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IMPROVING HEAD START ACT OF 2007

MARCH 23, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GEORGE MILLER of California, from the Committee on Education and Labor, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 1429]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 1429) to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Head Start Act of 2007".

SEC. 2. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote the school readiness of low-income children—

"(1) by enhancing their cognitive, social, and emotional development in a learning environment that supports children's growth in language, literacy, mathematics, science, social and emotional functioning, physical skills, and approaches to learning; and

"(2) through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 3. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

59–006

(1) by redesignating paragraphs (16) and (17) as paragraphs (22) and (23), respectively,

(2) by redesignating paragraph (15) as paragraph (20), respectively,

(3) by redesignating paragraphs (11) through (14) as paragraphs (15) through (18), respectively,

(4) by redesignating paragraph (10) as paragraph (13),

(5) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively,

(6) by inserting after paragraph (1) the following:

"(2) The term 'deficiency' means—

"(A) systemic or significant material failure of a Head Start agency in an area of performance that the Secretary determines involves—

"(i) a threat to the health, safety, or civil rights of children or staff;

"(ii) a denial to parents of the exercise of their full roles and responsibilities related to program governance;

"(iii) a failure to perform the requirements of section 641A(a), as determined by the Secretary;

"(iv) the misuse of funds received under this subchapter;

"(v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or

"(vi) failure to meet any other of Federal or State requirement; or

"(B) material failure of the board of directors of a Head Start agency to meet its legal and fiduciary responsibilities.",

(7) by inserting after paragraph (10), as so redesignated the following:

"(11) The term 'homeless children' has the meaning given such term in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

"(12) The term 'homeless family' means the family of a homeless child.",

(8) by inserting after paragraph (13), as so redesignated the following:

"(14) The terms 'limited English proficient' and 'limited English proficiency' mean with respect to an individual, that such individual—

"(A)(i) was not born in the United States or has a native language that is not English;

"(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

"(II) comes from an environment in which a language that is not English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

"(B) has difficulty in speaking or understanding the English language to an extent that may be sufficient to prevent such individual from—

"(i) successful achievement in classrooms in which the language of instruction is English; or

"(ii) fully participating in society.",

(9) by inserting after paragraph (18), as so redesignated the following:

"(19) The term 'professional development' means high quality activities that will improve the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, in program administration and the provision of services and instruction, as appropriate, in a manner that improves service delivery to eligible children and families, including activities that—

"(A) are part of a sustained effort to improve overall program quality and outcomes for eligible children and families;

"(B) are developed or selected with extensive participation of administrators and teachers from Head Start programs;

"(C) are developmentally appropriate for the children being served;

"(D) include instruction in ways that Head Start personnel may work more effectively with parents, as appropriate;

"(E) are designed to give teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate;

"(F) if a 1-day or short-term workshop or conference, must be as part of the professional development plan defined in section 648A(f) and be delivered by an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services;

"(G) assist teachers with—

"(i) the acquisition of the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services in early language and literacy, early mathematics, early science, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development linked to school readiness;

"(ii) meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate;

"(iii) improving classroom management skills, as appropriate;

"(iv) advancing understanding of effective instructional strategies that are—

"(I) based on scientifically based research; and

"(II) aligned with—

"(aa) the Head Start Child Outcomes Framework developed by the Secretary and State early learning standards, as appropriate; and

"(bb) the curricula, ongoing assessments, and other instruction and services designed to help meet the standards described in section 641A(a)(1);

"(v) acquiring the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of limited English proficient children, as appropriate; or

"(vi) methods of teaching children with disabilities, as appropriate.",

(10) by inserting after paragraph (20), as so redesignated, the following:

"(21) The term 'scientifically based research'—

"(A) means research that involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

"(B) includes research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

"(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

"(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

"(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.", and

(11) by amending paragraph (23), as so redesignated, to read as follows:

"(23) The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subchapter $7,350,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2012.

"(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available to carry out research, demonstration, and evaluation activities (including longitudinal studies under section 649) not more than $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal the years 2009 through 2012, of which not more than $7,000,000 for each of the fiscal years 2008 through 2012 shall be available to carry out impact studies under section 649(g).".

SEC. 5. ALLOTMENT OF FUNDS; LIMITATION ON ASSISTANCE.

(a) ALLOTMENT OF FUNDS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended to read as follows:

"(a) ALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—Of the funds appropriated under section 639, the Secretary shall allot such amounts in accordance with paragraphs (2) through (4), and subject to paragraphs (5) and (6).

"(2) THIRTEEN PERCENT SET-ASIDE.—The Secretary shall reserve 13 percent of the amount appropriated for each fiscal year for use in accordance with the following order of priorities:

"(A) SPECIAL POPULATIONS.—For Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that—

"(i) there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for fiscal year 2007;

"(ii) migrant and seasonal Head Start programs shall receive not less than 5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible children of migrant and seasonal farmworkers is comparable to access to funding for other eligible children based on the data collected and reported pursuant to section 648(l), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services before such reduction in funding; and

"(iii) Indian Head Start programs shall receive not less than 3.5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible Indian children is comparable to access to funding for other eligible children based on the data collected in accordance with the requirements of section 648(k), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services before such reduction in funding.

"(B) PAYMENTS TO TERRITORIES AND FREELY ASSOCIATED STATES.—Subject to paragraph (7), for payments to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and the Republic of Palau, except that payments to the Republic of Palau shall not be made after fiscal year 2009.

"(C) TRAINING AND TECHNICAL ASSISTANCE.—Not less than 2 percent of the amount appropriated for such fiscal year for training and technical assistance activities to foster program quality and management improvement as described in section 648, of which—

"(i) not less than 50 percent shall be available to local Head Start agencies to make program improvements identified by such agencies to use for the training and technical assistance activities described in section 648(j);

"(ii) not less than 30 percent shall be available to the Secretary to support a State-based system or a national system, in the case of migrant and seasonal Head Start and Indian Head Start programs, of early childhood education training and technical assistance to local Head Start agencies as described in section 648(n); and

"(iii) the remainder of such amount shall be available to the Secretary to assist local Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1), including financial assistance to help Head Start programs address weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c), except that—

"(I) not less than $3,000,000 shall be available to carry out the activities described in section 648(c)(4); and

"(II) no more than $5,000,000 shall be reserved to carry out the activities described in section 642B(b).

"(D) MONITORING AND TERMINATIONS.—For discretionary payments made by the Secretary, including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies, programs under section 641A(c), and of activities carried out under paragraph (1), (2), or (3) of section 641A(d) related to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies.

"(E) RESEARCH.—For payments for research, demonstration, and evaluation activities under section 649.

No funds reserved under this paragraph or paragraph (3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.

"(3) QUALITY IMPROVEMENT FUNDS.—

"(A) DETERMINATION OF FUNDS.—

"(i) For each of the fiscal years 2008 through 2012, to provide assistance for activities specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

"(I) 60 percent of such excess amount; and

"(II) any additional part of such excess amount the Secretary may find necessary to address a demonstrated need for such activities.

"(ii) As used in clause (i), the term 'adjusted prior year appropriation' means, with respect to a fiscal year, the amount appropriated under section 639(a) 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.

"(B) QUALITY IMPROVEMENT ACTIVITIES.—Funds reserved under this paragraph shall be used to carry out the following activities:

"(i) Not less than one-fourth of the amount reserved under this paragraph, to improve the compensation, salary scales, and benefit standards of educational staff, family service workers, and child counselors, as described in sections 644(a) and 653, to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

"(ii) Providing on-going professional development to teachers that improves their understanding of child development, content knowledge, and appropriate teaching strategies needed to provide effective instruction and other school readiness services in the areas of early language and literacy, early mathematics, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development.

"(iii) Improving the qualifications and skills of educational personnel to meet the professional standards established under section 648A(a)(1), including providing assistance to complete postsecondary course work, subject to section 648A(a)(2)(D).

"(iv) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.

"(v) Employing additional qualified classroom staff necessary to reduce the child to teacher ratio in the classroom and family to staff ratio for family services workers.

"(vi) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

"(vii) Increasing hours of program operation, including—

"(I) conversion of part-day to full-day; and

"(II) number of weeks operated in a calendar year.

"(viii) Improving the compensation and benefits of staff of Head Start agencies in order to improve the quality of Head Start programs.

"(ix) Transportation costs associated with transporting Head Start children safely, except that—

"(I) no more than ten percent of funds under this paragraph may be used for such purposes;

"(II) a Head Start agency shall demonstrate efforts to leverage the costs of transportation through collaboration with other entities; and

"(III) a Head Start agency shall submit information to the Secretary describing how such use of funds is necessary to prevent reduction or termination of transportation services or, in the case of a Head Start agency serving a rural community, how such use of funds is necessary to improve services to such community.

"(C) ALLOCATION.—

"(i) Funds reserved under subparagraph (A) shall be allotted by the Secretary as follows:

"(I) 80 percent of such funds shall be allotted among the States in the same proportion as the Secretary allots funds among the States under paragraph (4) for the respective fiscal year.

"(II) 20 percent of such funds shall be allotted among the States, geographical areas specified in subsection (a)(2)(B) and Indian Head Start programs and migrant and seasonal Head Start programs, and used to make grants to Head Start agencies, at the discretion of the Secretary.

"(ii) Funds allotted under clause (i) shall be used by the Secretary to make grants to Head Start agencies that receive grants from funds allotted under paragraph (4) for such fiscal year, in such amounts as the Secretary considers to be appropriate, for expenditure for activities specified in subparagraph (B).

"(iii) Funds received under this subparagraph shall be used to supplement, not to supplant, funds received under paragraph (2) or (4).

"(4) GRANT DISTRIBUTION.—Subject to section 639(b), the Secretary shall allot the remaining amounts appropriated in each fiscal year among the States, in accordance with latest satisfactory data so that—

"(A) each State receives an amount which is equal to the amount the State received for fiscal year 2007; and

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age from families whose income is below the poverty line.

For purposes of this paragraph, for each fiscal year the Secretary shall use the most recent data available on the number of children less than 5 years of age from families whose income is below the poverty line, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the most recent data available would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall issue a report setting forth their reasons in detail.

"(5) COLLABORATION GRANTS.—

"(A) From amounts reserved and allotted under paragraph (4), the Secretary shall award the collaboration grants described in subparagraphs (B), (C), and (D).

"(B)(i) From the reserved sums, the Secretary shall award upon submission of a written request, a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant and seasonal Head Start programs to facilitate collaboration between Head Start agencies and entities (including the State or national administrative office) that carry out other activities designed to benefit low-income families and children from birth to school entry. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraphs (B) and (C).

"(ii) Grants described in clause (i) shall be used to—

"(I) assist Head Start agencies to collaborate with entities involved in State and local planning processes to better meet the needs of low-income families and children from birth to school entry;

"(II) assist Head Start agencies to coordinate activities with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and entities providing resource and referral services in the State, to make full-working-day and full calendar year services available to children;

"(III) promote alignment of Head Start curricula and continuity of services with the Head Start Child Outcomes Framework and State early learning standards, as appropriate;

"(IV) promote better linkages between Head Start agencies and other child and family agencies, including agencies that provide health, mental health, or family services, or other child or family supportive services, such as services provided under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

"(V) carry out the activities of the State Director of Head Start Collaboration authorized in subparagraph (D).

"(C) In order to improve coordination and delivery of early education services to children in the State, a State that receives a collaboration grant under subparagraph (B) shall—

"(i) appoint or designate an individual to serve as, or carry out the responsibilities of, the State Director of Head Start Collaboration;

"(ii) ensure that the State Director of Head Start Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies; and

"(iii) involve the State Head Start Association in the selection of the Director and involve the Association in determinations relating to the ongoing direction of the collaboration office.

