



The Act To Leave No Child Behind

Section By Section Summary

February 2003

The Act to Leave No Child Behind (H.R. 936/S. 448) is comprehensive legislation for America's children introduced in February 2003 by Senator Christopher Dodd of Connecticut and Representative George Miller of California.

The bill provides:

Title I. Healthy Start – Every uninsured child should have comprehensive health coverage.

Subtitle A. Children's Health Insurance

- Create a new federal health program with comprehensive benefits similar to Medicare for uninsured children, who are not covered by existing programs.

Subtitle B. Children's Health Insurance Eligibility Expansion and Enrollment Improvements

- Expand existing federal children's health programs (CHIP/Medicaid) up to 300% of poverty through age 21 and require states to allow families above 300% of poverty to buy into the program for their uninsured children on a sliding scale premium basis.
- Give states the option of providing coverage under CHIP and Medicaid to legal immigrant children and legal immigrant pregnant women.
- Give states the option to allow families with too much income to qualify for Medicaid to purchase coverage for their disabled children.
- Simplify outreach and enrollment for CHIP and Medicaid and enroll all children at birth.

Subtitle C. Improving Access to Care

- Establish Children's Access To Care Commission that shall make recommendations for improving children's access to care, removing barriers to care, and improving children's health status.

- Strengthen the care of children under HMO's.
- Require DHHS to collect data from states participating in the Medicaid program on the delivery of services to children through the Early and Periodic Screening, Diagnosis and Treatment component of the program, in order to document the delivery of services through all service delivery arrangements.

Subtitle D. Reducing Public Health Risks for Children

- Appropriate \$50 million per year for grants to states to develop programs to prevent, treat, and manage childhood asthma.
- Implement an aggressive youth smoking cessation and education program and provide the FDA authority to regulate the marketing of tobacco products to children.
- Increase funding for HUD's Lead-Based Paint Hazard Control grants and Healthy Homes grants.
- Require private insurance policies to pay for immunizations as a benefit of coverage.

Subtitle E. Reducing Environmental Health Risks for Children

- Require testing of chemicals to determine safe exposure levels for children.
- Reduce the use of toxic chemicals in schools.

Title II. Healthy Start – All Parents Deserve Help to Support Their Children's Healthy Development

Subtitle A. Promotion of State and Local Support

- Provide grants to state parenting support and education councils to develop and expand local activities to help parents appropriately care for and respond to their children's needs, without having to wait until problems develop.

Subtitle B. Supports for Parents Caring for Children

- Expand the Family and Medical Leave Act to apply to employers with 25 or more employees, rather than 50 as in current law.

Subtitle C. Paid Family Leave

- Establish demonstration projects with paid leave for new parents so that they are able to spend time with a new infant or newly adopted child.

Subtitle D. Health Care for the Uninsured

- Expand the federal children's health programs, CHIP and Medicaid, to cover uninsured parents of eligible children and to pregnant women.

Subtitle E. Environmental Risks to Children

- Strengthen consumer right-to-know laws to ensure that parents are fully aware of the presence of potentially harmful substances in products to which their children are exposed.

Subtitle F. Awareness of Promoting Responsible Fatherhood

- Provide grants to localities or non-profit providers for services to low-income non-custodial parents so that they can contribute financially, emotionally and in other positive ways to their children's development.

Title III. Head Start – All children should enter school ready to learn and reach their highest potential while in school.

Subtitle A. Infants and Toddlers

- Increase the Early Head Start set-aside for infants and toddlers from 10 percent to 41 percent.
- Allocate 5% of total CCDBG funds in FY 2004 to improve and expand infant child care, rising to 10% in FY 2009.

Subtitle B. Child Care Access

- Increase funding proportionately each year to ensure that every child eligible for assistance under the Child Care and Development Block Grant (CCDBG) receives assistance by 2013.
- Require that states make children in foster care an eligible category for CCDBG.
- Assist states to move toward paying providers the market rate for child care, with higher rates for higher quality care, hard-to-find care, care for children with special needs, and care in low-income and rural communities. States would also be required to adjust rates by inflation between market surveys.

- Require that the CCDBG agency coordinate with the TANF agency to ensure that child care assistance staff are located on-site at TANF offices. Require that state CCDBG plans describe how they will ensure that TANF and other low-income working families are aware of their eligibility for child care assistance as part of their consumer education strategy.
- Improve access to child care subsidies for low-income families by requiring no more than annual eligibility determination.

