-
 3 resentative ² *entitled* providing elementary edu-
 4 cation, child care resource and referral services,
 5 early learning opportunities, child care, and
 6 health services; and

7 (D) other key community leaders.

8 (2) DESIGNATING EXISTING ENTITY.—If a local
 9 government entity, Indian tribe, Regional Corpora-
 10 tion, or Native Hawaiian entity has, before the date
 11 of enactment of the Early Learning Opportunities
 12 Act, a Local Council or a regional entity that is
 13 comparable to the Local Council described in para-
 14 graph (1), the entity, tribe or corporation may des-
 15 ignate the council or entity as a Local Council under
 16 this Act, and shall be considered to have established
 17 a Local Council in compliance with this subsection.

18 (3) FUNCTIONS.—The Local Council shall be
 19 responsible for preparing and submitting the appli-
 20 cation described in section 13.

21 (b) ADMINISTRATION.—

22 (1) ADMINISTRATIVE COSTS.—Not more than ⁷ ~~3~~
 23 percent of the funds received by a Local Council
 24 under this Act shall be used to pay for the adminis-

*otherwise too little
to carry out
duties* *

1 trative costs of the Local Council in carrying out
2 this Act.

3 (2) FISCAL AGENT —A Local Council may des-
4 ignate any entity, with a demonstrated capacity for
5 administering grants, that is affected by, or con-
6 cerned with, early learning issues, including the
7 State, to serve as fiscal agent for the administration
8 of grant funds received by the Local Council under
9 this Act.

○

*** TX REPORT ***

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DOMESTIC POLICY COUNCIL

Date: 10-18-00

To:

Stephanie Robinson

Telephone:

224-0767

Fax:

224-5728

From:

Ann O'LearyTelephone: 456-6275Fax: 456-2878

Subject:

Early Learning Suggestions

Pages:

4

(Including this cover sheet)

Comments:

Check to ✓



DOMESTIC POLICY COUNCIL

Date: 10-18-00

To: Stephanie Robinson

Telephone: 224-0767 Fax: 224-5728

From: Ann O'Leary

Telephone: 456-6275 Fax: 456-2878

Subject: Early Learning Suggestions

Pages: 4 (Including this cover sheet)

Comments: Stephanie -

Please give me a buzz when you get this list. I know its long, but its a wish list. I also have an update on apps. Thanks for everything!!!

SECOND FLOOR WEST WING ♦ WASHINGTON, DC 20502

TELEPHONE (202) 456-6275 ♦ FACSIMILE 456-2878

- Ann

SUBSTANTIVE SUGGESTIONS FOR EARLY LEARNING OPPORTUNITIES ACT:

(1) Focus on Families Most in Need

- In purpose section, add a language that indicates a focus on low-income families.
- Under Section 11(b) and 99(c) indicate State and Local preferences for programs that focus on families most in need of early learning services, particularly low-income families.

(2) Add Accountability Provisions

- **Clarify Performance Measures to Align with Purposes.** Under Section 11 (d)(2) please change to indicate a collaborative process for developing performance goals that are aligned to the purpose of the Act:
“Performance goals. The Secretary, in collaboration with the Secretary of Education and in consultation with the States, shall develop performance goals and indicators for quality factors associated with improved developmental outcomes for young children, including parent education, enhanced child care provider training (particularly in language and literacy development), increased ratios of child care staff to children, retention of child care providers, and other quality indicators in Section 2, Purposes.”
- **Provide authority to Secretary to hold grantees accountable for making progress on goals.** Add Section 11(d)(5): “Improvement Plans. If the Secretary determines, based on the State report, that the State is not making progress toward achieving the performance goals, the State must submit a performance improvement plan to the Secretary in order to remain eligible for funding.”
- **Ensure local accountability even if \$150 million State trigger is not met.** Under Section (7)(e) if Congress does not authorize \$150 million, the Secretary is given the authority to provide competitive grants to local communities, but, in doing so, the maintenance of effort language is removed. Please add language to ensure that these funds are not used to supplant existing efforts and that local grantees will be subjected to the above accountability requirements.