"(D) The State Director of Head Start Collaboration shall—

"(i) not later than 1 year after the State receives a collaboration grant under subparagraph (B), conduct an assessment that—

"(I) addresses the needs of Head Start agencies in the State with respect to collaboration, coordination, and alignment of services, and alignment of curricula and assessments with the Head Start Child Outcomes Framework, and with State early learning standards, as appropriate;

"(II) shall be updated on an annual basis; and

"(III) shall be made available to the general public within the State;

"(ii) develop a strategic plan that is based on the assessment described in clause (i) that will—

"(I) enhance collaboration and coordination of Head Start services with other entities providing early childhood programs and services (such as child care or services offered by museums), health care, mental health care, welfare, child protective services, education and community service activities, family literacy services, reading readiness programs (including such programs offered by public and school libraries), services relating to children with disabilities, other early childhood programs and services for limited English proficient children and homeless children, and services provided for children in foster care and children referred to Head Start programs by child welfare agencies, including agencies and State officials responsible for such services;

"(II) assist Head Start agencies to develop a plan for the provision of full-working-day, full calendar year services for children enrolled in Head Start programs who need such care;

"(III) assist Head Start agencies to align curricula and assessments with the Head Start Child Outcomes Framework and to the State early learning standards, as appropriate; and

"(IV) enable Head Start agencies in the State to better access professional development opportunities for Head Start staff, such as by—

"(aa) working with local Head Start agencies to meet the degree requirements described in section 648A(a)(2)(A), including providing distance learning opportunities for Head Start staff, where needed to make higher education more accessible to Head Start staff; and

"(bb) enabling the State Head Start agencies to better conduct outreach to eligible families;

"(iii) promote partnerships between Head Start agencies, State and local governments, and the private sector to help ensure that children, who are in Head Start programs, are receiving comprehensive services to prepare the children to enter school ready to succeed;

"(iv) consult with the chief State school officer, local educational agencies, and providers of early childhood education and care, regarding early care and education services at both the State and local levels;

"(v) promote partnerships between Head Start agencies, schools, law enforcement, relevant community-based organizations, and substance abuse and mental health treatment agencies to strengthen family and community environments and to reduce the impact on child development of substance abuse, child abuse, domestic violence, and other high risk behaviors that compromise healthy development;

"(vi) promote partnerships between Head Start agencies and other organizations in order to enhance Head Start program quality, including partnerships to promote inclusion of more books in Head Start classrooms;

"(vii) identify other resources and organizations (both public and private) for the provision of in-kind services to Head Start agencies in the State; and

"(viii) work with the State Early Learning Council in order to assist the efforts of Head Start agencies to engage in effective coordination and collaboration.

"(6) EARLY HEAD START.—

"(A) AMOUNTS RESERVED.—From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a), a portion of the combined total of such amounts that is not less than 12 percent for fiscal year 2008, not less than 14 percent for fiscal year 2009, not less than 16 percent for fiscal year 2010, not less than 18 percent for fiscal year 2011, and not less than 20 percent for fiscal year 2012 of the amount appropriated pursuant to section 639(a).

"(B) LIMITATIONS.—

"(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to reserve the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or adversely affecting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be reserved for the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so reserved for the preceding fiscal year.

"(ii) For any fiscal year for which the amount appropriated under section 639(a) is reduced to a level that requires a lower amount to be made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to such agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

"(I) the amounts made available to such entities for programs carried out under section 645A; and

"(II) the amounts made available to such Head Start agencies for Head Start programs.

"(7) For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

(b) SERVICE DELIVERY MODELS.—Section 640(f) of the Head Start Act (42 U.S.C. 9835(f)) is amended to read as follows:

"(f) SERVICE DELIVERY MODELS.—

"(1) Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall establish procedures to enable Head Start agencies to develop locally designed or specialized service delivery models to address local community needs, including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care.

"(2) In establishing the procedures, the Secretary shall establish procedures to provide for—

"(A) the conversion of part-day programs to full-day programs or part-day slots to full-day slots; and

"(B) serving additional infants and toddlers pursuant to section 645(a)(4).".

(c) EXPANSION OF HEAD START PROGRAMS.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended in paragraph (2)—

(1) by striking "For the purpose of expanding Head Start programs, in" and inserting "In", and

(2) by amending subparagraphs (C) through (H) to read as follows:

"(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and local public agencies serving children and families with Federal, State, or local funds (including organizations and agencies providing family support services, child abuse prevention services, protective services, and foster care, and organizations serving families in whose homes English is not the language customarily spoken), and individuals, organizations, and public entities serving children with disabilities or homeless children, including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

"(D) the extent to which the family and community needs assessment of the applicant reflects a need to provide full working-day or full calendar year services and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with the State and local community providers of child care or preschool services to provide full working-day full calendar year services;

"(E) the number of eligible children in each community who are not participating in a Head Start program or any other early childhood program;

"(F) the concentration of low-income families in each community;

"(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will leverage the existing delivery systems of such services and enhance the resource capacity of the applicant;

"(H) the extent to which the applicant, in providing services, successfully coordinated its activities with the local educational agency serving the community involved, (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)) and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding such services and the education services provided by such local educational agency; and

"(I) the amount of funds used by such agency to pay administrative expenses and the amount of available funds received by such agency under this section to service each enrolled child.".

(d) TRANSPORTATION SAFETY.—

(1) REGULATIONS.—The Secretary shall issue regulations establishing requirements for the safety features, and the safe operation, of vehicles used by Head Start agencies to transport children participating in Head Start programs.

(2) GOOD CAUSE WAIVER AUTHORITY.—The Secretary shall allow Head Start agencies to annually request a good cause exception to the requirements of regulations promulgated under paragraph (1) for one or more vehicles used by the agency or its designee in transporting children enrolled in a Head Start program or an Early Head Start program if—

(A) such requirements would create a safety hazard in the circumstances faced by such agency; or

(B) such requirements pertain to child restraint systems (45 C.F.R. 1310.11, 1310.15(a)) or bus monitors (45 C.F.R. 1310.15(c));

(C) the agency demonstrates that compliance with such requirements will result in a significant disruption to the Head Start program or the Early Head Start program; and

(D) the waiver is in the best interest of the children involved.

(e) MIGRANT AND SEASONAL HEAD START PROGRAMS.—Section 640(l) of the Head Start Act (42 U.S.C. 9835(l)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant and seasonal farmworkers and shall ensure that appropriate funding is provided to meet such needs, including training and technical assistance and the appointment of a national migrant and seasonal Head Start collaboration director and a national Indian Head Start collaboration director.", and

(2) by adding at the end the following:

"(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start programs and Early Head Start programs.

"(B) The consultations shall be for the purpose of better meeting the needs of Indian children and children of Alaskan Natives, and their families, in accordance with subsections (a), (b), and (c) of section 641, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

"(C) The Secretary shall publish a notification of the consultations in the Federal Register before conducting the consultations.

"(D) A detailed report of each consultation shall be prepared and made available within 90 days of the annual consultation to all Indian tribes that receive assistance under this subchapter.".

(f) ENROLLMENT OF HOMELESS CHILDREN; RULE OF CONSTRUCTION; MATERIALS.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall issue rules to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such rules shall require Head Start agencies—

"(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;

"(2) to allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame; and

"(3) coordinate individual Head Start programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435).

"(n) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening before participating in such program, except as provided under sections 612(a)(3) and 635(a)(5) of the Individuals with Disabilities Education Act.

"(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be based on scientifically based research, age and developmentally appropriate, and focused on all areas of development (cognitive, social, emotional, and physical), learning (language and literacy, mathematics, science, and creative arts) and approaches to learning. Parents shall be permitted to inspect, upon request, any curricula or instructional materials used to carry out this subchapter.".

SEC. 6. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended to read as follows:

"SEC. 641. DESIGNATION OF HEAD START AGENCIES.

"(a) AUTHORITY TO DESIGNATE.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, pursuant to the requirements of this section, except that until such time that the Secretary develops and implements the system of application review under this section, the Secretary is authorized to designate as a Head Start agency, any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, in the manner and process utilized by the Secretary prior to the enactment of the Improving Head Start Act of 2007.

"(b) APPLICATION FOR GRANTS.—Each entity shall submit a plan to the Secretary, at such time and in such manner as the Secretary may require.

"(c) DEVELOPMENT OF APPLICATION REVIEW SYSTEM.—

"(1) IN GENERAL.—The Secretary shall develop a system that integrates the recommendations of the expert panel convened under paragraph (3) to determine if a Head Start agency is providing a quality comprehensive early learning program that meets the educational, health, and nutritional needs of the children and families it serves, and meets program and financial management requirements and performance standards described in section 641A(a)(1), based on—

"(A) annual budget data;

"(B) program reviews conducted under section 641A(c);

"(C) annual audits required under section 647;

"(D) classroom quality as measured under section 641A(c)(2)(H); and

"(E) Program Information Report.

"(2) EXPERT PANEL.—No later than six months after the enactment of the Improving Head Start Act of 2007, the Secretary shall convene an expert panel

of 7 members to make recommendations to the Secretary on the development of a transparent, reliable, and valid system for evaluating grant renewal applications.

"(3) COMPOSITION OF EXPERT PANEL.—The Secretary, in convening such panel, shall appoint the following:

"(A) 5 members, who are competent, by virtue of their training, expertise, and experience, in each of at least one of the following areas:

"(i) Early childhood program accreditation or quality assessment.

"(ii) Research on early childhood development.

"(iii) Governance and finance of non-profit organizations.

"(iv) Delivery of services to children and families with limited English proficiency.

"(v) Delivery of services to children with disabilities.

"(B) An employee from the Office of Head Start.

"(C) An executive director of a Head Start agency.

"(4) EXPERT PANEL REPORT.—Within 12 months of being convened by the Secretary, the expert panel shall issue a report to the Secretary that provides recommendations on a proposed system of application review that takes into account the criteria in paragraph (1) to evaluate whether a Head Start grantee is meeting mission to provide a high quality comprehensive early education program, including adequately meeting its governance and financial management requirements.

"(5) PUBLIC COMMENT; REPORT TO CONGRESS.—No later than 6 months after receiving the report described in paragraph (4), the Secretary shall publish a proposed system of application review in the Federal Register, providing at least 90 days for public comment and shall provide a report to the Education and Labor Committee of the U.S. House of Representatives and the Health, Education, Labor, and Pensions Committee of the U.S. Senate that provides a detailed description of such proposed system, including clear rationale for any differences between the proposed system and the recommendations of the expert panel, if any such differences exist.

"(6) IMPLEMENTATION OF APPLICATION REVIEW SYSTEM.—After the Secretary has reviewed all public comments and finalized the system of application review, the Secretary will use this system to determine which grantees are successfully delivering a high quality comprehensive early education program. Grantees who are determined under such system to be—

"(A) successfully delivering a high quality comprehensive early education program shall be designated a Head Start agency for a period of 5 years;

"(B) under-performing and may enter into an open competition as described in subsection (e); and

"(C) notwithstanding paragraph (B), if an Indian Head Start agency is determined to be underperforming, the Secretary shall engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a performance enhancement plan for that agency. Such plan is to be developed and implemented within 6 months of the Secretary's determination. Not more than 6 months after implementation of that plan, the Secretary shall re-evaluate the performance of the Indian Head Start agency. If the Indian Head Start agency remains underperforming, the Secretary shall conduct an open competition as described in subsection (e), subject to the following limitations:

"(i) Except as provided in paragraph (ii), a non-Indian Head Start agency may not receive a grant to carry out an Indian Head Start program.

"(ii) In a community in which there is no Indian Head Start agency available for designation to carry out an Indian Head Start program, a non-Indian Head Start agency, on an interim basis, may receive a grant to carry out an Indian Head Start program, but only until such time as an Indian Head Start agency in such community becomes available.

"(d) TRANSPARENCY, RELIABILITY, AND VALIDITY.—The Secretary shall ensure the system of application evaluation is fair, consistent, and transparent and applied in a manner that designates, in a timely manner grantees as Head Start agencies for a period of 5 years if such grantees are providing a high quality comprehensive early education program. The Secretary shall periodically evaluate whether the criteria are being applied in a manner that is transparent, reliable, and valid.

"(e) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—

"(1) IN GENERAL.—If no entity in a community is determined to be successfully delivering a high quality comprehensive early education program, as specified in subsection (c), the Secretary shall, after conducting an open competition,

designate for a 5-year period a Head Start agency from among qualified applicants in such community.