Subtitle C. Child Care Quality Improvements

- Create a program to improve wages and skills of child care staff.
- Improve child care quality by increasing the CCDBG quality set aside from 4 to 12 percent.
- Require every state to have a state-based office that is charged with developing a system of local resource and referral agencies to provide parents with information and support, collect data on the supply and demand of child care in the community, develop linkages to businesses, and help to build the supply of quality child care.
- Require all providers receiving CCDBG, or who work in programs receiving CCDBG, to have training in early childhood development.
- Require each state to make at least one unannounced visit each year for providers accepting CCDBG funding.
- Require child care centers operated on federal or legislative property to comply with either state and local child care operation and safety laws or similar safety rules established by the General Services Administration.
- Provide \$500 million per year to support the construction of new child care facilities.

Subtitle D. Head Start Access and Improvement

- Increase funds proportionately each year to ensure that every three- and four-year-old eligible for Head Start may participate by 2008 and 25% of eligible infants and toddlers may participate in Early Head Start by 2013.

Subtitle E. Education Improvements

Early Learning:

- Provide grants to states to ensure access to pre-kindergarten for families who choose to participate.
- Amend the Reading Excellence Act to require that states support early literacy efforts in child care, pre-kindergarten, and Head Start programs.
- Create a book stamp program that would enable proceeds from a children's literacy postage stamp to support a system to expand books in the homes of low income children that are enrolled in child care programs.

Reduce Class Size:

- Provide funding to help local school districts recruit, train, and hire additional teachers to reduce class size in grades K through 3.

Quality Teaching and Leadership:

- Provide for professional development services to increase leadership skills of school principals.
- Provide incentives to teachers to obtain certification from the National Board for Professional Teaching Standards.
- Improve student loan forgiveness program for aspiring teachers.

School Construction:

- Provide new tax incentives for school construction/modernization bonds.
- Establish a grant program to assist LEA's to increase the involvement of parents, teachers, students, and others in the planning and design of new and renovated elementary and secondary schools.

Community Schools:

- Encourage communities to foster school-based or school-linked child opportunity zone family centers.

Title IV. Fair Start – Lifting All Children Out of Poverty -- Tax Relief To Assist Low-Income Working Families

Subtitle A. Expanding the Child Tax Credit

- Increase the child tax credit from \$600 to \$1000 and make it fully refundable.

Subtitle B. Strengthening the Earned Income Tax Credit

- Expand the EITC for families with three or more children.

Subtitle C. Expanding the Dependent Care Tax Credit

- Expand the Dependent Care Tax Credit to increase the slide to 50%, make it refundable, and annually index income phase-outs and cost of care for inflation.

Title V. Fair Start – Ensure that Children and Families Receive Supports to Promote Work and Reduce Poverty

Subtitle A. Gateways Great Program: Ensure Children and Families Receive All Supports for which They Are Eligible.

- Initiate a Gateways Program that provides grants to states, localities, and/or community based organizations to (a) train caseworkers about available support programs and their eligibility requirements; (b) expand outreach about available support assistance; (c) improve automation and application procedures; and (d) track the extent to which low-income families receive the benefits and services for which they are eligible.

Subtitle B. Support from Both Parents

- Improve child support collections and let families keep the money collected for their children; provide federal incentives for states to pass through payments collected for families receiving Temporary Assistance for Needy Families(TANF); and require families who have left TANF to receive any support collected through IRS intercepts.
- Provide funding for child support assurance demonstration projects.

Subtitle C. Fair Wages and Unemployment Insurance.

- Increase the federal minimum wage to \$6.65 over three installments and index it for inflation.
- Implement “living wage” policy for employees of federal contractors or subcontractors.
- Make Unemployment Insurance more accessible to low income families with children, including more favorable counting of wages for the purpose of

determining eligibility, expanding benefits to part-time workers, and making domestic violence and lack of child care causes for separation from employment.

Subtitle D. Jobs for Low Income Parents

- For those families who are working and playing by the rules, the TANF time limit is interrupted.
- Allow a broader range of education and training to count as work activities under TANF.
- Give states credits for placing more TANF recipients in employment.
- Make legal qualified immigrants eligible to receive TANF benefits.
- Initiate a TANF poverty reduction bonus for states.
- Require state and local TANF officials to participate in the Workforce Investment Boards.
- Add poverty reduction as a goal of the TANF program.