(3) Remove Barrier to Implementation

- **Remove requirement that State legislatures approve funding.** Delete Section 11(a)(1) that subjects approval of appropriations to approval by State legislation. In States with legislatures that meet infrequently, this provision could seriously delay implementation of the Early Learning Opportunities grants.

(4) Consider removing slots or restricting slots to wrap-around services

- **Focus funding on child care quality rather than additional slots.** Often, funding for quality is superseded by needs for additional spaces for more children. The

Administration is committed to raising funds for CCDBG and Head Start in order to improve access and affordability of child care, but believe that this fund should primarily focus on helping communities improve quality, coordinate existing child care and early learning programs, and focus on improved educational aspects of child care programming. Allowing funds to be used for additional slots may dilute funds for quality. If it is not possible to delete Section 8(b)(6), we would recommend limiting spending on wrap-around services by changing it to read: “Increasing the access to existing learning programs by expanding the days or times that young children are served in order to meet the needs of low-income families who may work non-traditional hours or for extended periods of time during the workday.” Alternatively, we would recommend limiting the percentage of funds that could be spent on slots (e.g. 25%) or triggering appropriations for the Early Learning Opportunities Act only after CCDBG and Head Start are funded at a level that is at least equal to the previous year’s funding.

(5) Include Improvement in Licensing and Accreditation of Child Care.

- Under Section 8, Uses of Funds, include Section 8(b)(9): “Licensing and Accreditation Assistance: Assistance to entities and individuals in meeting applicable child care accreditation and licensing requirements and in obtaining licensing or accreditation” and include Section 8(b)(10): “Standards enforcement. Initiatives to increase the numbers of qualified child care licensing and standards enforcement staff and activities to increase monitoring and enforcement of State and local health and safety standards”

(6) Provide greater set-aside at local level

- **Provide authority to local councils to spend funds on coordination and improvements required under act.** Change Section 14(b)(1) to allow local councils to spend up to 5 percent on administrative costs, which includes coordination.

TECHNICAL CHANGES

- (1) Link Findings to Purpose.** Add a focus on cognitive development in Section 2 under purposes: “(1) promote children's cognitive, social, behavioral and physical development during the earliest years of life”
- (2) Ensure that the Agency that Administers CCDBG is involved in the State collaborative efforts.** In section 10(c)(2)(B)(iv) add at the end: “and, if different, the State agency responsible for administration of the Child Care and Development Block Grant.” (FYI – Increasingly, a number of States are designating lead agencies to administer CCDBG that are not the same as the agencies responsible for children and family services. For example, some states are designating the labor department to administer CCDBG.)

- (3) **Ensure the participation of early childhood experts on Local Council.** Change Section 14(a)(1)(C) to include early childhood experts and providers of Head Start services.

SEC. __. EARLY LEARNING PROGRAM.

(a) FUNDING.—Section 418 of the Social Security Act (42 U.S.C. 618) is amended by adding after subsection (b) (as added by section __) the following new subsection:

“(c) APPROPRIATIONS FOR EARLY LEARNING PROGRAM.—

“(1) IN GENERAL.—There are appropriated out of any funds in the Treasury not otherwise appropriated, for carrying out activities related to early learning programs in accordance with this section and section 658T of the CCDBG Act, \$600,000,000 for each of fiscal years ~~2000~~ 2001 through ~~2004~~ 2005, which shall be allocated in accordance with this subsection.

“(2) ALLOCATION OF APPROPRIATIONS.—Amounts appropriated for each fiscal year pursuant to paragraph (1) shall be allocated as follows:

“(A) AMOUNT FOR INDIAN TRIBES.—Up to two percent of the total amount appropriated shall be allocated to Indian tribes in proportional shares equal to the shares received by such tribes for such fiscal year under section 658O(c) of that Act.