"(2) CONSIDERATIONS IN DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

"(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

"(B) the plan of such applicant to provide comprehensive health (including mental and behavioral health), educational, nutritional, social, and other services needed to prepare children to succeed in school and in life;

"(C) the plan of such applicant to attract and retain qualified staff capable of delivering a high quality comprehensive early education program, including demonstrating the ability to provide adequate salary and benefits to maintain a high quality staff;

"(D) the ability of such applicant to maintain child-teacher ratios and family service worker caseloads that reflect best practices and are tied to high quality service delivery;

"(E) the capacity of such applicant to serve eligible children with curriculum and teaching practices that are based on scientifically based research, are developmentally appropriate, and that promote the school readiness of children participating in the program;

"(F) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(G) the proposed budget and plan of such applicant to maintain strong fiscal controls and cost effective fiscal management;

"(H) the plan of such applicant to coordinate the Head Start program the applicant proposes to carry out, with other local early learning programs for young children, including—

"(i) programs implementing grants under the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

"(ii) and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(iii) State prekindergarten programs;

"(iv) child care programs; and

"(v) the educational programs that the children participating in the Head Start program will enter at the age of compulsory school attendance;

"(I) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;

"(J) the plan of such applicant—

"(i) to seek the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;

"(ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level;

"(iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subchapter 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

"(I) family literacy services; and

"(II) parenting skills training;

"(iv) to offer to parents of participating children, mental health services (either directly or through referral to local entities), including substance abuse counseling and information on maternal depression and on the effect of drug-exposure on infants and fetal alcohol syndrome;

"(v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

"(I) training in basic child development (including cognitive, social, and emotional development);

"(II) assistance in developing literacy and communication skills;

"(III) opportunities to share experiences with other parents (including parent mentor relationships);

"(IV) regular in-home visitation;

"(V) mental and behavioral health services; or

"(VI) any other activity designed to help such parents become full partners in the education of their children;

"(vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in subparagraph (H) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

"(vii) to extend outreach to fathers, in appropriate cases, in order to strengthen the role of fathers in families, in the education of their young children, and in the Head Start program, by working directly with fathers and father figures through activities such as—

"(I) in appropriate cases, including fathers in home visits and providing culturally appropriate opportunities for direct father-child interactions; and

"(II) targeting increased male participation in the conduct of the program;

"(K) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

"(L) the plan of such applicant to meet the diverse cultural needs of the population served;

"(M) the plan of such applicant to meet the needs of children with disabilities;

"(N) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program to obtain health, including mental health, services from other sources;

"(O) the plan of such applicant to collaborate with other entities carrying out public or private early childhood education and child care programs in the community;

"(P) the plan of such applicant to meet the needs of homeless children, including transportation needs, and children in foster care and children and families experiencing toxic stress;

"(Q) the plan of such applicant to maintain a qualified staff, including a teaching staff qualified to implement research-based curricula aligned with the Head Start Child Outcomes Framework developed by the Secretary and to the early learning standards in State in which such program would operate;

"(R) the plan of such applicant to enter into memoranda of understanding with local educational agencies within the service area, as described in section 642B(a); and

"(S) other factors related to the requirements of this subchapter.

"(f) INTERIM PROVIDER.—If no agency in the community receives priority designation under subsection (c), and there is no qualified applicant in the community, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.

"(g) PARENT AND COMMUNITY PARTICIPATION.—The Secretary shall require that the practice of significantly involving parents and area residents affected by the program in the selection of Head Start agencies be continued.

"(h) COMMUNITY.—For purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary) or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.".

SEC. 7. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

Section 641A of the Head Start Act (42 U.S.C. 9836a) is amended to read as follows:

"SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

"(a) QUALITY STANDARDS.—

"(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall modify, as necessary, program performance standards by regulation applicable to Head Start agencies, programs, and projects under this subchapter, including—

"(A) performance standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d), and other services;

"(B) scientifically based and developmentally appropriate early learning standards related to school readiness that are based on the Head Start Child Outcomes Framework to ensure that the children participating in the program, at a minimum develop and demonstrate—

"(i) language knowledge and skills, including oral language and listening comprehension;

"(ii) prereading knowledge and skills that prepare children for early literacy in schools including phonological awareness, print awareness and print skills, and alphabetic knowledge;

"(iii) mathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

"(iv) science knowledge and skills, including measurement;

"(v) cognitive abilities related to academic achievement and general knowledge;

"(vi) social and emotional development related to early learning, school success, social problem-solving, and overall well-being;

"(vii) approaches to learning related to child development and early learning;

"(viii) creative arts; and

"(ix) in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in clauses (i) through (viii), including progress made through the use of culturally and linguistically appropriate instructional services;

"(C) administrative and financial management standards;

"(D) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

"(E) such other standards as the Secretary finds to be appropriate.

"(2) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the standards required under paragraph (1), the Secretary shall—

"(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to limited English proficient children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

"(B) take into consideration—

"(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

"(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

"(iii) recommendations from the report on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences, when it becomes available;

"(iv) developments concerning research-based practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

"(v) projected needs of an expanding Head Start program;

"(vi) guidelines and standards currently in effect or under consideration that promote child health services and physical development, including outdoor activity that supports children's motor development and overall health and nutrition;

"(vii) changes in the population of children who are eligible to participate in Head Start programs, including the language and cultural background and family structure of such children;

"(viii) mechanisms to ensure that children participating in Head Start programs make a successful transition to the schools that the children will be attending; and

"(ix) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and

"(C)(i) review and revise as necessary the performance standards in effect under this subsection; and

"(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in quality, scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on October 27, 1998.

"(3) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to a delegate agency to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

"(b) MEASURES.—

"(1) IN GENERAL.—The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, shall use the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences to provide guidance to Head Start agencies for utilizing scientifically-based measures that support, as appropriate—

"(A) classroom instructional practices;

"(B) identification of special needs; and

"(C) program evaluation.

"(2) CHARACTERISTICS OF MEASURES.—The measures under this subsection shall

"(A) be developmentally, linguistically, and culturally appropriate for the population served;

"(B) be reviewed not less than every 4 years, based on advances in the science of early childhood development;

"(C) be consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

"(D) be valid and reliable (in English, Spanish, and any other language, as appropriate);

"(E) be administered by staff with appropriate training for such administration;

"(F) provide appropriate accommodations for children with disabilities and children who are limited English proficient; and

"(G) be high-quality research-based measures that have been demonstrated to assist with the purposes for which they were devised.

"(3) USE OF MEASURES; LIMITATIONS ON USE.—

"(A) Measures shall be designed for the purpose of—

"(i) promoting the skills, knowledge, and competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring skills that scientifically-based research has demonstrated are related to children's school readiness and later success in school;

"(ii) improving classroom practices, including reviewing children's strengths and weaknesses;

"(iii) identifying special needs; and

"(iv) improving overall program performance in order to help programs identify problem areas that may require additional training and technical assistance resources.

"(B) Such measures shall not be used to exclude children from Head Start programs.

"(4) SUSPENDED IMPLEMENTATION OF NATIONAL REPORTING SYSTEM.—The Secretary shall—

"(A) suspend implementation and terminate further development and use of the National Reporting System; and

"(B) incorporate, as appropriate, recommendations from the study on Developmental Outcomes and Assessments for Young Children by the Na-

tional Academy of Sciences into any assessment used in the Head Start programs, in accordance with paragraphs (2) and (3).

"(5) SPECIAL RULE.—The use of assessment items and data on any assessment authorized under this subchapter by an agent or agents of the Federal Government to provide rewards or sanctions for individual children or teachers is prohibited. The Secretary shall not use the results of a single assessment as the sole or primary method for assessing program effectiveness or making grantee funding determinations at the national, regional, or local level.

"(6) CONFIDENTIALITY.—

"(A) The Secretary, through regulation, shall ensure the confidentiality of any personally identifiable data, information and records collected or maintained by the Secretary and any Head Start agency. Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.

"(B) Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on children participating in measures under this subsection.

"(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

"(1) IN GENERAL.—To determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, financial management, and other requirements and in order to help programs identify areas for improvement and areas of strengths as part of an on-going self-assessment process, the Secretary shall develop and use a risk-based assessment system to conduct the following reviews of Head Start agencies, and of the Head Start programs operated by such agencies:

"(A) A full review of each such agency at least once during each 3-year period.

"(B) A review of each newly designated Head Start agency immediately after the completion of the first year such agency carries out a Head Start program.

"(C) Followup reviews, including unannounced reviews as appropriate, of programs with 1 or more findings of deficiencies not later than 12 months after the date of such finding.

"(D) other reviews, including unannounced site inspections of Head Start centers, as appropriate.

"(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

"(A) are conducted by review teams that—

"(i) include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families; and

"(ii) include, to the maximum extent practicable, current or former employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

"(B) include as part of the reviews of the programs, a review and assessment of program strengths and areas in need of improvement;

"(C) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with limited English proficiency and children of migrant and seasonal farm-working families);

"(D) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C);

"(E) include as part of the review the implementation by qualified individuals with demonstrated reliability, of a valid and reliable research-based observational instrument that assesses classroom quality, including multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement;

"(F) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, and based on a transparent and reliable system of review;

"(G) in the case of Early Head Start programs, are conducted by a review team that includes individuals who are knowledgeable about the development of infants and toddlers; and

"(H) include as part of the review a protocol for fiscal management that shall be used to assess the compliance with program requirements for—

"(i) using federal funds appropriately;

"(ii) using federal funds specifically to purchase property and to compensate personnel;

"(iii) securing and using qualified fiscal officer support; and

"(iv) reporting financial information and implementing appropriate internal controls to safeguard federal funds.

"(3) USE OF REVIEW FINDINGS.—The findings of the review shall, at a minimum—

"(A) be presented to an agency in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

"(B) be used by the Head Start agencies to inform the development and implementation of their plan for training and technical assistance.

"(d) EVALUATIONS AND CORRECTIVE ACTIONS FOR DELEGATE AGENCIES.—

"(1) PROCEDURES.—The Head Start agency shall establish procedures relating to its delegate agencies, including—

"(A) procedures for evaluating delegate agencies;

"(B) procedures for defunding delegate agencies; and

"(C) procedures for appealing a defunding decision relating to a delegate agency.

"(2) EVALUATIONS.—Each Head Start agency—

"(A) shall evaluate its delegate agencies using the procedures established under this section; and

"(B) shall inform the delegate agencies of the deficiencies identified through the evaluation that are required to be corrected.

"(3) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—If the Head Start agency identifies a deficiency of a delegate agency through the evaluation, the Head Start agency may—

"(A) initiate procedures to terminate the designation of the delegate agency unless such agency corrects the deficiency; and

"(B) conduct monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to modify, supersede, or affect the powers, duties, or functions of the Secretary with respect to Head Start agencies or delegate agencies that receive financial assistance under this subchapter.

"(e) CORRECTIVE ACTION; TERMINATION.—

"(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or fails to adequately address the community needs and strategic plan identified in section 640(g)(2)(C), the Secretary shall—

"(A) inform the agency of the deficiencies that shall be corrected;

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

"(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

"(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

"(2) QUALITY IMPROVEMENT PLAN.—

"(A) AGENCY AND PROGRAM RESPONSIBILITIES.—To retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (excluding an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

"(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the secretary, or in the case of a program, the sponsoring agency, and which shall specify—

"(I) the deficiencies to be corrected;

"(II) the actions to be taken to correct such deficiencies; and

"(III) the timetable for accomplishment of the corrective actions specified; and

"(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 10 months after the date the agency or program obtains approval of its quality improvement plan).

"(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the Head Start agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

"(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies and programs with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

"(f) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (e), during such fiscal year. Such report shall be made available to all parents with children receiving assistance under this subchapter in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication. Such reports shall contain detailed data on compliance with specific performance standards and measures sufficient to allow individual Head Start agencies to use such data to improve the quality of their program.

"(g) SELF-ASSESSMENTS.—

"(1) IN GENERAL.—Not less frequently than once each program year, with the consultation and participation of policy councils, and as applicable, policy committees, and as appropriate, other community members, each Head Start agency and each delegate agency that receives financial assistance under this subchapter shall conduct a comprehensive self-assessment of its effectiveness and progress in meeting program goals and objectives (including professional development plans) and in implementing and complying with Head Start program performance standards.

"(2) REPORT AND IMPROVEMENT PLANS.—

"(A) REPORT.—An agency conducting a self-assessment shall report the findings of the self-assessment to the relevant policy council, policy committee, governing body, and Secretary. Each self-assessment shall identify areas of strength and weakness.

"(B) IMPROVEMENT PLAN.—The agency shall develop and report to the Secretary an improvement plan approved by the governing body of the agency to strengthen any areas identified in the self-assessment as weaknesses or in need of improvement.

