

106TH CONGRESS
1ST SESSION

S. 749

To establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 1999

Mr. KENNEDY (for himself, Mr. STEVENS, Mr. DODD, Mr. JEFFORDS, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a program to provide financial assistance to States and local entities to support early learning programs for prekindergarten children, 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.**

4 This Act may be cited as the “Early Learning Trust
5 Fund Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

1 (1) brain development research shows that the
2 first 3 years of a child's life are critical to a child's
3 brain development and the child's future success;

4 (2) high quality early learning programs can in-
5 crease the literacy rate, the high school graduation
6 rate, the employment rate, and the college enroll-
7 ment rate for prekindergarten children who partici-
8 pate in the programs;

9 (3) high quality early learning programs can
10 decrease the incidence of teenage pregnancy, welfare
11 dependency, arrest, and juvenile delinquency for chil-
12 dren who participate in these programs;

13 (4) high quality early learning programs can
14 provide a strong base for prekindergarten children in
15 language and cognitive skills and can motivate the
16 children to learn to read in order to benefit from
17 classroom instruction;

18 (5) many working families cannot afford early
19 learning programs for their prekindergarten chil-
20 dren;

21 (6) only 36 percent of children who are between
22 the ages of 3 and 5, not enrolled in kindergarten,
23 and living in families in which the parents earn less
24 than \$15,000, are enrolled in prekindergarten, while
25 61 percent of children of a similar age who live in

1 families in which the parents earn \$50,000 or more
2 are enrolled in prekindergarten;

3 (7) because of the growing number of pre-
4 kindergarten children in single-parent families or
5 families in which both parents work, there is a great
6 need for affordable high quality, full day, full cal-
7 endar year early learning programs;

8 (8) many children who could benefit from a
9 strong early learning experience are enrolled in child
10 care programs that could use additional resources to
11 prepare the children to enter school ready to suc-
12 ceed; and

13 (9) the low salaries paid to staff in early learn-
14 ing programs, the lack of career progression for such
15 staff, and the lack of child development specialists
16 involved in the early learning programs makes it dif-
17 ficult to attract and retain trained staff to help the
18 children enter school ready to read.

19 (b) PURPOSE.—The purposes of this Act are—

20 (1) to make widely available to prekindergarten
21 children a high quality, child-centered, develop-
22 mentally appropriate early learning program;

23 (2) to make widely available to parents of pre-
24 kindergarten children who desire the services, a full

1 day, full calendar year program in which they can
2 enroll their prekindergarten children;

3 (3) to make efficient use of Federal, State, and
4 local resources for early learning programs by pro-
5 moting collaboration and coordination of such pro-
6 grams and supports at the Federal, State, and local
7 levels;

8 (4) to assist State and local governments in ex-
9 panding or improving early learning programs that
10 use existing facilities that meet State and local safe-
11 ty code requirements;

12 (5) to provide resources to ensure that all chil-
13 dren enter elementary school ready to learn how to
14 read; and

15 (6) to assist State and local governments in
16 providing training for teachers and staff of early
17 learning programs, and to promote the use of salary
18 scales that take into account training and experi-
19 ence.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) **EARLY LEARNING PROGRAMS.**—The term
23 “early learning programs” means programs that
24 provide the services described in section 9 that are

1 for children who have not attended kindergarten or
2 elementary school.

3 (2) FULL CALENDAR YEAR.—The term “full
4 calendar year” means all days of operation of busi-
5 nesses in the locality, excluding—

6 (A) legal public holidays, as defined in sec-
7 tion 6103 of title 5, United States Code; and

8 (B) a single period of 14 consecutive days
9 during the summer.

10 (3) FULL DAY.—The term “full day” means the
11 hours of normal operation of businesses in the local-
12 ity.

13 (4) LOCAL EDUCATIONAL AGENCY; STATE EDU-
14 CATIONAL AGENCY.—The terms “local educational
15 agency” and “State educational agency” have the
16 meanings given the terms in section 14101 of the
17 Elementary and Secondary Education Act of 1965
18 (20 U.S.C. 8801).

19 (5) LOCALITY.—The term “locality” means a
20 city, county, borough, township, or other general
21 purpose unit of local government, or an Indian res-
22 ervation or Indian Tribe. For purposes of this Act,
23 2 or more localities acting together may be consid-
24 ered a locality.

1 (6) PARENT.—The term “parent” means a bio-
2 logical parent, an adoptive parent, a stepparent, or
3 a foster parent of a child, including a legal guardian
4 or other person standing in loco parentis.