“(B) AMOUNTS FOR TERRITORIES.—An amount shall be allotted to each territory that bears the same ratio to one-half of one percent of the total amount appropriated as the amount allotted to such territory for such fiscal year under section 658O(a)(1) of that Act bears to the total amount received by all territories for such fiscal year under such section.

“(C) SECRETARY’S ACTIVITIES.—~~\$6,000,000~~ \$x,xxx,xxx is reserved to the Secretary and shall be available to conduct a national evaluation of the effect of State, local, and tribal early learning programs on cognitive development and educational achievement, including educational outcomes measures specified in section 658T(b)(2)(E), \$xxx,xxx of which may be used for costs of providing technical assistance to, ~~and conducting national evaluations of,~~ State, local, and tribal early learning programs under such section 658T.

“(D) AMOUNTS FOR STATES.—From the total amount appropriated remaining after application of subparagraphs (A), (B), and (C), an amount shall be allocated among the States based on the formula used for determining the amount of Federal payments to the State under section 658O of the CCDBG Act.

“(3) MATCHING PAYMENTS TO STATES AND TERRITORIES.—

“(A) FEDERAL PAYMENTS.—The Secretary shall pay to each State and territory for a fiscal year an amount equal to the lesser of its allotment under paragraph (2) or 80 percent of expenditures by the State or territory for an early learning program under a plan approved under section 658T of the CCDBG Act.

“(B) REDISTRIBUTION.—The Secretary shall, to the extent necessary, determine the need for redistribution of, and redistribute, amounts allotted under this subsection to States, in accordance with the procedures and formula set forth in subsection (a)(2)(D).

“(4) PAYMENTS TO INDIAN TRIBES.—The Secretary shall pay to each Indian tribe for a fiscal year an amount equal to the lesser of its allotment under paragraph (2)(A) or the total amount of expenditures by the tribe for an early learning program under section 658T of the CCDBG Act.”.

(b) ESTABLISHMENT OF EARLY LEARNING PROGRAM.—

(1) STATE PLAN REQUIREMENT.—Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended by adding at the end the following new paragraph:

“(6) EARLY LEARNING PROGRAM PLAN REQUIREMENTS.—In the case of a State electing to implement an early learning program under section 658T, the State plan shall meet the requirements specified in section 658T(b)(2).”.

(2) EARLY LEARNING PROGRAM.—That Act is amended by adding at the end the following new section:

“SEC. 658T. EARLY LEARNING PROGRAM.

“(a) PROGRAM PURPOSE.—The purpose of the program under this section is to enable States, through grants to communities, to support activities that—

“(1) promote children’s healthy cognitive, social, and behavioral development during the earliest years of life;

“(2) improve early childhood education ~~the quality of child care~~ for children aged five and under, including those with disabilities and those with limited English proficiency; and

“(3) encourage and facilitate emerging literacy, ~~and~~ language development, numeracy, and school readiness; ~~and~~

~~“(4) enhance programs designed to achieve these goals.~~

“(b) REQUIREMENTS FOR STATE PARTICIPATION.—

“(1) IN GENERAL.—In order to be eligible for Federal matching funds under section 418(c) of the Social Security Act, the State shall have in effect under its plan under section 658E an early learning program plan meeting the requirements specified in paragraph (2).

“(2) EARLY LEARNING PROGRAM PLAN REQUIREMENTS.—The early learning program plan shall meet the following requirements:

“(A) LEAD AGENCY.—The plan shall provide that the program will be administered by the lead agency designated under 658D.

“(B) COMMUNITY GRANT PROCEDURES.—The plan shall describe the standards and procedures to be applied in the review and approval of community applications, and in setting amounts, terms, and conditions of community grants, including the methods to be used to ensure that no less than 70 percent of grant funds are awarded to low-income communities, funded programs are designed to promote the educational outcomes specified in section subsection (b)(2)(E)(i), and funded programs reflect scientifically based research findings on emerging literacy, language development, numeracy, and school readiness.