"(3) ONGOING MONITORING.—Each Head Start agency, delegate Head Start agency, and entity that carries out an Early Head Start program a shall establish and implement procedures for the ongoing monitoring of their respective programs, to ensure that the operations of the programs work toward meeting program goals and objectives and Head Start performance standards.

"(h) ENROLLMENT REPORTING REQUIREMENT.—

"(1) Head Start agencies shall report on a regular basis to the Secretary—

"(A) the actual enrollment in such program; and

"(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

"(2) The Secretary shall determine on a regular basis which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment and shall provide appropriate and timely training and technical assistance to increase actual enrollment, as appropriate.

"(3) In this subsection:

"(A) The term 'actual enrollment' means, with respect to a Head Start program, the actual number of children enrolled in such program in a given month.

"(B) The term 'base grant' means, with respect to Head Start agency for a fiscal year, that portion of the grant derived from—

"(i) amounts reserved for use in accordance with section 640(a)(2)(A), for a Head Start agency administering an Indian Head Start program or migrant and seasonal Head Start program;

"(ii) amounts reserved for payments under section 640(a)(2)(B); or

"(iii) amounts available under section 640(a)(2)(D) or allotted among States under section 640(a)(4).

"(C) The term 'funded enrollment' means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant award.

"(i) REDISTRIBUTION OF FUNDS.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant, except when such action is the result of an open competition 641(d)) or termination 646(d) shall be redistributed in such fiscal year as follows:

"(1) If such funds are derived from an Indian Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Indian Head Start programs.

"(2) If such funds are derived from the operation of a migrant and seasonal Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more migrant and seasonal Head Start programs.

"(3) If such funds are derived from the operation of a Head Start program in a State (excluding Indian Head Start program and migrant and seasonal Head Start programs), then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) that are carried out in such State, except that—

"(A) not less than 50 percent of the funds shall be prioritized to increase the program participation of children and families served under Early Head Start; and

"(B) not less than 25 percent of the funds shall be prioritized to increase program participation of underserved populations of eligible children.".

SEC. 8. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended to read as follows:

"SEC. 642. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

"(a) LEGAL AUTHORITY.—To be designated as a Head Start agency under this subchapter, an agency must have authority under its charter or applicable law to receive and administer funds under this subchapter, funds and contributions from private or local public sources which may be used in support of a Head Start program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit or for-profit agency (as the case may be) organized in accordance with this subchapter, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Head Start program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. The power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

"(b) FAMILY AND COMMUNITY INVOLVEMENT; FAMILY SERVICES.—To be so designated, a Head Start agency shall, at a minimum, do all the following to involve and serve families and communities:

"(1) Establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests.

"(2) Seek the involvement of parents, area residents, and local business in the design and implementation of the program.

"(3) Establish effective procedures to facilitate and seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including a process through which parents of children currently participating in a Head Start program or an Early Head Start

program select the parent representatives to serve on the council under section 642(b)(4)(B)(ii).

"(4) Offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training.

"(5) Offer to parents of participating children mental health services (either directly or through referral to local entities), including substance abuse counseling, and including information on maternal depression and on drug-exposed infants and fetal alcohol syndrome.

"(6) At the option of such agency, offer (directly or through referral to local entities) to such parents—

"(A) training in basic child development (including cognitive, social, and emotional development);

"(B) assistance in developing literacy and communication skills;

"(C) opportunities to share experiences with other parents (including parent-mentor relationships);

"(D) mental and behavioral health services;

"(E) regular in-home visitation; or

"(F) any other activity designed to help such parents become full partners in the education of their children.

"(7) Provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in paragraphs (5) through (8) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities).

"(8) Consider providing services to assist younger siblings of children participating in its Head Start program to obtain health, including mental health, services from other sources.

"(9) Perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.

"(10)(A) Inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

"(B) Refer eligible parents to the child support offices of State and local governments.

"(11) Provide parents of limited English proficient children outreach and services under this subchapter, in an understandable and uniform format and, to the extent practicable, in a language that such parents can understand.

"(12) Provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

"(13) Promote the continued involvement of the parents (including grandparents and kinship caregivers, as appropriate) of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall work with the local educational agency—

"(A) to provide training to the parents;

"(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

"(ii) to enable the parents—

"(I) to understand and work with schools in order to communicate with teachers and other school personnel;

"(II) to support the schoolwork of their children; and

"(III) to participate as appropriate in decisions relating to the education of their children; and

"(B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

"(14) Provide parents of a child suspected of having a disability information about services available under section 619 or part C of the Individuals With Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) and refer such child to the appropriate agency for an evaluation of eligibility under such Act.

"(c) PROGRAM GOVERNANCE.—Head Start agencies must establish and maintain a formal structure of shared governance through which an independent governing body with legal and fiscal responsibility for administering and overseeing programs

under this subchapter and a parent policy council and parent policy committee, as appropriate, shall ensure that such agency operates a high quality Head Start program in compliance with all applicable Federal, State, and local laws.

"(1) GOVERNING BODY.—

"(A) COMPOSITION.—The governing body shall be composed as follows:

"(i) Not less than 1 member with significant financial management or accounting experience.

"(ii) Not less than 1 member shall have a background and expertise in early childhood development.

"(iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.

"(iv) Additional members shall be selected for their expertise in education, business administration, and community affairs and shall reflect the community served.

"(v) Exceptions shall be made when members of the governing body oversee a public entity and are selected by public election or are political appointments.

"(B) CONFLICT OF INTEREST.—Members of the governing body shall—

"(i) not have a conflict of interest with the Head Start agency or delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed;

"(ii) not receive compensation for the purposes of serving on the governing body or for providing services to the Head Start agency, exceptions shall be made when a board member of a public entity is selected by election or politically appointed;

"(iii) not be employed nor shall members of their immediate family be employed by the Head Start agency or one of its delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed; and

"(iv) operate as an entity independent of staff employed by the Head Start agency entity or applicant, exceptions shall be made when a board member of a public entity is selected by election or politically appointed.

"(C) CONSULTANTS.—In the case that persons described in subparagraph (A) are not available to serve as members, the governing body shall make use of consultants in the areas described in subparagraph (A) to work directly with the governing body.

"(D) TRAINING.—All members of the governing body shall receive training in management responsibilities and obligations, ethics, and financial literacy management.

"(E) RESPONSIBILITIES OF GOVERNING BODY.—The governing body shall be responsible for—

"(i) adoption of practices that assure active, independent and informed governance of the Head Start agency;

"(ii) oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644;

"(iii) establish an audit and finance committee whose primary responsibility shall be—

"(I) to approve annually the operating budget of the Head Start agency;

"(II) to review and recommend to the governing body the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee, except when the auditor is assigned by the State under State law;

"(III) to review and recommend to the governing body the termination or extension of the existing audit firm at least once every 5 years;

"(IV) to review and advise the governing body of the audit management letter provided pursuant to the chapter 75 of title 31, United States Code, and of any audit findings; and

"(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices;

"(iv) approve all major policies of the agency, including the mission of the agency and policies addressing accounting, financial manage-

ment, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits);

"(v) approve all major financial expenditures of the agency;

"(vi) approve the selection or dismissal of the Head Start Director or the equivalent position within the Head Start agency;

"(vii) approve or disapprove all policies, applications, and decisions of the Policy Council made under the authority of paragraph (2);

"(viii) to oversee the program planning of the Head Start agency, including adoption of policies for setting long- and short-range goals and objectives;

"(ix) oversee and approve the agency's applications to receive funds made available under this subchapter; and

"(x) to establish, adopt and periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—

"(I) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers, employees, consultants and agents who provide services or furnish goods to the Head Start agency; and

"(II) complaints, including investigations, when appropriate.

"(2) POLICY COUNCIL.—

"(A) COMPOSITION.—The Policy Council or Policy Committee, as appropriate, shall be composed as follows:

"(i) Members of the Policy Council shall be either parents of children currently enrolled in the Head Start agency's (or delegate's) Head Start or Early Head Start program or that are parents of children who were enrolled in the program in the previous year (Parent Members) or shall be members of the community served by the Head Start agency or delegate (Community Members).

"(ii) Parent members of the Policy Council shall constitute a majority of the members of the Policy Council and shall be elected by parents of currently enrolled children.

"(iii) Parent members shall represent, proportionately, all program options and settings operated by the Head Start agency or delegate.

"(iv) The term of a Policy Council member shall be no more than 2 years and no Policy Council member shall serve longer than 6 years.

"(B) RESPONSIBILITIES OF POLICY COUNCIL.—In order to be designated as a Head Start agency, an entity or delegate of such an entity shall have a Policy Council which shall approve and submit to the governing body decisions about the following activities:

"(i) The strategic direction of the program, including long and short-term planning goals and objectives (such planning and goals shall take into account the annual community assessment and self-assessment).

"(ii) Selection of delegate agencies and their service areas.

"(iii) Recruitment, selection and enrollment priorities.

"(iv) Funding applications and amendments to funding applications for Head Start or Early Head Start prior to submission of such applications.

"(v) Budget planning for program expenditures.

"(vi) Bylaws for the operation of the Policy Council including procedures by which Policy Council members are chosen.

"(vii) Program personnel policies, including standards of conduct for program staff, contractors and volunteers.

"(viii) Decisions regarding employment of Head Start staff other than the director and executive director.

"(ix) Activities to support the active involvement of parents in supporting program operations.

"(x) Program responsiveness to community and parent needs.

"(C) TRAINING.—Appropriate training and technical assistance shall be provided to the members of the Policy Council to ensure that the members understand the information the members receive and effectively oversee and participate in the programs of the Head Start agency or delegate.

"(3) IMPASSE POLICY.—The Secretary shall develop policies and procedures describing how Head Start agencies will implement shared decision-making, including a process for resolving any impasse between the Governing Body and the Policy Council.

"(d) COLLABORATION AND COORDINATION.—To be so designated, a Head Start agency must collaborate and coordinate with public and private entities to improve

the available services to Head Start children and families, including the following activities:

"(1) Conduct outreach to schools in which children participating in Head Start programs enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness.

"(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children, as possible.

"(3) Head Start agency staff shall, with the permission of the parents of children enrolled in Head Start programs, regularly communicate with the elementary schools such children will be attending—

"(A) to share information about such children; and

"(B) to ensure a smooth transition to elementary school for such children.

"(4) Each Head Start agency shall collaborate, as appropriate, with providers of social and community services available to children and families participating in Head Start programs, and may support such partnerships with financial agreements, when applicable, for the provision of such services.

"(5) A Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(A) collaborating on the shared use of transportation and facilities;

"(B) collaborating to enhance the efficiency of services while increasing the program participation of underserved populations of eligible children; and

"(C) exchanging information on the provision of noneducational services to such children.

"(6) The Secretary, in consultation with the Secretary of Education, shall—

"(A) evaluate the effectiveness of the projects and activities funded under section 642A;

"(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

"(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.

"(e) QUALITY STANDARDS, CURRICULA AND ASSESSMENT.—To be so designated, each Head Start agency shall—

"(1) take steps to ensure, to the maximum extent possible, that children maintain the developmental and educational gains achieved in Head Start programs and build upon such gains in further schooling;

"(2) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

"(3) implement a research-based early childhood curriculum that promotes young children's school readiness in the areas of language and cognitive development, early reading and premathematics skills, socio-emotional development, physical development, and approaches to learning. Such curricula shall be—

"(A) based on scientifically based research and have standardized training procedures and curriculum materials to support implementation;

"(B) comprehensive, linked to ongoing assessment, with developmental and learning goals and measurable objectives; and focused on improving the learning environment, teaching practices, family involvement, and child outcomes across all areas of development; and

"(C) aligned to the Head Start Child Outcomes Framework developed by the Secretary and to State early learning standards, as appropriate;

"(4) use ongoing, research-based assessment methods that are developmentally appropriate, culturally and linguistically responsive, and tied to children's daily activities in order to support the educational instruction of children in the program, including language skills, prereading knowledge and premathematics knowledge. Assessment instruments shall be those designed and validated for making decisions about teaching and learning and aligned with the programs curricula and section 641A(a)(1);

"(5) use high-quality research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for children

from a range of racial, ethnic, linguistic, and cultural backgrounds, for the purpose of meeting the relevant performance standards;

"(6) adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in section 648A(a)(1) and attained a level of literacy appropriate to implement Head Start curricula;

"(7) use the information provided from the assessment conducted under section 640A(C)(2)(H) to adopt a professional development plan that leads to improved teacher effectiveness;

"(8) establish measurable objectives for the provision of health, educational, nutritional, and social services related to the program mission and to school readiness and provided under this subchapter; and

"(9) develop procedures for identifying children as limited English proficient, and inform the parents of such children as to the instructional services used to help children make progress towards acquiring the knowledge and skills described in section 641A(a)(1)(B) and acquisition of the English language.

