

107TH CONGRESS
1ST SESSION

S. 1247

To establish a grant program to promote emotional and social development
and school readiness.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2001

Mr. KENNEDY introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish a grant program to promote emotional and
social development and school readiness.

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 “Foundations for
5 Learning Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) It has been and continues to be the policy
9 of Congress that all children enter school ready to
10 learn.

1 (2) Success in school is dependent on emotional
2 and social development, including—

3 (A) the development of curiosity, self-direc-
4 tion, and persistence in learning situations;

5 (B) the ability to cooperate, demonstrate
6 caring, and resolve conflict with peers; and

7 (C) the capacity to recognize and regulate
8 one's own emotions and behaviors.

9 (3) Kindergarten teachers report that increas-
10 ing numbers of children are unprepared to cope with
11 the demands of school, not because they do not have
12 the academic tools, but because they lack the social
13 skills and emotional self-regulation necessary to suc-
14 ceed. In a recent survey, 46 percent of kindergarten
15 teachers reported that at least half of their class had
16 difficulty following direction, 34 percent reported
17 half of the class or more had difficulty working as
18 part of a group, and 20 percent said at least half
19 of the class had problems with social skills.

20 (4) The National Academy of Sciences has rec-
21 ommended that resources on par with those focused
22 on literacy and numerical skills should be devoted to
23 strategies promoting young children's emotional,
24 regulatory, and social development. It concluded that
25 enhancement of social and emotional development

1 are as important in early childhood as enhancement
2 of linguistic and cognitive competence.

3 (5) Few early childhood programs, including
4 those supported by the Federal Government such as
5 Head Start, have sufficient capacity adequately to
6 address the emotional and social developmental
7 needs of eligible children with prevention and early
8 intervention services.

9 (6) Extensive research has identified a number
10 of risk factors, including poverty, parental depres-
11 sion and substance abuse, abuse and neglect, home-
12 lessness, low birth weight and other medical prob-
13 lems, and others, the presence of which, particularly
14 when more than one is present, increase a child's
15 likelihood of early school failure.

16 (7) Although a child's development will vary
17 from individual to individual and depends on a mul-
18 titude of biological and environmental factors, early
19 interventions with eligible children and their families
20 can increase the probability of a more favorable de-
21 velopmental and academic trajectory.

22 (8) Research overwhelmingly demonstrates that
23 a child's development is deeply influenced by the re-
24 lationships with parents, the behavior of parents,
25 and the environment in the home. Parents are the

1 most influential adults in their children's lives and
2 are responsible for promoting their children's
3 healthy development. Therefore, any effective at-
4 tempt to improve young children's social and emo-
5 tional development necessarily must involve the fam-
6 ilies of those children.

7 (9) Second only to the immediate family, child
8 care providers shape children's emotional and social
9 development. Sixty-one percent of children under the
10 age of 4 are in regularly scheduled child-care by
11 someone other than a parent, including 44 percent
12 of infants under 1, 53 percent of 1-year-olds, and 57
13 percent of 2-year-olds.

14 (10) The Surgeon General's Conference on
15 Children's Mental Health has recommended the cre-
16 ation of tangible tools for early childhood service
17 providers to help them assess children's social and
18 emotional needs and discuss those issues with fami-
19 lies and make referrals.

20 (11) A child's healthy emotional and social de-
21 velopment must be assessed in the context of cul-
22 tural influences and consequently any efforts to pro-
23 mote development must be culturally competent.

24 (12) Early interventions for eligible children
25 have demonstrated later savings in public expendi-

1 tures for special education, income support, and
2 criminal justice.

3 **SEC. 3. GRANT PROGRAM AUTHORIZED.**

4 (a) IN GENERAL.—The Secretary of Education, in
5 consultation with the Secretary of Health and Human
6 Services, is authorized to make grants to States to assist
7 eligible children to become ready for school.

8 (b) ALLOTMENTS.—If the amount appropriated
9 under section 9 and not reserved under subsection (c) for
10 a fiscal year exceeds \$200,000,000, the Secretary shall—

11 (1) except as provided in paragraph (2), allo-
12 cate funds to the States based on the ratio of the
13 amount of funds received by a State under part A
14 of title I of the Elementary and Secondary Edu-
15 cation Act of 1965 for the preceding fiscal year to
16 the amount of funds received by all the States under
17 such part for such fiscal year; and

18 (2) allocate not less than 0.40 percent for each
19 State.