5 (7) SECRETARY.—The term “Secretary” means
6 the Secretary of Health and Human Services.

7 (8) SERVICE PROVIDER.—The term “service
8 provider” means any public or private early learning
9 program, including a local educational agency, a
10 Head Start agency under the Head Start Act (42
11 U.S.C. 9831 et seq.), or a community-based organi-
12 zation that receives funds under this Act.

13 (9) TRAINING.—The term “training” means in-
14 struction in early childhood development that—

15 (A) is required for certification by existing
16 State and local laws, regulations, and policies;

17 (B) is required to receive a nationally rec-
18 ognized credential or its equivalent, such as the
19 child development associate credential, in a
20 State with no certification procedure; and

21 (C) is received in a postsecondary edu-
22 cation program in which the individual has ac-
23 complished significant course work in early
24 childhood education or early childhood develop-
25 ment.

1 **SEC. 4. EARLY LEARNING PROGRAM.**

2 The Secretary shall establish and maintain an early
3 learning program that provides full day, full calendar year
4 early learning services.

5 **SEC. 5. STATE ALLOTMENTS.**

6 (a) IN GENERAL.—The Secretary shall make allot-
7 ments to eligible States to pay for the cost of enabling
8 the States and localities to establish full day, full calendar
9 year early learning programs.

10 (b) ALLOTMENTS.—From the amount appropriated
11 under section 12 for each fiscal year, the Secretary shall
12 allot, to each eligible State, an amount that bears the
13 same relationship to the amount appropriated as the total
14 number of individuals under age 6 in the State bears to
15 the total number of such individuals in all States.

16 (c) MATCHING REQUIREMENT.—The Secretary may
17 not make a grant to a State under subsection (a) unless
18 that State agrees that, with respect to the costs to be in-
19 curred by the State in carrying out the program for which
20 the grant was awarded, the State will make available (di-
21 rectly or through donations from public or private entities)
22 non-Federal contributions in an amount equal to not less
23 than \$1 dollar for every \$4 dollars of Federal funds pro-
24 vided under the grant. The State share of the cost may
25 be provided in cash or in kind, fairly evaluated, including
26 plant, equipment, or services.

1 (d) ANNUAL REVIEW.—The allotments provided
2 under subsection (b) shall be subject to annual review by
3 the Secretary.

4 **SEC. 6. STATE APPLICATIONS.**

5 (a) IN GENERAL.—To be eligible to receive an allot-
6 ment under section 5, the Governor of a State shall submit
7 an application to the Secretary at such time, in such man-
8 ner, and containing such information as the Secretary may
9 reasonably require.

10 (b) CONTENTS.—Each application submitted pursu-
11 ant to subsection (a) shall include—

12 (1) a statement ensuring that the Governor of
13 the State has established or designated a State
14 Council that complies with section 7(c), including a
15 list of the members of the State Council in order to
16 demonstrate such compliance;

17 (2) a statement ensuring that the State Council
18 as described in section 7(c) has developed and ap-
19 proved the application submitted under this section;

20 (3) a statement describing the manner in which
21 the State will allocate funds made available through
22 the allotment to localities; and

23 (4) a State plan that describes the performance
24 goals to be achieved, and the performance measures

1 to be used to assess progress toward such goals,
 2 under the plan which—

3 (A) shall be developed pursuant to guid-
 4 ance provided by the State and local govern-
 5 ment authorities, and experts in early childhood
 6 development; and

7 (B) shall be designed to improve child de-
 8 velopment through—

9 (i) improved access to and increased
 10 coordination with health care services;

11 (ii) increased access to enhanced early
 12 learning environments;

13 (iii) increased parental involvement;

14 (iv) increased rates of accreditation by
 15 nationally recognized accreditation organi-
 16 zations; and

17 (v) expansion of full day, full year
 18 services.

19 **SEC. 7. STATE ADMINISTRATION.**

20 (a) IN GENERAL.—To be eligible to receive assistance
 21 under section 5, the Governor of a State shall appoint a
 22 Lead State Agency as described in subsection (b) and,
 23 after consultation with the leadership of the State legisla-
 24 ture, a State Council as described in subsection (c).

25 (b) LEAD STATE AGENCY.—

1 (1) IN GENERAL.—The Lead State Agency as
2 described in subsection (a) shall allocate funds re-
3 ceived under section 5 to localities.

4 (2) LIMITATION.—The Lead State Agency shall
5 allocate not less than 90 percent of such funds that
6 have been provided to the State for a fiscal year to
7 1 or more localities.