"(f) FUNDED ENROLLMENT; WAITING LIST.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.

"(g) TECHNICAL ASSISTANCE AND TRAINING PLAN.—In order to receive funds under this subchapter, a Head Start agency shall develop an annual technical assistance and training plan. Such plan shall be based on the agency's self-assessment, the community-wide needs assessment, the needs of parents and children to be serviced by such agency, and the results of the reviews conducted under section 641A(c).

"(h) FINANCIAL MANAGEMENT.—In order to receive funds under this subchapter, a Head Start agency shall document strong fiscal controls, including the employment of well-qualified fiscal staff with a history of successful management of a public or private organization.".

SEC. 9. HEAD START TRANSITION AND ALIGNMENT WITH K-12 EDUCATION.

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended to read as follows:

"SEC. 642A. HEAD START TRANSITION AND ALIGNMENT WITH K-12 EDUCATION.

"Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program to promote continuity of services and effective transitions, including—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing ongoing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and health staff) to facilitate coordination of programs;

"(3) establish on-going communication for developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;

"(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;

"(5) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

"(6) helping parents of limited English Proficient children understand the method of instruction and other services provided by the school in which such child will enroll after participation in Head Start and as appropriate, information provided to parents of limited English proficient children under section 3302 of title III of the Elementary and Secondary Education Act of 1965 (20U.S.C. 7012);

"(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435);

"(8) assisting families, administrators, and teachers in enhancing educational and developmental continuity and continuity in parental involvement activities between Head Start services and elementary school classes;

"(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;

"(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

"(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

"(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program are aligned with—

"(A) the Head Start Child Outcomes Framework as developed by the Secretary; and

"(B) State early learning standards, as appropriate, with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate.".

SEC. 10. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

The Head Start Act (42 U.S.C. 9831) is amended by inserting after section 642A the following:

"SEC. 642B. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

"(a) LOCAL INTEGRATION.—In general, Head Start agencies shall enter into ongoing partnerships with local educational agencies and with State-funded preschool and other early childhood programs.

"(1) MEMORANDA OF UNDERSTANDING.—Each Head Start agency shall enter into a memorandum of understanding with any local educational agencies or local councils, responsible for managing publicly funded prekindergarten programs in the service area of the Head Start agency (or if such agencies and such councils are not applicable in the service area, with the largest provider of publicly funded prekindergarten in the service area), that shall include plans to coordinate the following activities:

"(A) Educational activities, curricula, and instruction.

"(B) Public information dissemination and access to programs for families contacting any of the early childhood programs.

"(C) Selection priorities for eligible children to be served by programs.

"(D) Service delivery areas.

"(E) Staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, and social and emotional development.

"(F) Program technical assistance.

"(G) Provision of additional services to meet the needs of working parents.

"(H) Planning and parent education for smooth transitions to kindergarten as required in section 642A(3) and 642A(6).

"(I) Provision and use of facilities, transportation, and other program elements.

"(J) Other elements mutually agreed to by the parties to such memorandum.

"(2) TIMING OF MEMORANDA.—Each Head Start agency shall enter into a memorandum of understanding under paragraph (1) not later than 1 year after the effective date of this section.

"(3) SECRETARIAL REVIEW.—Each memorandum of understanding entered into under paragraph (1) shall be submitted to the Secretary not later than 30 days after entering into such memorandum.

"(A) If a Head Start agency is unable to comply with the requirement in paragraph (1) the Head Start agency shall notify the Secretary and the chief executive officer of the State not later than 30 days after determining that they are unable to enter into such memorandum. The Secretary, in cooperation with the State Early Learning Council and the State Director of Head Start Collaboration, shall evaluate the causes of failure to enter into a memorandum of understanding under paragraph (1). With the assistance of the State Early Learning Council and the State Director of Head Start Collaboration, all parties shall again attempt to enter into a memorandum of understanding under paragraph (1). Then if no such memorandum of understanding is entered into, the Secretary shall make 1 of the following determinations:

"(i) The local educational agency, local council, or other appropriate entity is unable or unwilling to enter into such a memorandum despite reasonable efforts on the part of the Head Start agency.

"(ii) The Head Start agency has not engaged in reasonable efforts to successfully negotiate and enter into a memorandum of understanding pursuant to paragraph (1).

"(iii) There is an absence of publicly funded prekindergarten in the service area of the Head Start agency.

"(B) If the Secretary determines the Head Start agency is not making reasonable efforts to enter into a memorandum of understanding pursuant to paragraph (1), the Head Start agency shall be found to be noncompliant with program performance standards.

"(C) If the Secretary concludes that the local educational agency, local council, or other appropriate entity is not making reasonable efforts to reach such a memorandum of understanding, the Head Start agency shall not be found out of compliance with paragraph (1).

"(4) REVISION OF MEMORANDA.—Each memorandum of understanding shall be revised and renewed annually by the parties to such memorandum, in alignment with the beginning of the school year.

"(5) ABSENCE OF PREKINDERGARTEN.—In the absence of publicly funded prekindergarten in the service area of a Head Start agency, the Head Start agency shall submit notice to the Secretary and the chief executive officer of the State and shall work with the State Early Learning Council and the State Director of Head Start Collaboration to improve coordination in their service area.

"(b) STATE EARLY LEARNING COUNCILS.—From the amounts reserved under section 640(a)(2)(C)(iii), the Secretary shall award, upon submission of a written request and pursuant to the requirements of paragraph (2), an early learning collaboration grant to each State for the purposes of supporting a State Early Learning Council responsible for advancing the development of a coordinated early childhood services delivery system in the State. A State that receives a grant under this subparagraph shall—

"(1) establish a State Early Learning Council, which shall include—

"(A) the State Director of Head Start Collaboration;

"(B) representatives from the State preschool programs;

"(C) representatives of local educational agencies;

"(D) the State official who oversees child care programs;

"(E) the State official who oversees section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

"(F) the State official who oversees the State educational agency;

"(G) representatives from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

"(H) representatives of local child care programs or organizations; and

"(I) a representative of the State agency responsible for health and mental health care;

except that the chief executive officer of the State may designate an existing entity to serve as the Early Learning Council if such entity includes representatives described in this paragraph;

"(2) ensure that allotted funds distributed to a State for a fiscal year to carry out this subsection may be used by the State to pay not more than 50 percent of the cost of carrying out this subsection;

"(3) direct the early learning council to improve the coordination and quality of early childhood services within the State, including—

"(A) to increase coordination and collaboration among State preschool, Head Start programs, child care programs, early childhood special education, and other early childhood programs, including in the areas of outcomes and standards, technical assistance, coordination of services, cross-sector professional development and training, community outreach, communication, and better serving the needs of working families through provision of full-day and full-year early education services;

"(B) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to local Head Start programs, local education agencies, and State and locally funded preschool and child care programs to increase integration among early childhood programs through adoption of local memoranda of understanding described in subparagraph (A) and other means;

"(C) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to develop developmentally appropriate standards for children birth through the early elemen-

tary grades to effect a smooth transition to and success in the early elementary grades;

"(D) to develop or conduct periodic Statewide needs assessments concerning early care and education programs for children from birth to school entry;

"(E) to work to identify and address barriers to and opportunities for integration between entities carrying out Federal and State child development, child care, and early childhood education programs;

"(F) to develop recommendations regarding means of establishing a unified data collection system for early care and education programs operating throughout the State;

"(G) to address coordination of early learning programs with health care (including mental and behavioral health care), welfare, family literacy and services for homeless children;

"(H) to support a State system of early childhood education, and training and technical assistance that improves the quality of early learning programs and the capacity of such programs to deliver services pursuant to section 648(b);

"(I) to develop a plan for increasing the participation of children underrepresented in State early childhood education and child care programs, including Head Start, State preschool programs, and programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(J) developing a Statewide professional development and career ladder plan for early care and education in the State; and

"(K) assisting 2- and 4-year public and private institutions of higher education to develop articulation agreements concerning degrees in early childhood and related fields.

"(4) Nothing in this subsection shall be construed to provide the Early Learning Council with authority to modify, supersede, or affect the operation of this subchapter.

"(5) Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.".

SEC. 11. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended—

(1) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—

"(1) STANDARDS.—Each Head Start agency shall observe standards of organization, management, and administration which will ensure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this subchapter and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible.

"(2) ANNUAL REPORT.—Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the then most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child or parent:

"(A) The total amount of public and private funds received and the amount from each source.

"(B) An explanation of budgetary expenditures and proposed budget for the following fiscal year.

"(C) The total number of children and families served and percent of average monthly enrollment, including the percent of eligible children served.

"(D) The results of the most recent review by the Secretary and the financial audit.

"(E) The percentage of enrolled children that received medical and dental exams.

"(F) Information about parent involvement activities.

"(G) The agency's efforts to prepare children for kindergarten.

"(H) Any other information required by the Secretary.

"(3) PROCEDURAL CONDUCT.—Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to—

"(A) establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits;

"(B) assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness;

"(C) guard against personal or financial conflicts of interest; and

"(D) define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.", and

(2) by amending subsection (f) to read as follows:

"(f) FACILITIES.—

"(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities, or to request approval of the purchase (after December 31, 1986) of facilities, to be used to carry out Head Start programs. The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.

"(2) Financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal and paying interest on loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains—

"(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this subchapter, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;

"(B) a description of the site of the facility proposed to be purchased or that was previously purchased;

"(C) the plans and specifications of such facility;

"(D) information demonstrating that—

"(i) the proposed purchase will result, or the previous purchase has resulted, in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or

"(ii) the lack of alternative facilities will prevent, or would have prevented, the operation of such program;

"(E) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and

"(F) such other information and assurances as the Secretary may require.

"(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility.".

SEC. 12. PARTICIPATION IN HEAD START PROGRAMS.

Section 645 of the Head Start Act (42 U.S.C. 9840) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1)(B)(i) to read as follows:

"(i) programs assisted under this subchapter may include, to a reasonable extent, participation of children in the area served who would benefit from such programs, including children referred by child welfare services, but whose families do not meet the low-income criteria prescribed pursuant to subparagraph (A) (A homeless child shall be deemed to meet the low-income criteria.); and", and

(B) by adding at the end the following:

"(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.

"(4)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may use funds under section 640(a) to serve infants and toddlers if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

"(i) the amount of funds under section 640(a) that are proposed to be used in accordance with section 645A(b);

"(ii) a community-wide needs assessment demonstrating how the use of such funds would best meet the needs of the community;

"(iii) a description of how the needs of pregnant women, and of infants and toddlers, will be addressed in accordance with section 645A(b), and with regulations prescribed by the Secretary pursuant to section 641A in areas including the agency's approach to child development and provision of health services, approach to family and community partnerships, and approach to program design and management;

"(iv) a description of how the needs of eligible Head Start children will be met in the community;

"(v) assurances that the agency will participate in technical assistance activities (including a planning period, start-up site visits, and national training activities) in the same manner as recipients of grants under section 645A; and

"(vi) evidence that the agency meets the same eligibility criteria as recipients of grants under section 645A.

"(B) An application that satisfies the requirements specified in subparagraph (A) shall be approved by the Secretary unless the Secretary finds that—

"(i) the agency lacks adequate capacity and capability to carry out an effective Early Head Start program; or

"(ii) the information provided under subparagraph (A) is inadequate.

"(C) Any Head Start agency approved under subparagraph (B) shall be considered to be an entity that receives assistance under section 645A, and such funds under (i) shall be subject to the same rules, regulations, and conditions as apply to recipients of grants under section 645A.

"(5)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may consider children from low-income families to be eligible for participation in programs assisted under this subchapter if their family income is at or above the poverty line but below 130 percent of the poverty line, if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

"(i) a description of how the needs of eligible Head Start children, as described in paragraph (1)(A) are being adequately met in the agency's service area;

"(ii) a description of outreach efforts to the community to reach full enrollment under the eligibility guidelines under paragraph (1), including using outreach efforts that are linguistically and culturally appropriate;

"(iii) assurance that the agency will prioritize serving children currently eligible under the guidelines under paragraph (1); and

"(iv) a description of why increasing the number of infants and toddlers being served, as described in paragraph (4), is not appropriate based upon the communitywide needs assessment or the agency's capability.