20 (c) RESERVATIONS OF FUNDS.—Of the amount ap-
21 propriated under section 9 for a fiscal year, the Secretary
22 shall reserve—

23 (1) one-half of one percent for Indian tribes;

24 (2) one-half of one percent for Native Alaskan
25 regional corporations and Native Hawaiian entities;

1 (3) one percent for the Commonwealth of Puer-
2 to Rico;

3 (4) not more than 3 percent for administrative
4 costs; and

5 (5) not more than 3 percent for technical as-
6 sistance, sharing of best practices, and evaluations
7 described under subsection (e).

8 (d) SPECIAL RULE.—If the amount appropriated
9 under this Act in a fiscal year is less than \$200,000,000,
10 the Secretary, in consultation with the Secretary of Health
11 and Human Services, is authorized to award grants to
12 local coordinating councils, consistent with priorities de-
13 scribed in section 7(b), on a competitive basis, of sufficient
14 size and for a period of sufficient duration to assist eligible
15 children to be ready for school.

16 (e) EVALUATION.—

17 (1) IN GENERAL.—The Secretary shall, on an
18 ongoing basis—

19 (A) evaluate promising strategies being im-
20 plemented in the States pursuant to this Act
21 and the success of those strategies in promoting
22 emotional and social development and school
23 readiness in eligible children, including, at the
24 Secretary's discretion, by the performance of
25 long-term longitudinal studies; and

1 (B) issue reports and provide technical as-
2 sistance based on the knowledge gained from
3 those evaluations.

4 (2) REVIEW EXPENDITURES.—Not less than
5 once every 3 years, the Secretary shall evaluate the
6 expenditure of grants made under this Act in order
7 to assess and report on the range of services being
8 provided, the success of States in meeting the per-
9 formance measures established pursuant to their
10 State plans, and make recommendations regarding
11 changes needed in program design or operations.

12 **SEC. 4. STATE PLANS.**

13 (a) IN GENERAL.—In order to receive a grant under
14 section 3, a State shall submit a State plan to the Sec-
15 retary, at such time and in such form as the Secretary
16 may require, and shall include in the State plan—

17 (1) an assurance that the State shall provide,
18 either directly or through private contributions, non-
19 Federal matching funds equal to not less than 20
20 percent of the amount of the grant with such funds
21 contributed in cash or in kind, fairly evaluated, in-
22 cluding contributions of facilities, staff time, or do-
23 nated equipment;

24 (2) specification of the sources of non-Federal
25 matching funds described in paragraph (1);

1 (3) an assurance that funds received shall sup-
2 plement, not supplant, other public funds expended
3 to promote the emotional, social, and behavioral de-
4 velopment of young children;

5 (4) an assurance that the State and its political
6 subdivisions shall maintain a level of expending
7 funds that equals or exceeds the amount spent for
8 programs described in section 5(b) in the preceding
9 fiscal year;

10 (5) composition of the statewide coordinating
11 council (referred to in this Act as the “SCC”);

12 (6) the name of the agency designated as the
13 lead agency;

14 (7) a description of the population the State in-
15 tends to serve, the manner in which the grant will
16 be expended to improve the emotional and social de-
17 velopment of children served, and measurable per-
18 formance goals consistent with the planned uses of
19 the grant;

20 (8) an assurance that activities conducted with
21 the grant will be undertaken in a culturally com-
22 petent and developmentally appropriate manner; and

23 (9) the manner in which services will be coordi-
24 nated with existing similar services provided by pub-
25 lic and nonprofit entities within the State.

1 (b) APPROVAL.—The Secretary shall approve an ap-
 2 plication by a State under this Act unless the Secretary
 3 determines that—

4 (1) the matching requirement of section 4(1) is
 5 not met;

6 (2) the performance measures set forth in the
 7 State plan are not satisfactory; or

8 (3) the State plan is otherwise inconsistent with
 9 the purposes of this Act.

10 **SEC. 5. USES OF FUNDS.**

11 (a) PERMISSIBLE USES OF FUNDS.—A State that re-
 12 ceives funds under this Act may use such funds in a man-
 13 ner intended to benefit eligible children, for the following:

14 (1) SCREENING.—To use valid, reliable, and ap-
 15 propriate measures, procedures, or methods to
 16 screen children suspected of developmental delays or
 17 being eligible for services under this Act to deter-
 18 mine if a child has 2 or more characteristics de-
 19 scribed in section 8(2) and, when appropriate, to de-
 20 velop a comprehensive plan to address the emotional
 21 and social development of eligible children.