Subtitle E. Incentives to Serve Families

- The Secretary of Health and Human Services shall develop model training materials for caseworkers.
- TANF funds used by states to provide caseworker bonuses and new state initiatives to break down barriers to work shall not count towards the 15 percent administrative cap.
- Strengthen Individual Responsibility Plans.

Subtitle F. Addressing Work Barriers

- Expand funding for the Department of Transportation's Access to Jobs program to allow parents better access to jobs and child care.
- Require caseworkers with adequate training to identify work barriers of TANF recipients, including domestic violence, mental health, drug or alcohol problems, homelessness, or disability and to provide appropriate services to address these barriers.
- Allow states to exempt families with severe barriers to employment from TANF time limits, even if the total exempted exceeds 20 percent of the current caseload.

Subtitle G. Protections For Families In Need

- Earn back months of TANF assistance for months worked.
- Hold agencies accountable for ensuring that families who are unable to comply with complex TANF rules are afforded a real conciliation process.

Subtitle H. TANF Reauthorization

- Reauthorize TANF.
- Prohibit supplantation of state funding for programs serving needy families with children with federal TANF funds.

Title VI. Fair Start -- All Families With Children Should Receive The Support They Need To Live Above Poverty -- Nutrition

Subtitle A. Child and Adult Care Food Program

- Allow for-profit child care centers to participate in the Child and Adult Care Food Program (CACFP) if 25 percent of their enrolled children are eligible for free and reduced-priced lunch.
- Allow youth in after-school programs up to age 19 to participate in CACFP if they are enrolled in community-based programs including those outside of low-income areas.
- Provide a dinner for after-school programs.
- Standardize the categorical eligibility requirements for income determination in the family child care portion of CACFP.
- Increase the CACFP sponsors' administrative reimbursement rate to reflect the increased administrative burden of the means test system.

Subtitle B. Food Stamp Program

- Restore Food Stamp eligibility to all legal eligible immigrants.
- Index the standard deduction for family size and inflation.
- Include child support in earnings disregard.
- Eliminate the cap on excess shelter costs for families with children.

- Reduce burden on eligible families in renewing benefits.
- Provide six months of transitional food stamp benefits to those who leave TANF.
- Improve incentives for states to serve low-income working families better.

Title VII. Fair Start – All Families Should Receive The Supports They Need to Live Above Poverty – Housing

Subtitle A. Section 8 Vouchers

- Provide 1 million new Section 8 vouchers over 10 years.
- Establish a Voucher Success Program for communities experiencing problems utilizing Section 8 vouchers.

Subtitle B. National Affordable Housing Trust Fund

- Redirect surplus generated by federal housing programs into National Affordable Housing Trust to help alleviate the housing crisis by funding new construction of affordable rental housing.

Subtitle C. Housing Preservation Matching Grants

- Promote preservation of affordable housing units by providing matching grants to states that have developed and funded programs for preservation of privately owned housing that is affordable to low-income families.

Title VIII. Safe Start – Ensuring Every Child A Safe, Nurturing, And Permanent Family.

Subtitle A. Promotion of Permanency for Children.

- Enhance the likelihood that the goals for children in the Adoption and Safe Families Act will be met by offering states funding for preventive, protective, and crisis services for children and parents who come to the attention of the child welfare system, permanency services for families whose children end up in foster care, independent living services for young people transitioning from foster care, and post-permanency services for children who are reunited with their families, adopted, or placed permanently with relatives or other legal guardians.

- Improve the quality of services for children by extending funding for training of staff of private child welfare agencies, judges and other court staff, and other children's service providers that serve abused and neglected children.
- Offer kinship guardianship assistance payments to grandparents and other relatives who commit to care permanently for children for whom they have legal guardianship and that they have cared for in foster care.
- Eliminate current federal disincentives to ensure that children who have been abused or neglected or are at risk of maltreatment receive the services and supports they need.
- Eliminate current federal disincentives to promote adoption for children with special needs.
- Support young people aging out of foster care by offering them increased opportunities for supervised living arrangements.
- Increase accountability within the child welfare system to improve outcomes for children and services available to children and families.
- Expand opportunities for Indian tribes to offer foster care and adoption assistance to Indian children.

Subtitle B. Social Services Block Grant

- Restore funding for the Social Services Block Grant, which supports a range of services for abused, neglected and other children, and also provides help for persons with disabilities, senior citizens, and other special populations.

Subtitle C. Child Protection and Alcohol and Drug Partnerships

- Address the treatment needs of families with alcohol and drug problems who come to the attention of the child welfare system by giving state child protection and alcohol and drug agencies incentives to offer joint screening, assessment, comprehensive treatment and after care services, and training.