"(B) In approving such applications, the Secretary shall take into account the—

"(i) cost of living for families living the area served by the Head Start agency;

"(ii) the efforts the Head Start agency has undertaken to be fully enrolled under the eligibility criteria in paragraph (1); and

"(iii) the policies and procedures the Head Start agency will implement to ensure that children currently eligible under the criteria described under paragraph (1) will be prioritized.

"(C) No more than 20 percent of children served by such Head Start agency may be from families above the poverty line.",

(2) in subsection (c) by striking "(age 3 to compulsory school attendance)", and

(3) in subsection (d) by adding at the end the following:

"(4) Notwithstanding any other provision of this Act, an Indian tribe that operates both a Head Start program and an Early Head Start program under section 645A may, at its discretion, at any time during the grant period involved, reallocate funds between the Head Start program and the Early Head Start program in order to address fluctuations in client population, including pregnant women and children birth

to compulsory school age. The reallocation of such funds between programs by an Indian tribe shall not serve as the basis for the Secretary to reduce a base grant (as defined in section 641A(g)(1)) for either program in succeeding years.".

SEC. 13. EARLY HEAD START PROGRAMS.

Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended to read as follows:

"SEC. 645A. EARLY HEAD START PROGRAMS FOR FAMILIES WITH CHILDREN UNDER 3 YEARS OF AGE.

"(a) IN GENERAL.—The Secretary shall make grants, in accordance with this section for programs (to be known as 'Early Head Start programs') that provide family-centered services for low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency.

"(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

"(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

"(2) ensure that the level of services provided to families responds to their needs and circumstances;

"(3) promote positive parent-child interactions;

"(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

"(5) coordinate services with services provided by programs in the State (including home-based services) and programs in the community (including programs for infants and toddlers with disabilities and programs for homeless infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services and family support services);

"(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

"(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the program receive such services through such age;

"(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a);

"(9) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program under this section into a Head Start program or other local early childhood education program;

"(10) establish channels of communication between staff of Early Head Start programs under this section and staff of Head Start programs or other local early childhood education programs, to facilitate the coordination of programs; and

"(11) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

"(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a) include—

"(1) pregnant women; and

"(2) families with children under age 3;

who meet the income criteria specified for families in section 645(a)(1).

"(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

"(1) entities operating Head Start programs under this subpart;

"(2) Indian Head Start programs; and

"(3) other public entities, and nonprofit or for-profit private entities, including community-based and faith-based organizations, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

"(e) SELECTION OF GRANT RECIPIENTS.—From the portion specified in section 640(a)(6), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

"(f) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

"(1) ensure an equitable national geographic distribution of the grants; and

"(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—To ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

"(B) ACTIVITIES.—Funds in the account may be used by the Secretary for purposes including—

"(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(iii) providing ongoing training and technical assistance for existing recipients (as of the date of such training or assistance) of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants;

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience; and

"(v) providing professional development designed to increase program participation for underserved populations of eligible children.

"(h) CENTER-BASED STAFF.—The Secretary shall ensure that, not later than September 30, 2009, all teachers providing direct services to children and families participating in early Head Start programs located in early Head Start centers have a minimum of a child development associate credential, and have been trained (or have equivalent course work) in early childhood development.

"(i) STAFF QUALIFICATIONS AND DEVELOPMENT.—

"(1) HOME VISITOR STAFF STANDARDS.—In order to further enhance the quality of home visiting services provided to families of children participating in home-based, center-based, or combination program options under this subchapter, the Secretary shall establish standards for training, qualifications, and the conduct of home visits for home visitor staff in Early Head Start programs.

"(2) CONTENTS OF STANDARDS.—The standards for training, qualifications, and the conduct of home visits shall include content related to—

"(A) structured child-focused home visiting that promotes parents' ability to support the child's cognitive, social, emotional, and physical development;

"(B) effective strengths-based parent education, including methods to encourage parents as their child's first teachers;

"(C) early childhood development with respect to children from birth through age 3;

"(D) methods to help parents promote emergent literacy in their children from birth through age 3;

"(E) ascertaining what health and developmental services the family receives and working with these providers to eliminate gaps in service by offering annual health, vision, hearing, and developmental screening for children from birth to entry into kindergarten, when needed;

"(F) strategies for helping families coping with crisis; and

"(G) the relationship of health and well-being of pregnant women to prenatal and early child development.".

SEC. 14. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES.

The Head Start Act (42 U.S.C. 9831) is amended by inserting after section 645A the following:

"SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'health care service' includes—

"(A) any nonemergency intrusive physical examination; and

"(B) any screening, including but not limited to, a medical, dental, developmental, mental health, social, or behavioral screening.

"(2) The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(A) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

"(B) includes incision or is otherwise invasive, or includes exposure of private body parts.

"(b) REQUIREMENT.—Before administering any health care service to a child (or referring a child to obtain such service) in connection with participation in a program under this subchapter, a Head Start agency and an entity that receives assistance under section 645A shall obtain the written consent of a parent of such child indicating consent for each specific health care service to be performed.

"(c) RULE OF CONSTRUCTION.—

"(1) Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

"(2) Nothing in this subchapter shall be construed to permit a Head Start agency, an entity that receives assistance under section 645A, or the personnel of such agency or entity to administer any health care service to a child (or to refer a child to obtain such service) without the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

"(3) Nothing in this section shall be construed to require a Head Start agency or an entity that receives assistance under section 645A to provide separate consent forms for each specific health care service.".

SEC. 15. APPEALS, NOTICE, AND HEARING.

Section 646(a)(3) of the Head Start Act (42 U.S.C. 9841(a)(3)) is amended to read as follows:

"(3) if financial assistance under this subchapter is terminated or reduced, an application for a noncompeting continuation award is denied based on a previous failure to comply with terms applicable to financial assistance previously provided under this subchapter, or suspension of financial assistance is continued for more than 30 days, the recipient with respect to whom such action is taken shall have the opportunity to appeal such action in accordance with such procedures, except that no funds made available under this subchapter may be used to reimburse any such recipient for legal fees and other costs incurred in pursuing such an appeal; and".

SEC. 16. RECORDS AND AUDITS.

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

"(c) Each recipient of financial assistance under this subchapter shall—

"(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses);

"(2) within 30 days after the completion of an audit conducted in the manner and to the extent provided in chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act Amendments of 1996'), submit to the Secretary a copy of the audit management letter and of any audit findings as it relates to the Head Start program; and

"(3) provide such additional documentation as the Secretary may require.".

SEC. 17. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended to read as follows:

"SEC. 648. TECHNICAL ASSISTANCE AND TRAINING.

"(a) The Secretary shall provide, directly or through grants or other arrangements—

"(1) technical assistance to communities in developing, conducting, and administering programs under this subchapter; and

"(2) training for specialized or other personnel needed in connection with Head Start programs, in accordance with the process, and the provisions for allocating resources, set forth in subsections (b) and (c).

"(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

"(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible;

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs; and

"(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full calendar year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration.

"(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

"(1) give priority consideration to—

"(A) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

"(B) assisting Head Start agencies in—

"(i) ensuring the school readiness of children; and

"(ii) meeting the educational performance measures described in section 641A(b)(4);

"(2) supplement amounts provided under section 640(a)(3)(C)(ii) in order to address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities), and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

"(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

"(4) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—

"(A) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and

"(B) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in collaboration with such agencies to provide family literacy services;

"(5) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessment, including the needs of homeless children and their families;

"(6) assist Head Start agencies and programs in developing and implementing full-working-day and full-calendar-year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children;

"(7) assist Head Start agencies in better serving the needs of families with very young children;

"(8) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;

"(9) assist in efforts to secure and maintain adequate facilities for Head Start programs;

"(10) assist Head Start agencies in developing innovative program models, including mobile and home-based programs;

"(11) provide support for Head Start agencies (including policy councils and policy committees) that meet the standards described in section 641A(a) but

that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), significant programmatic, quality, and fiscal issues to address;

"(12) assist Head Start agencies and programs in increasing program participation of homeless children;

"(13) assist Head Start agencies and Head Start programs in improving outreach to, and the quality of services available to, limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census;

"(14) assist Head Start agencies in developing appropriate methods and approaches for identifying and working with children and families experiencing toxic stress;

"(15) assist programs in improving outreach to serve additional children with disabilities, if such program's enrollment opportunities or funded enrollment for children with disabilities is less than 10 percent; and

"(16) provide assistance to address and remove barriers related to recruitment and retention of Head Start teachers for rural communities, and remove barriers related to outreach efforts to eligible families in rural communities.

"(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children. Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities.

"(e) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to limited English proficient children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, resource access projects for personnel working with disabled children, and training for appropriate personnel to recognize common health, including mental health, problems in children for appropriate referral.

"(f) The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with 1 or more children with disabilities, families with a limited English proficiency, homeless families, and children and families experiencing toxic stress.

"(g) More than 50 percent of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

"(1) Education and early childhood development.

"(2) Child health, nutrition, and safety.

"(3) Family and community partnerships and services.

"(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

"(h) The Secretary shall develop and implement a program of outreach to recruit and train minority men to become Head Start teachers in order to reflect the communities in which Head Start children live and to increase the provision of quality services and instruction to children with diverse backgrounds.

"(i) Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

"(j) Funds made available under section 640(a)(2)(C)(i) shall be used by a Head Start agency for any of the following:

"(1) Activities that ensure that Head Start programs meet or exceed the program performance standards described in section 641A(a)(1).

"(2) Activities that ensure that Head Start programs have adequate numbers of trained, qualified staff who have skills in working with children and families, including children and families who are limited English proficient and children with disabilities.

"(3) Activities to pay expenses, including direct training for expert consultants working with any staff, to improve the management and implementation of Head Start services and systems.

"(4) Activities that help ensure that Head Start programs have qualified staff who can promote language skills and literacy growth of children and who can provide children with a variety of skills that have been identified as predictive of later reading achievement, school success, and the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii).

"(5) Activities to improve staff qualifications and to assist with the implementation of career development programs and to encourage the staff to continually improve their skills and expertise, including developing partnerships with programs that recruit, train, place, and support college students in Head Start centers to deliver an innovative early learning program to preschool children.

"(6) Activities that help local programs ensure that the arrangement, condition, and implementation of the learning environments in Head Start programs are conducive to providing effective program services to children and families.

"(7) Activities to provide training necessary to improve the qualifications of Head Start staff and to support staff training, child counseling, health services, and other services necessary to address the needs of children enrolled in Head Start programs, including children from families in crises, children who experience chronic violence or homelessness, children who experience substance abuse in their families, and children under 3 years of age, where applicable.

"(8) Activities to provide classes or in-service-type programs to improve or enhance parenting skills, job skills, adult and family literacy, including financial literacy, or training to become a classroom aide or bus driver in a Head Start program.

"(9) Additional activities deemed appropriate to the improvement of Head Start agencies' programs, as determined by the agencies' technical assistance and training plans.

"(10) Any other activities regarding the use of funds as determined by the Secretary.