22 (2) FAMILY SUPPORT INITIATIVES.—

23 (A) PARENTING EDUCATION.—To provide
 24 individualized, intensive parenting skills train-
 25 ing and support, including opportunities for

1 family-to-family support, to parents of eligible
2 children.

3 (B) FAMILY SUPPORT.—To provide appro-
4 priate family support services designed to help
5 parents increase their capacity to foster their
6 children’s emotional, social, and behavioral de-
7 velopment.

8 (C) REGULAR AND INTENSIVE HOME VIS-
9 ITS.—To provide regular and intensive home
10 visits to families with eligible children, including
11 infants, or increase the capacity of existing
12 home visitation programs to provide interven-
13 tions or services that assist families in pro-
14 moting the emotional and social development of
15 young children.

16 (3) CONSULTATIONS AND SUPPORT TO PRO-
17 VIDERS OF EARLY CHILDHOOD SERVICES.—

18 (A) PROFESSIONAL DEVELOPMENT.—To
19 provide professional development to child care
20 workers, Early Head Start, Head Start, pre-
21 school, and kindergarten teachers and other
22 providers of early childhood services to help
23 them foster the healthy emotional, social, and
24 behavioral development of children in their care
25 or with whom they have regular contact.

1 (B) PROGRAMMATIC CONSULTATION.—To
2 provide programmatic consultations to child
3 care providers, Early Head Start and Head
4 Start providers, preschools, and kindergartens
5 and other providers of early childhood services
6 to assist them in creating an environment and
7 interventions or supports most conducive to the
8 healthy emotional, social, and behavioral devel-
9 opment of young children in their care or with
10 whom they have regular contact.

11 (C) FAMILY CONSULTATIONS.—To provide
12 child- or family-centered consultations to child
13 care providers, Early Head Start and Head
14 Start providers, preschools, and kindergartens
15 and other providers of early childhood services
16 to help them address the emotional, social, and
17 behavioral developmental needs of eligible chil-
18 dren in their care or with whom they have reg-
19 ular contact.

20 (D) HIRING PRACTICES.—To assist child
21 care providers, Early Head Start and Head
22 Start providers, preschools, and kindergartens
23 and other providers of early childhood services
24 in hiring qualified mental health or behavioral
25 health specialists.

1 (4) SERVICES TO ELIGIBLE CHILDREN AND
2 THEIR FAMILIES.—

3 (A) EARLY INTERVENTIONS.—To deliver
4 and coordinate a continuum of early interven-
5 tion services, crisis intervention services, screen-
6 ing and other appropriate, reliable, and valid
7 assessments, referrals, and other classroom and
8 home-based interventions that promote the emo-
9 tional and social development and school readi-
10 ness of eligible children by identifying and ad-
11 dressing the unique needs of the children and
12 their families.

13 (B) MENTAL HEALTH.—To provide mental
14 health services to eligible children and, when
15 necessary to promote the child’s healthy devel-
16 opment, their families, provided that such serv-
17 ices cannot be paid for by other sources.

18 (C) COORDINATION.—To coordinate and
19 facilitate access by eligible children and their
20 families to the services available through—

21 (i) part C or section 619 of part B of
22 the Individuals with Disabilities Education
23 Act (20 U.S.C. 1431 et seq.);

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

4 (iii) State children's health insurance
5 program under title XXI of the Social Se-
6 curity Act (42 U.S.C. 1397aa et seq.); and

7 (iv) other community resources, in-
8 cluding mental health, physical health, sub-
9 stance abuse, educational, domestic vio-
10 lence, child welfare, and social services.

11 (D) PROGRAM PARTICIPATION.—To facili-
12 tate participation in Head Start, Early Head
13 Start, or child care and preschool programs of-
14 fering substantially the same range of services
15 as Head Start or Early Head Start for eligible
16 children by removing ancillary barriers to ac-
17 cess such as transportation difficulties and the
18 absence of programs during nontraditional work
19 times.

20 (E) ANCILLARY SERVICES.—To provide
21 ancillary services such as transportation or
22 child care in order to facilitate the delivery of
23 any other services or activities authorized by
24 this Act.