8 (3) FUNCTIONS OF AGENCY.—In addition to al-
9 locating funds under paragraph (1), the Lead State
10 agency shall—

11 (A) advise and assist localities in the per-
12 formance of their duties;

13 (B) develop and submit the State applica-
14 tion and the State plan required under section
15 6;

16 (C) evaluate and approve applications sub-
17 mitted by localities;

18 (D) prepare and submit to the Secretary
19 an annual report, after approval by the State
20 Council, which shall include a statement de-
21 scribing the manner in which funds received
22 under section 5 are expended and documenta-
23 tion of the increased number of—

- 1 (i) children in full day, full year Head
2 Start programs, as provided under the
3 Head Start Act (42 U.S.C. 9831 et seq.);
- 4 (ii) infants and toddlers in programs
5 that provide comprehensive Early Head
6 Start services, as provided under the Head
7 Start Act (42 U.S.C. 9831 et seq.);
- 8 (iii) prekindergarten children, includ-
9 ing those with special needs, in early learn-
10 ing programs; and
- 11 (iv) children in child care that receive
12 enhanced educational and comprehensive
13 services and supports, including parent in-
14 volvement and education;
- 15 (E) conduct evaluations of early learning
16 programs;
- 17 (F) ensure that training and research is
18 made available to localities and that such train-
19 ing and research reflects the latest available
20 brain development and early childhood research
21 related to early learning; and
- 22 (G) improve coordination between localities
23 carrying out early learning programs and per-
24 sons providing early intervention services under

1 part C of the Individuals with Disabilities Edu-
2 cation Act (20 U.S.C. 1431 et seq.).

3 (4) LOCAL APPLICATION.—

4 (A) IN GENERAL.—To be eligible to receive
5 assistance under paragraph (1), a locality, in
6 cooperation with the Local Council described in
7 paragraph (5), shall submit an application to
8 the Lead State Agency at such time, in such
9 manner, and containing such information as the
10 Lead State Agency may require.

11 (B) CONTENTS.—Each application sub-
12 mitted pursuant to paragraph (1) shall include
13 a statement ensuring that the locality has es-
14 tablished a Local Council, as described in para-
15 graph (5) and a local plan that includes—

16 (i) a needs and resources assessment
17 of early learning services and a statement
18 describing how programs will be financed
19 to reflect the assessment; and

20 (ii) a statement of performance goals
21 to be achieved in adherence to the State
22 plan and a statement of how localities will
23 ensure that programs will meet the per-
24 formance measures in the State plan.

25 (5) LOCAL COUNCIL.—

1 (A) IN GENERAL.—To be eligible to receive
2 assistance under paragraph (1), a locality shall
3 establish a Local Council as described in sub-
4 section (c), which shall be composed of local
5 agencies responsible for carrying out the pro-
6 grams under this Act and parents and other in-
7 dividuals concerned with early childhood devel-
8 opment issues in the locality. The Local Council
9 shall be responsible for assisting localities in
10 preparing and submitting the application de-
11 scribed in paragraph (4).

12 (B) DESIGNATING EXISTING ENTITY.—To
13 the extent that a State has a Local Council or
14 an entity that functions as such before the date
15 of enactment of this Act that is comparable to
16 the Local Council described in subparagraph
17 (A), the locality shall be considered to be in
18 compliance with this paragraph.

19 (c) STATE COUNCIL.—

20 (1) IN GENERAL.—The State Council as de-
21 scribed in subsection (a) shall be composed of a
22 group of representatives of agencies, institutions,
23 and other entities, as described in paragraphs (2)
24 and (3), that provide child care or early learning
25 services in the State.

1 (2) MEMBERSHIP.—Except as provided in para-
2 graph (6), the Governor shall appoint to the State
3 Council at least 1 representative from—

4 (A) the office of the Governor;

5 (B) the State educational agency;

6 (C) the State agency administering funds
7 received under the Child Care and Development
8 Block Grant Act of 1990 (42 U.S.C. 9858 et
9 seq.);

10 (D) the State social services agency;

11 (E) the State Head Start association;

12 (F) organizations representing parents
13 within the State; and

14 (G) resource and referral agencies within
15 the State.

16 (3) ADDITIONAL MEMBERS.—In addition to
17 representatives appointed under subparagraph (2),
18 the Governor may appoint to the State Council addi-
19 tional representatives from—

20 (A) the State Board of Education;

21 (B) the State health agency;

22 (C) the State labor or employment agency;

23 (D) organizations representing teachers;

24 (E) organizations representing business;

25 and

1 (F) organizations representing labor.