"(k) The Secretary shall—

"(1) work in collaboration with the Head Start agencies that carry out Indian Head Start programs, the Indian Head Start collaboration director, and other appropriate entities, including tribal governments and the National Indian Head Start Directors Association—

"(A) to undertake a study or set of studies designed to focus on the American Indian and Alaska Native Head Start-eligible population, with a focus on issues such as curriculum development, availability and need for services, appropriate research methodologies and measures for these populations, and best practices for teaching and educating American Indian and Alaska Native Head Start Children;

"(B) to accurately determine the number of children nationwide who are eligible to participate in Indian Head Start programs each year;

"(C) to document how many of these children are receiving Head Start services each year;

"(D) to the extent practicable, to ensure that access to Indian Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children; and

"(E) to make the funding decisions required in section 640(a)(2)(A)(iii), after completion of the studies required in that section, taking into account:

"(i) the Federal government's unique trust responsibility to American Indians and Alaska Natives;

"(ii) limitations faced by tribal communities in accessing non-Federal sources of funding to supplement Federal funding for early childhood programs; and

"(iii) other factors that uniquely and adversely impact children in American Indian and Alaska Native communities such as highly elevated poverty, unemployment and violent crime rates, as well as depressed levels of educational achievement and limited access to non-Federal health, social and educational resources;

"(2) in carrying out paragraph (1), consult with the Secretary of Education about the Department of Education's systems for collecting and reporting data about, and maintaining records on, American Indian and Alaska Native students;

"(3) not later than 9 months after the effective date of this subsection, publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent prac-

ticable, the Secretary shall consider comments received before submitting a report to the Congress;

"(4) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, detailing how the Department of Health and Human Services plans to carry out paragraph (1);

"(5) through regulation, ensure the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out Indian Head Start programs, and by State Directors of Head Start Collaboration, by the Indian Head Start Collaboration Project Director and by other appropriate entities pursuant to this subsection (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

"(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

"(l) The Secretary shall—

"(1) in order to increase access to Head Start services for eligible migrant and seasonal children, work in collaboration with migrant and seasonal Head Start providers, the Department of Agriculture (land grant universities), the Department of Labor, the Bureau of Migrant Health, and the Department of Education to—

"(A) establish a system for collecting and reporting data on farm workers and their families in order to adequately account for the number of seasonal and migrant children that are eligible for Head Start and determine how many of these eligible children receive services;

"(B) identify barriers that prevent eligible migrant and seasonal children from accessing Head Start services and develop a plan for eliminating barriers and increasing enrollment; and

"(C) develop a system through which migrant and seasonal Head Start programs can effectively track health records and educational documents as a child moves from state to state;

"(2) not later than 6 months after the effective date of this subsection, publish in the Federal Register a notice on how the Secretary plans to carry out the activities identified in paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before implementing any of the activities identified in paragraph (1);

"(3) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Health, Education, Labor and Pensions Committee of the Senate detailing how the Secretary plans to carry out the activities identified in (1);

"(4) submit a report to Congress annually on the migrant and seasonal Head Start program including a report on the progress made in carrying out the activities identified in paragraph (1), the progress made in reaching out to and serving eligible migrant and seasonal children, and information on states where migrant and seasonal children are still underserved;

"(5) through regulation, ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant and seasonal Head Start programs, by the State director of Head Start Collaboration, by the Migrant and Seasonal Farmworker Collaboration project Director (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

"(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

"(m) For purposes of this section, the term 'eligible entities' means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services.

"(n) For the purposes of delivering a State-based training and technical assistance system, as described in section 640(a)(C)(ii), that will meet the needs of local grantees and provide high quality, sustained, and intensive training and technical assistance to Head Start programs in order to help them meet or exceed the program performance standards described in section 641A(a)(1), the Secretary shall—

"(1) enter into contracts in each State with 1 or more entities who have a demonstrated expertise in supporting the delivery of high quality early education programs, except that bi-State contracts may be entered in to if the demographics of proximal States make such a system more appropriate;

"(2) ensure that the entities described in subparagraph (1) determine the types of services to be provided through consultation with—

"(A) local Head Start agencies;

"(B) the State Head Start collaboration office; and

"(C) the State Head Start Association;

"(3) provide a report, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. no later than 90 days after the end of the fiscal year, summarizing the funding for such contracts and the activities carried out thereunder; and

"(4) periodically evaluate the usefulness of the delivery of services in each State and their effectiveness in promoting program quality.

"(o) To support enhanced early language and preliteracy development of children in Head Start programs, and to provide the children with high-quality oral language skills, and environments that are rich in literature, in which to acquire language and preliteracy skills, each Head Start agency shall ensure that—

"(1) all of the agency's Head Start teachers receive ongoing training in language and emergent literacy (referred to in this subsection as 'literacy training'), and including appropriate curricula and assessment to improve instruction and learning;

"(2) such literacy training shall include training in methods to promote vocabulary development and phonological awareness (including phonemic awareness) in a developmentally, culturally, and linguistically appropriate manner and support children's development in their home language;

"(3) the literacy training shall include training in how to work with parents to enhance positive language and early literacy development at home;

"(4) the literacy training shall include specific methods to best address the needs of children who are limited English proficient; and

"(5) the literacy training shall include training on how to best address the language and literacy needs of children with disabilities, including training on how to work with specialists in language development.

"(p) The Secretary is encouraged to contract, on a competitive basis, with an institution of higher education (as defined in section 102 of the Higher Education Act of 1965) to develop an on-line graduate-level professional development program with the goal of improving the leadership of those working in Head Start programs and improving teacher quality and the capacity of effective Head Start teachers.

"(q) INDOOR AIR QUALITY.—The Secretary shall consult with experts on issues of air quality related to children's health and inform Head Start agencies of existing programs or combination of programs that provide methods for improving indoor air quality.

"(r) DEMONSTRATION FOR CAREER LADDER PARTNERSHIPS WITH TRIBAL COLLEGES AND HISPANIC-SERVING INSTITUTIONS.—

"(1) TRIBAL COLLEGE CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to tribal colleges and universities to—

"(A) implement education programs that include education concerning tribal culture and language and increase the number of associate, baccalaureate, and graduate degrees in early childhood and related fields that are earned by Indian Head Start agency staff members, parents of children served by such an agency, and members of the tribal community involved;

"(B) develop and implement the programs under subparagraph (A) in technology-mediated formats, including providing the programs through such means as distance learning and use of advanced technology, as appropriate; and

"(C) provide technology literacy programs for Indian Head Start agency staff members and children and families of children served by such an agency.

"(2) HISPANIC-SERVING INSTITUTIONS CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to Hispanic-serving institutions to—

"(A) provide assistance for stipends and costs related to tuition, fees, and books for enrolling Head Start agency staff members and parents of children served by such an agency in courses required to complete the degree and certification requirements to become bilingual teachers in early childhood education and related fields;

"(B) develop career ladder program curricula to increase the number of associate's, bachelor's, and graduate degrees earned by Head Start agency staff who have the linguistic skills and expertise to teach in programs serving a large number of limited English proficient children and parents of children served by such an agency; and

"(C) other activities to upgrade the skills and qualifications of noncertified educational personnel to meet the professional standards in section 648A(a)(1), including certification and licensure as bilingual education teachers and other educational personnel who serve limited English proficient children.

"(3) REQUIREMENT.—Individuals who receive assistance under paragraphs (1) and (2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of funds.".

SEC. 18. STAFF QUALIFICATIONS AND DEVELOPMENT.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) in subsection (a)—

(A) by striking "(a)" and all that follows through paragraph (2), and inserting the following:

"(a) CLASSROOM TEACHERS.—

"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving the readiness of children for school by developing their literacy, phonemic, and print awareness, their understanding and use of language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books, their understanding of early math and early science, their problem solving abilities, and their approaches to learning;

"(B) establishing and maintaining a safe, healthy learning environment;

"(C) supporting the social and emotional development of children; and

"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

"(2) DEGREE REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2013, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

"(i) a baccalaureate, or advanced degree in early childhood education;

"(ii) a baccalaureate or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

"(iii) except that teachers providing services in migrant and seasonal Head Start classrooms that serve children under age 3 shall be required to meet the teacher requirements described in section 645A(h).

"(B) PROGRESS REPORT.—

"(i) On an annual basis, each Head Start agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development/ early childhood education associate credentials and associate, baccalaureate, or advanced degrees, and number of classroom instructors who successfully transferred associate credit and completed a baccalaureate degree disaggregated by race, ethnicity, and proficiency in a language other than English, with a description of those languages.

"(ii) Not later than September 30, 2008 the Secretary shall compile and transmit reports received under (i) to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(C) PROGRESS.—Each Head Start agency shall provide to the Secretary a report indicating the number and percentage of teachers and teacher's aides with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(D) REQUIREMENT FOR NEW HEAD START TEACHERS.—In accordance with rules issued by the Secretary and made effective 2 years after the effective date of this subparagraph, all Head Start agencies shall require that all

Head Start teachers hired after such rules take effect to provide Head Start services in center-based programs—

"(i) have an associate, baccalaureate, or advanced degree in early childhood education or a related field; or

"(ii) be currently enrolled in a program of study leading to an associate degree in early childhood education or a related field, and agree to complete degree requirements not later than 3 years after the date of hire.

"(E) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive financial assistance under this subchapter in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.

"(F) LIMITATION.—The Secretary shall require that any Federal funds provided directly or indirectly to comply with subparagraph (A) shall be used toward degrees awarded by an institution of higher education, as defined by sections 101 or 102 of the Higher Education Act (20 U.S.C. 1001, 1002).", and

(B) in paragraph (3)—

(i) in subparagraph (B) by striking "or" at the end,

(ii) in subparagraph (C) by striking the period at the end and inserting "; or", and

(iii) by adding at the end, the following:

"(D) a baccalaureate and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.", and

(2) by amending subsection (c) to read as follows:

"(c) FAMILY SERVICE WORKERS.—To improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—

"(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

"(2) review, and as necessary, revise or develop maximum caseload requirements, as suggested by best practices;

"(3) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

"(4) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide.", and

(3) is amended by adding at the end the following:

"(f) PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time Head Start employees who provide direct services to children and shall ensure that such plans are regularly evaluated for their impact on teacher and staff effectiveness.".

SEC. 19. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) by amending subsection (a)(1)(B) to read as follows:

"(B) use the Head Start programs to develop, test, and disseminate new ideas and based on existing scientifically based research, for addressing the needs of low-income preschool children (including children with disabilities, homeless children, children who have been abused or neglected, and children in foster care) and their families and communities (including demonstrations of innovative non-center-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.",

(2) in subsection (d)—

(A) in paragraph (7) by adding "and" at the end,

(B) in paragraph (8) by striking the semicolon at the end and inserting a period,

(C) by striking paragraphs (9) and (10), and

(D) by striking the last sentence,

(3) in subsection (g)—

(A) in paragraph(1)(A)—

(i) by striking clause (i), and

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively, and

(B) by amending paragraph (7)(C) to read as follows:

"(C) TRANSMITTAL OF REPORT TO CONGRESS.—Not later than September 30, 2009, the Secretary shall transmit the final report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.", and

(4) by amending subsection (h) to read as follows:

"(h) LIMITED ENGLISH PROFICIENT CHILDREN.—

"(1) STUDY.—Not later than 1 year after the date of enactment of the Improving Head Start Act of 2007, the Secretary shall conduct a study on the status of limited English proficient children and their families in participating Head Start programs and Early Head Start programs.

"(2) REPORT.—The Secretary shall prepare and submit to Congress, not later than September 2008, a report containing the results of such study, including information on—

"(A)(i) the demographics of limited English proficient children less than 5 years of age and the geographical distribution of such children; and

"(ii) the number of such children receiving Head Start services and the number of such children receiving Early Head Start services, and the geographical distribution of such children receiving such services;

"(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

"(C) procedures in Head Start programs for assessing language needs and for making the transition of limited English proficient children to kindergarten, including the extent to which Head Start programs meet the requirements of section 642A for limited English proficient children;

"(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;

"(E) the home languages of Head Start and Early Head Start teachers;

"(F) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—

"(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in Head Start programs;

"(ii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and

"(iii) the correlation between such progress and the health and family services provided by Head Start programs to limited English proficient children and their families; and

"(G) the extent to which Head Start programs make use of funds under section 640(a)(3) to improve the quality of Head Start services provided to limited English proficient children and their families.

"(i) CHILDREN, FAMILIES, AND PROGRAMS AFFECTED BY HURRICANES KATRINA AND RITA.—

"(1) PURPOSE.—The purpose of this subsection is to evaluate the status of Head Start and Early Head Start programs affected by Hurricanes Katrina and Rita as well as the challenges those programs have faced in reestablishing themselves and reenrolling eligible children and families, with the ultimate goal of providing all Head Start and Early Head Start programs with recommendations for developing and implementing disaster plans.

"(2) DEFINITION.—The term 'areas affected by Hurricanes Katrina and Rita' means any parish or county for which it was determined that assistance was warranted from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricanes Katrina and Rita.

"(3) STUDY.—The Secretary shall conduct a study on the status of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita.