1 (5) DEVELOPMENT OF COMMUNITY RE-
2 SOURCES.—

3 (A) CURRICULUMS.—To develop social and
4 emotional competencies curricula for use in
5 early childhood settings.

6 (B) PARTNERSHIPS.—To develop or en-
7 hance early childhood community partnerships
8 and build towards a community system of care
9 that brings together child-serving agencies and
10 or organizations to provide individualized sup-
11 ports for eligible children and their families.

12 (C) EVALUATION.—To evaluate the suc-
13 cess of strategies and services provided pursu-
14 ant to this Act in promoting young children's
15 successful entry to school and maintain data
16 systems required for effective evaluations.

17 (6) ADMINISTRATIVE COSTS.—To pay for costs
18 of administering the activities authorized by this
19 Act, provided such expenditures shall not exceed 4
20 percent of the grant received by a local coordinating
21 council.

22 (b) LIMITATION.—A State may use funds under this
23 Act to pay only for services that—

24 (1) the State is currently not providing under—

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

4 (B) the State children's health insurance
 5 program under title XXI of the Social Security
 6 Act (42 U.S.C. 1397aa et seq.);

7 (C) early intervention services under part
 8 C or section 619 of part B of the Individuals
 9 with Disabilities Education Act (20 U.S.C.
 10 1431 et seq.); and

11 (D) State and local mental health pro-
 12 grams; and

13 (2) cannot be paid for by other Federal, State,
 14 or local sources, excluding Head Start or Early
 15 Head Start, or by private insurance.

16 (c) PROVISION OF SERVICES.—All services provided
 17 pursuant to this Act—

18 (1) shall be provided in the most culturally
 19 competent manner practicable;

20 (2) if a charge is imposed for such services,
 21 shall be based on a sliding scale based on ability to
 22 pay and shall not be imposed on any child of a fam-
 23 ily whose income is below 200 percent of the poverty
 24 line (as such term is defined in section 673(2) of the

1 Community Services Block Grant Act (42 U.S.C.
2 9902(2)));

3 (3) shall be provided by or under the super-
4 vision of qualified professionals with expertise in
5 early childhood development; and

6 (4) shall be intended to benefit eligible children.

7 **SEC. 6. STATE ADMINISTRATION.**

8 (a) LEAD AGENCY.—

9 (1) IN GENERAL.—The chief executive officer of
10 the State shall name a lead agency to administer a
11 program established pursuant to this Act.

12 (2) DUTIES.—The lead agency shall—

13 (A) in consultation with the SCC, establish
14 performance goals consistent with the purposes
15 described in its State plan;

16 (B) if administering a statewide program,
17 adhere to the priorities described in section 5;

18 (C) monitor and evaluate the success of ac-
19 tivities funded under this Act in meeting its
20 performance goals and the long-term impact of
21 such activities on success in school of eligible
22 children;

23 (D) submit an annual report to the Sec-
24 retary regarding the State's progress in meeting
25 the performance goals, a description of any bar-

1 riers encountered in serving eligible children,
 2 and other pertinent results of its monitoring
 3 and evaluation; and

4 (E) provide subgrants in accordance with
 5 section 7 if not administering a statewide pro-
 6 gram.

7 (3) FUNDS.—In any fiscal year the lead
 8 agency—

9 (A) shall reserve 2 percent of allotted
 10 funds under this Act for evaluation and tech-
 11 nical assistance; and

12 (B) may use not more than 4 percent of
 13 allotted funds under this Act for administrative
 14 costs.

15 (b) SCC.—

16 (1) IN GENERAL.—The chief executive officer of
 17 a State shall appoint individuals to serve on a SCC.

18 (2) REPRESENTATIVES.—Individuals who serve
 19 on a SCC shall include representation from parents,
 20 early childhood providers, early childhood mental
 21 health providers, the State educational agency, the
 22 State mental health agency, State child care agency
 23 (including child care resource and referral staff), the
 24 State Head Start association, the State agency re-
 25 sponsible for administering part C of the Individuals

1 with Disabilities Education Act (20 U.S.C. 1431 et
 2 seq.), the State preschool agency, the State child
 3 welfare agency and any other individual or group the
 4 chief executive officer considers appropriate.

5 (3) EXISTING COUNCIL.—If a comparable coun-
 6 cil or entity exists, the chief executive officer may
 7 designate such council or entity to serve as the SCC.