Subtitle D. One-Time Permanency Grants

- Offer one-time assistance to state child welfare agencies to help move children who were in foster care when the Adoption and Safe Families Act was passed, and will not be returning home, into adoptive families or other permanent placements with kin.

Subtitle E. Addressing the Needs of Children Exposed to Domestic Violence

- Promote multi-system partnerships to respond to the needs of children who have been exposed to domestic violence.
- Promote cross-training for staff of child welfare agencies and domestic violence service providers about domestic violence and its impact on children and relevant child welfare policies.
- Enhance research and data collection on the impact of domestic violence on children.
- Support training for law enforcement and court personnel about domestic violence and its impact on children.

Subtitle F. Enhancing Healthy Emotional Development in Young Children

- Assist networks of early childhood, child welfare, substance abuse, and/or domestic violence programs to promote the mental health and healthy emotional development of the young children they serve.

Title IX. Successful Transitions To Adulthood – Youth Development

Subtitle A. Youth Development

- Creation of a comprehensive program (the proposed Younger Americans Act) to mobilize and support communities in carrying out youth development activities.

Subtitle B. Youth Programs

- Increase funding for Americorps, Youthbuild, Job Corps, and the Workforce Investment Act youth employment programs to open up more employment opportunities for teens.

Title X. Safe Start – Every Child Should Have A Safe Environment In Which To Learn And To Live -- Juvenile Justice

Subtitle A. Juvenile Delinquency Prevention and Protection

- Amend the Juvenile Justice and Delinquency Prevention Act (JJDP) by adding the definition of a “juvenile” as an individual less than 18 years of age.

- Disproportionate Minority Confinement (DMC) – Strengthen accountability standards for states to take action to address the disparate treatment of minorities at all stages of the juvenile justice system, including intake, arrest, detention, adjudication, disposition and transfer.
- Create a fifth core protection for juveniles by requiring that states provide every adjudicated juvenile with reasonable safety and security, with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care, including necessary mental health services.
- Increase funding for the JJDP A Title II, Part B formula grants, to raise the small state minimum to \$750,000, create a 3% set-aside for the establishment of state juvenile justice coalitions and (include language that coalitions include participation of youth), and a 3% set aside for states to carry out state plans with respect to the DMC core requirement.

Subtitle B. Mental Health Juvenile Justice

- Amend title II of the JJDP A by adding Access to Mental Health and Substance Abuse Treatment, a grant program encouraging states to invest in and coordinate with other systems to provide appropriate treatment and other services for incarcerated juvenile offenders.
- Fund Services for Youth Offenders at \$40 million for fiscal year 2002, providing funding for after care or wrap-around services for youth discharged from the adult criminal or juvenile justice system.

Subtitle C. Juvenile Justice and Accountability

- Increase funding for the Runaway and Homeless Youth Act to \$120 million for fiscal year 2002.

Title XI. Safe Start – Every Child Should Have A Safe Environment In Which To Learn And To Live – Gun Safety.

Subtitle A. Closing the Gun Show Loophole

- Close the gun show loophole by applying the Brady background check to gun sales conducted through private dealers at events where 50 or more firearms are offered for sale.

Subtitle B. Child Safety Locks

- Require mandatory safety locks with the sale of all handguns and establish consumer safety standards for such safety locks.

Subtitle C. Unlawful Weapons Transfers

- Ban the possession of assault weapons by juveniles.
- Ban the possession of handguns by individuals under 21 years of age.

Subtitle D. Large Capacity Ammunition Feeding Devices

- Ban the importation of large capacity ammunition clips capable of holding more than 10 rounds.

Subtitle E. Enforcement of Gun Laws

- ENFORCE – enhancements (both authorizing and appropriation) to strengthen enforcement of gun laws.

Subtitle F. Miscellaneous

- Require FTC study on marketing practices of gun industry.
- Regulation of internet sales of firearms.
- One-gun-a-month purchase limitation.

Title XII. Miscellaneous

- Direct the Secretary of HHS to establish a blue-ribbon commission to identify and highlight family-friendly practices that the private sector and other employers can promote.
- Provide for collection and dissemination of data on the status of children and families who are or have been recipients of government assistance.

For more information about the Act to Leave No Child Behind, please contact the Children’s Defense Fund Department of Intergovernmental Relations at (202) 662-3576 or check our website at www.cdfactioncouncil.org.