2 (4) REPRESENTATION.—To the extent prac-
3 ticable, the Governor shall appoint representatives
4 under subparagraphs (2) and (3) in a manner that
5 is diverse or balanced according to the race, eth-
6 nicity, and gender of its members.

7 (5) FUNCTIONS OF THE COUNCIL.—The State
8 Council shall—

9 (A) conduct a needs and resources assess-
10 ment, or use such an assessment if conducted
11 not later than 2 years prior to the date of en-
12 actment of this Act, to—

13 (i) determine where early learning
14 programs are lacking or are inadequate
15 within the State, with particular attention
16 to poor urban and rural areas, and what
17 special services are needed within the
18 State, such as services for children whose
19 native language is a language other than
20 English; and

21 (ii) identify all existing State-funded
22 early learning programs, and, to the extent
23 practical, other programs serving pre-
24 kindergarten children in the State, includ-
25 ing parent education programs, and to

1 specify which programs might be expanded
 2 or upgraded with the use of funds received
 3 under section 5; and

4 (B) based on the assessment described in
 5 subparagraph (A), determine funding priorities
 6 for amounts received under section 5 for the
 7 State.

8 (6) DESIGNATING AN EXISTING ENTITY AS
 9 STATE COUNCIL.—To the extent that a State has a
 10 State Council or a entity that functions as such be-
 11 fore the date of enactment of this Act that is com-
 12 parable to the State Council described in this sub-
 13 section, the State shall be considered to be in com-
 14 pliance with this subsection.

15 **SEC. 9. LOCAL ALLOCATIONS.**

16 (a) IN GENERAL.—Each locality that receives funds
 17 under section 8 shall, in accordance with the needs and
 18 resource assessment described in section 8(c)(5), provide
 19 funds to service providers to—

20 (1) increase the number of children served in
 21 Early Head Start programs carried out under sec-
 22 tion 645A of the Head Start Act (42 U.S.C 9840a);

23 (2) increase the number of children served in
 24 State prekindergarten education programs;

1 (3) increase the number of Head Start pro-
2 grams providing full working day, full calendar year
3 Head Start services; and

4 (4) enhance the education and comprehensive
5 services and support services provided through the
6 Child Care and Development Block Grant Act of
7 1990 (42 U.S.C. 9858 et seq.) to child care pro-
8 grams and providers, including health screening and
9 diagnosis of children, parent involvement and parent
10 education, nutrition services and education, staff
11 and personnel training in early childhood develop-
12 ment, and upgrading the salaries of early childhood
13 development professional staff, and the development
14 of salary schedules for staff with varying levels of
15 experience, expertise, and training. Distribute such
16 funds to service providers.

17 (b) PREFERENCE.—In making allocations under sub-
18 section (a), a locality shall give preference to—

19 (1) programs that meet the needs of children in
20 households in which each parent is employed;

21 (2) programs assisting low-income families; and

22 (3) programs that make referrals for enrollment
23 under the State Children’s Health Insurance Pro-
24 gram established under title XXI of the Social Secu-
25 rity Act (42 U.S.C. 1397aa et seq.), or referrals for

1 enrollment of children under the medicaid program
2 established under title XIX of the Social Security
3 Act (42 U.S.C. 1396 et seq.).

4 (c) APPLICATION.—Each service provider desiring to
5 receive funds under subsection (a) shall submit an applica-
6 tion to a locality at such time, in such manner, and con-
7 taining such information as the locality may reasonably
8 require.

9 (d) ANNUAL REPORT.—Each locality that receives
10 funds under section 8 shall submit an annual report to
11 the State Council that contains the information described
12 in section 7(b)(3)(C) and a description of the manner in
13 which programs receiving assistance under this Act will
14 be coordinated with other early learning programs in the
15 locality.

16 (e) ADMINISTRATIVE COSTS.—Not more than 5 per-
17 cent of the amounts received by a locality under section
18 8 shall be used to pay for administrative expenses for the
19 locality or Local Council.

20 **SEC. 10. SUPPLEMENT NOT SUPPLANT.**

21 Funds appropriated pursuant to this Act shall be
22 used to supplement and not supplant other Federal, State,
23 and local public funds expended to provide services for
24 early learning childhood development programs.

1 **SEC. 11. FEDERAL ADMINISTRATION.**

2 The Secretary, in consultation with the Secretary of
3 Education, shall develop and issue program guidance in-
4 structions for carrying out the programs authorized under
5 this Act.

6 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated and there is
8 appropriated to carry out this Act, \$2,000,000,000 for
9 each of the fiscal years 2000 through 2004.

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