8 (4) ROLE OF SCC.—The SCC shall establish
 9 guidelines for State administration of the program,
 10 prepare a State plan in accordance with section 4,
 11 and advise the lead agency.

12 **SEC. 7. LOCAL ADMINISTRATION.**

13 (a) IN GENERAL.—If the lead agency and SCC deter-
 14 mine that the program should be administered at a local
 15 level, the lead agency shall accept applications from local
 16 coordinating councils.

17 (b) PRIORITY.—The lead agency shall give priority
 18 to applications from local coordinating councils that—

19 (1) demonstrate broad collaboration among rel-
 20 evant local agencies and organizations and others in
 21 the development of the application and in the
 22 planned implementation;

23 (2) involve parents in planning and administra-
 24 tion;

1 (3) propose projects targeted to eligible children
 2 for whom multiple risk factors apply and who are
 3 most in need of services to promote emotional and
 4 social development;

5 (4) can be replicated;

6 (5) demonstrate cultural competency;

7 (6) integrate planning and services with exist-
 8 ing early childhood and school readiness programs;

9 (7) provide access to a full spectrum of early
 10 intervention services and mental health treatments
 11 for children and their families; and

12 (8) demonstrate sufficient professional capacity
 13 in the community to implement successfully planned
 14 activities.

15 (c) SUFFICIENT SIZE.—A subgrant made available
 16 under this section shall be of sufficient size, scope, and
 17 quality to enable a local coordinating council to carry out
 18 the purposes of this Act effectively.

19 **SEC. 8. DEFINITIONS.**

20 In this Act:

21 (1) The term “young children” means children
 22 from zero to age 6.

23 (2) The term “eligible children” means young
 24 children to whom 2 or more of the following charac-
 25 teristics apply:

1 (A) Low birth weight.

2 (B) Cognitive deficit or developmental dis-
3 ability.

4 (C) Parental substance abuse.

5 (D) Custodial parent with less than sec-
6 ondary school diploma.

7 (E) Parental depression or other mental
8 illness.

9 (F) Abuse, maltreatment, or neglect.

10 (G) Family income below 200 percent of
11 the Federal poverty line (as such term is de-
12 fined in section 673(2) of the Community Serv-
13 ices Block Grant Act (42 U.S.C. 9902(2))).

14 (H) Early behavioral and peer relationship
15 problems.

16 (I) Exposure to violence.

17 (J) Homelessness.

18 (K) Removed from child care, Head Start,
19 or preschool for behavioral reasons or at risk of
20 being so removed.

21 (3) The term “local coordinating council”
22 means a group composed of some combination of
23 parents, early childhood providers, early childhood
24 mental health providers, community mental health
25 centers, local schools, and local agencies involved in

1 early childhood emotional, social, and behavioral de-
2 velopment and school readiness including local coun-
3 cils established under the Early Learning Opportuni-
4 ties Act of 2000, or other existing local councils fo-
5 cusing on children and families.

6 (4) The term “provider of early childhood serv-
7 ices” means a public or private entity that has reg-
8 ular contact with young children, including child
9 welfare agencies, child care providers, Head Start
10 and Early Head Start providers, preschools, kinder-
11 gartens, mental health professionals, family courts,
12 homeless shelters, libraries, and primary care pro-
13 viders.

14 (5) The term “parent” means the biological or
15 adoptive parent, foster parent, grandparent, or other
16 family member or legal guardian having physical
17 custody of the child.

18 (6) The term “family member of a child”
19 means a person related to the child by blood, mar-
20 riage, or adoption who shares a primary residence
21 with the child or shares custody of the child.

22 (7) The term “early intervention services”
23 means services that—

24 (A) are provided to—

1 (i) eligible children who have not been
2 diagnosed with a mental health disorder;
3 or

4 (ii) if necessary to promote such chil-
5 dren's emotional and social development,
6 their families;

7 (B) promote healthy emotional and social
8 development by remedying or permitting chil-
9 dren to overcome risk factors or develop protec-
10 tive factors against such risks; and

11 (C) connect children and their families to
12 other community resources and services as ap-
13 propriate.

14 (8) The term "Secretary" means the Secretary
15 of Education.

16 (9) The term "State" means each of the 50
17 States and the District of Columbia.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to carry out
20 this Act \$250,000,000 for fiscal year 2002, \$300,000,000
21 for fiscal year 2003, and such sums as may be necessary
22 thereafter.

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