“(C) COMMUNITY PARTICIPATION IN PLANNING AND MONITORING.—The plan shall describe the methods to be used to ensure participation, in planning and monitoring activities under the community plan, of representatives of concerned elements of the community, including parents of young children, child care providers, child development and mental health professionals, early intervention specialists, health care providers, public school representatives, local interagency coordinating councils for children with disabilities, local government, and business leaders.

“(D) PROGRAM ACTIVITIES.—The plan shall specify which of the allowable activities enumerated in subsection (c) may be carried out under community grants under the plan.

“(E) PERFORMANCE GOALS AND MEASURES.—Children participating in early learning programs funded under section 658T of the CCDBG Act will be expected to progress toward, at a minimum, understanding and using language to communicate for various purposes; understanding and using increasingly complex and varied vocabulary; developing and demonstrating an appreciation of books; developing phonemic, print, and numeracy awareness; and in the case of children with limited English proficiency, acquiring the English language. States participating in early learning programs funded under section 658T of the CCDBG Act will be expected to make progress with regard to quality factors associated with improved developmental outcomes for young children, including parent education, enhanced provider training, increased ratios of child care staff to children, retention of child care providers, support for family child care providers, licensing and accreditation of child care providers and programs, and strengthened standards enforcement. The Secretary shall provide guidance, developed in conjunction with the Secretary of Education and the states, regarding specific performance goals, performance indicators, and acceptable

methodologies for assessing progress, and states will be held accountable for progress toward performance indicators. The plan shall specify

(i) how the State will make progress toward the performance goals and indicators provided in guidance by the Secretary;

(ii) the methodology the State will use to assess progress toward the performance goals and indicators provided in guidance by the Secretary; and

~~(i) performance goals to be achieved and the interim and long-term performance measures and timetables, as appropriate, to be used to assess progress toward each goal under the plan, which—~~

~~(I) shall be developed pursuant to guidance provided by the Secretary and in consultation with local government authorities in accordance with section 658D(b)(2); and~~

~~(II) shall be designed to improve child development through coordination with health care and mental health services; enhanced early learning environments, especially those that promote language skills and literacy growth of children; quality of infant and toddler care; parental involvement; consumer education; reduced staff turnover; and increased rates of accreditation by nationally recognized accreditation organizations;~~

~~(ii)~~ iii) the steps to be taken by the State or grantees in accordance with guidance provided by the Secretary if the specified performance indicators benchmarks are not achieved.

~~"(F) COORDINATION WITH ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—~~The State plan shall specify the methods to be used to coordinate activities under this section and section 658G(a), including coordination of planning and of performance goals and measures,~~in order to maximize the effectiveness of both programs and coordination with local educational agencies to ensure a smooth transition from child care programs receiving early learning program funds under section 658T to kindergarten and early elementary education. Funds provided for early learning programs under section 658T shall be used to supplement rather than supplant existing programs.~~

“(c) ALLOWABLE ACTIVITIES.—An early learning program under a State plan under this section may provide for any or all of the following activities to promote cognitive, social, emotional, and physical development in order to enhance emerging literacy and language development, and school readiness:

~~"(1) PARENTING EDUCATION TO PROMOTE LEARNING AT HOME INFORMATION AND RESOURCES.—~~

~~"(A) PARENTING EDUCATION.—~~Provision of parenting education, including use of or collaboration with Even Start or similar programs, for parents of young children by means including use of community-based resource centers, family literacy programs with parenting education components, collaboration with early intervention and preschool providers of services for children, public elementary schools, centers that serve children with special health care needs or disabilities and their families, and home visiting programs.

~~"(B) INFORMATION AND REFERRAL.—~~Initiatives to develop or increase the availability of consumer education information and referral services and other resources to assist parents to locate and assess the quality of available child care services.

~~"(C) FAMILY CHILD CARE NETWORKS.—~~Development of support

~~networks, information and referral services, and other supportive services addressing needs of family child care providers for access to such resources as education, training, and community support services."~~

"(2) ACTIVITIES TO PROMOTE QUALITY TEACHING IN CHILD CARE SETTINGS QUALITY AND AVAILABILITY.—

"(A) PROVIDER TRAINING.—Training of child care personnel, which may include training in early childhood development, early literacy, ~~health, nutrition, hygiene, first-aid and safety,~~ best practices for serving children with disabilities in child care and those with limited English proficiency, and other appropriate matters.

"(B) IMPROVED STAFFING RATIOS.—Initiatives to increase ratios of child care staff to children in care and to reduce child care group sizes.

"(C) SALARY AND BENEFIT ENHANCEMENT.—Assistance to child care programs to increase the quality and continuity of care by attracting or retaining highly qualified child care staff working directly with children through enhanced compensation.

"(D) FAMILY CHILD CARE NETWORKS.—Development of support networks, information and referral services, and other supportive services addressing needs of family child care providers for access to such resources as education, training, and community support services."

"(3) ACTIVITIES TO PROMOTE QUALITY CHILD CARE—

"(E A) LICENSING AND ACCREDITATION ASSISTANCE.—Assistance to entities and individuals in meeting applicable child care accreditation and licensing requirements and in obtaining licensing or accreditation.

"(F B) STANDARDS ENFORCEMENT.—Initiatives to increase the numbers of qualified child care licensing and standards enforcement staff and

activities to increase monitoring and enforcement of State and local health and safety standards.

"(C) INFORMATION AND REFERRAL.—Initiatives to develop or increase the availability of consumer education information and referral services and other resources to assist parents to locate and assess the quality of available child care services.

"(E D) HEALTH SERVICES.—Improving coordination of child care with appropriate health services including health and mental health consultations, hearing and vision testing, and immunizations, by methods such as co-location of health and child care services, referrals of children in child care to health care providers or screening services, and transfer of child health records to public school at school entry. Services under this subparagraph shall not include direct provision of or payment for health care services.

"(F E) CARE FOR CHILDREN WITH SPECIAL NEEDS.—Increasing the availability and quality of child care for young children with special health care needs, developmental delays, and disabilities and those with limited English proficiency; and coordinating with early intervention and preschool special education services.

~~"(G) SALARY AND BENEFIT ENHANCEMENT.—Assistance to child care programs to increase the quality and continuity of care by attracting or retaining highly qualified child care staff working directly with children through enhanced compensation.~~

"(H F) MONITORING AND TECHNICAL ASSISTANCE.—Technical assistance to grantees, and monitoring of programs, assisted under this section. State expenditures under this subparagraph shall not exceed a percentage of total State expenditures for the program under this section equal to 10 percent for each of fiscal years ~~2000~~ 2001 through ~~2002~~ 2003, and 5 percent for fiscal year ~~2003~~

2004 and each succeeding fiscal year.”.

(c) ANNUAL REPORT.—Section 658K(a)(2) of the Act (42 U.S.C. 9858i(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(3) by inserting after and below subparagraph (E) the following new subparagraphs:

"(F) the early learning program under section 658T, including—

"(i) the number and average dollar amount of grants awarded;

"(ii) the number, average dollar amount, and percentage of the total State award of such grants made to low-income communities;

"(iii) the number of early learning programs;

"(iv) the number of children served with special health care needs, disabilities or developmental delays, and those with limited English proficiency;

"(v) the number of early learning programs that assist children with special needs;

"(vi) progress toward the educational outcomes and quality enhancements specified in section 658T(b)(2)(E), including specific and quantifiable measures of achievement of progress toward each performance goal and indicator provided in guidance by the Secretary, for each specific, quantifiable and measurable objective;

"(vii) expenditures for each allowable activity listed in section 658T(c), total expenditures and, to the extent feasible, the volume or frequency of such activity and the average expenditure per unit of such activity; and

"(viii) with respect to any allowable activity listed in section 658T(c) for which expenditures are made by the State both under section 658G(a) and under section 658T, the amount expended under each such section; and

“(ix) such other data as the Secretary may require.