"(4) REPORT.—Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress a report containing the results of such study, including

"(A) information on the population served, including—

"(i) the number of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita before and after Hurricanes Katrina and Rita;

"(ii) the demographics of such children and families; and

"(iii) the geographical distribution of such children and families;

"(B) information on staff and programs, including—

"(i) the number and geographic distribution of staff serving Head Start and Early Head Start children and families from areas affected by Hurricanes Katrina and Rita;

"(ii) the current status, including employment status and geographic location, of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita prior to Hurricanes Katrina and Rita; and

"(iii) the response and recovery efforts of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita

"(C) information on facilities, including—

"(i) the number of Head Start and Early Head Start facilities operating prior to Hurricanes Katrina and Rita in areas affected by Hurricanes Katrina and Rita;

"(ii) the current status of each such facility; and

"(iii) information on any new Head Start or Early Head Start facility that has opened in areas affected by Hurricanes Katrina and Rita or that serves children and families who lived in areas affected by Hurricanes Katrina and Rita at the time of Hurricanes Katrina and Rita;

"(D) information on coordination with the Federal Emergency Management Agency (FEMA) in areas affected by Hurricanes Katrina and Rita, including—

"(i) areas of success that Head Start agencies and programs had in working with FEMA;

"(ii) challenges that Head Start agencies and programs had in working with FEMA; and

"(iii) the number of Head Start families that received individualized assistance (as defined under the Robert T. Stafford Disaster Relief and Emergency Act) and the types of assistance received by such families.

"(E) challenges that were faced by Head Start and Early Head Start programs and families in areas affected by Hurricanes Katrina and Rita including—

"(i) the availability of Head Start services for families displaced during the period of transition;

"(ii) identification of and outreach to families displaced by the Hurricanes Katrina and Rita; and

"(iii) the extent to which non-Federal disaster assistance was available to Head Start agencies and programs, and coordination of such services with non-Federal disaster assistance resources.

"(5) DISASTER PLAN PREPAREDNESS.—Not later than 1 year after the date of the enactment of Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress, Head Start disaster plan recommendations based upon the report initiated in paragraph (4), including recommendations for prevention, preparedness, response, and recovery, that can be used to advise Head Start and Early Head Start programs in the development and implementation of disaster plans.".

SEC. 20. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) in subsection (a)—

(A) by striking "Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate" each place it appears and inserting "Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate",

(B) by striking "and non-English language background children" and inserting "children, homeless children, children in foster care, and limited English proficient children", and

(C) in paragraph (8) by inserting "homelessness, whether the child is in foster care or was referred by a child welfare agency," after " background,", and

(2) by adding at the end the following:

"(c) SET-ASIDE ACTIVITIES.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report detailing the different amounts of expenditures under section 640(a)(2) and the activities carried out thereunder.

"(d) FISCAL PROTOCOL.—The Secretary shall conduct an annual review to assess whether the design and implementation of the triennial reviews described in section 641A(c) include compliance procedures that provide reasonable assurance that Head Start agencies are complying with applicable fiscal laws and regulations. The Secretary shall report the findings and conclusions of the annual review to the House Committee on Education and Labor, and the Senate Committee on Health, Education, Labor and Pensions within 30 days of completing the review.

"(e) USE OF INDIVIDUALIZED EDUCATION PLANS.—The Secretary shall track the use of Head Start Individualized Education Plans by Head Start agencies in order to evaluate the reasons why Head Start agencies are opting not to use Individualized Education Plans for children with disabilities (as specified in the Individuals With Disabilities Education Act (20 U.S.C. 1414(d)), whether Head Start Individualized Education Plans are used to provide services prior to the development of an Individualized Education Plan, as required under the Individuals With Disabilities Education Act, and the length of time programs use Head Start Individualized Education Plans before an Individualized Education Plan as required under Individuals With Disabilities Education Act is developed. The Secretary shall provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007.

"(f) EVALUATION AND RECOMMENDATIONS REGARDING OBESITY PREVENTION.—The Secretary shall evaluate and publish regulations on the issue of and concerns related to preventing and reducing obesity in children who participate in Head Start programs and shall consult, at a minimum, with experts in child and maternal health, child development, child and family nutrition and physical education, to determine the effective methods by which Head Start agencies can help address childhood obesity. The regulations should include guidance on how Head Start agencies can incorporate, at a minimum, more physical activity and nutrition education into such programs related to preventing and reducing obesity. Not later than 1 year after the effective date of this subsection, the Secretary shall submit to the House Committee on Education and Labor and the Senate Committee on Health, Education, Labor and Pensions, a report containing such recommendations and the results of such evaluation.".

SEC. 21. WAGES AND COMPENSATION.

Section 653 of the Head Start Act (42 U.S.C. 9848) is amended to read as follows:

"SEC. 653. WAGES AND COMPENSATION.

"(a) COMPARABILITY OF WAGES.—The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this subchapter shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher; or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938. The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.

"(b) FEDERAL RATE LIMITATION.—Notwithstanding any other provision of law, no Federal funds shall be used to pay all or any part of the compensation of an individual employed by a Head Start agency in carrying out programs under this subchapter, either as direct or indirect costs of any proration thereof, at a rate in excess of the rate then payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.".

SEC. 22. LIMITATION ON CERTAIN USES OF FUNDS.

The Head Start Act (42 U.S.C. 9858 et seq.) is amended by adding at the end the following:

"SEC. 656A. LIMITATION ON CERTAIN USES OF FUNDS.

"No funds made available to carry out this subchapter may be used—

"(1) for publicity or propaganda purposes not heretofore authorized by the Congress; or

"(2) unless authorized by law in effect on the effective date of this section, to produce any pre-packaged news story intended for broadcast or distribution unless such story includes a clear notification contained within the text or audio of such story stating that the prepackaged news story was prepared or funded by the Department of Health and Human Services.".

I. PURPOSE

The purpose of H.R. 1429, the Improving Head Start Act of 2007, is to help low-income children arrive at kindergarten ready to succeed.

II. COMMITTEE ACTION

108TH CONGRESS

On March 6, 2003, the Subcommittee on Education Reform held a hearing on improving results for children in Head Start. The School Readiness Act of 2003, H.R. 2210, was introduced by Representative Michael Castle on May 22, 2003 and garnered 10 cosponsors. On June 3, 2003, the Subcommittee on Education Reform held a hearing on H.R. 2210. On June 12, 2003, the Subcommittee on Education Reform considered H.R. 2210 and reported it favorably, as amended, to the Committee on Education and the Workforce by a rollcall vote of 11–9. On June 18th and 19th of 2003, the Committee on Education and the Workforce, considered H.R. 2210 in legislative session. On June 19, 2003, the Committee reported the bill favorably, as amended, by rollcall vote of 27–20. The bill, as amended, was reported to the House of Representatives. On July 24th and 25th of 2003, the House of Representatives considered the School Readiness Act of 2003. On July 25, 2003, the House of Representatives passed the bill, as amended, by rollcall vote of 217–216.

109TH CONGRESS

The Committee on Education and the Workforce held three hearings on the Head Start program. On April 5, 2005, the Full Committee held a hearing on financial accountability in Head Start. On April 14, 2005, the Subcommittee on Education Reform held a hearing on exemplary practices in Head Start programs. On April 21, 2005, the Subcommittee on Education Reform held a hearing on coordination between Head Start and state-funded pre-kindergarten programs.

The School Readiness Act of 2005, H.R. 2123, was introduced by Representative Michael Castle on May 5, 2005, and garnered 19 cosponsors. The bill was referred to the Committee on Education and the Workforce. On May 11, 2005, the Subcommittee on Education Reform considered H.R. 2123 and reported it favorably, as amended, to the Committee on Education and the Workforce by voice vote. On May 18, 2005, the Committee on Education and the Workforce considered H.R. 2123 in legislative session and reported the bill favorably, as amended, to the House of Representatives. The rollcall vote was 48–0. On September 22, 2005, the House of Representatives passed the School Readiness Act of 2005 by rollcall vote of 231–184.

Subcommittee hearing

On February 28, 2007, the Subcommittee on Early Childhood, Elementary and Secondary Education held a hearing titled, "Improving Head Start for America's Children." The hearing discussed early childhood brain development in the context of Early Head Start, the importance of family support services under Head Start, shortcomings of the U.S. Department of Health and Human Services' monitoring, technical assistance and training system for Head Start grantees, the ongoing impact of the aftermath of Hurricanes Katrina and Rita on Head Start children and families in New Orleans, and coordination between Head Start and state-funded prekindergarten systems. The following witnesses testified before the Subcommittee: Ross A. Thompson, Ph.D., Department of Psychology, University of California, Davis, California; Mac McKeever, Out-County Head Start Director, Genesee County Community Action Resource Department, Flint, Michigan; Barbara Haxton, Executive Director, The Ohio Head Start Association, Dayton, Ohio; Pearlie Elloie, Director, Office for Children, Youth and Families, Total Community Action, Incorporated, New Orleans, Louisiana; Ellen Frede, Ph.D., Co-Director, National Institute for Early Education Research, New Brunswick, New Jersey.

Introduction of the Improving Head Start Act

On Friday, March 9, 2007, Representative Dale E. Kildee, along with Representatives George Miller (D–CA), Castle (R–DE), Scott (D–VA), Ehlers (RMI), Hinojosa (D–TX), McCarthy (D–NY), Wu (D–OR), Davis (D–IL), Sanchez (D–CA), Sarbanes (D–MD), Sestak (D–PA), Loebsack (D–IA), Hirono (D–HI), Altmire (D–PA), Yarmuth (D–KY), Clarke (D–NY), and Shea-Porter (D–NH) introduced H.R. 1429, the Improving Head Start Act of 2007, a bill to reauthorize the Head Start Act through 2012.

Full Committee markup of H.R. 1429

On Wednesday, March 14, 2007, the Committee on Education and Labor considered H.R. 1429 in legislative session, and reported the bill favorably, as amended, to the House of Representatives. The rollcall vote was 42–1. Chairman Miller offered an amendment in the nature of a substitute.

The amendment in the nature of a substitute contained minor technical changes and the following additions to H.R. 1429:

- Requires that at least 25 percent of the quality improvement funds be used to improve the salaries, benefits, and pay scales of educational staff, family service workers, and child counselors and that other portions of the quality improvement funds may be used to improve the salaries, benefits, and pay scales of other Head Start staff.
- Allows some programs to increase income eligibility to 130 percent of the federal poverty line, with some limitations, including a 20 percent cap.
- Improves technical assistance to programs reaching too few children with disabilities.
- Requires the Secretary to gather additional information on the use of Head Start Individualized Education Plans.

• Encourages programs to direct appropriate mental health services to siblings of children in Head Start.

• Requires the Secretary to develop a disaster preparedness plan, and conduct an evaluation of methods for improving coordination with FEMA.

• Allows Teach for America participants to teach in Head Start classrooms if they pass a rigorous early childhood content exam and participate in Teach for America's professional development.

The Committee adopted following amendments:

1. An amendment offered by Mr. Davis, adopted by voice vote. This amendment requires the Secretary to establish standards for training, qualifications, and conduct of home visits for home visiting staff in Early Head Start programs.

2. An amendment offered by Mrs. Foxx, adopted by voice vote. This amendment protects the confidentiality of personally identifiable information and clarifies that the bill does not authorize a national database of such information.

3. An amendment offered by Mr. Bishop, Mr. Grijalva, and Mr. Hare, adopted by voice vote. This amendment allows Head Start programs to use a portion of their quality improvement funds to supplement transportation costs.

4. An amendment offered by Mr. Grijalva, adopted by voice vote. This amendment requires Head Start programs to provide the Secretary with data on the number of teachers who possess a child development credential or formal degree, disaggregated by race, ethnicity, and proficiency in a language other than English.

5. An amendment offered by Mr. Andrews, adopted by voice vote. This amendment requires the Secretary to consult with experts and advise Head Start programs on programs and methods to improve air quality.

6. An amendment offered by Mr. Yarmuth, adopted by voice vote. This amendment directs the Secretary to grant annual waivers for certain transportation requirements if a waiver is in the best interest of the child.

7. An amendment offered by Mr. Grijalva, adopted by voice vote. This amendment clarifies that the Head Start education performance standards should use linguistically and culturally appropriate instructional services, including use of a child's home language.

8. An amendment offered by Mr. Hinojosa, adopted by voice vote. This amendment encourages the Secretary to establish demonstration career ladder programs at Tribally Controlled colleges and universities and Hispanic-serving institutions to address the shortage of certified teachers in Indian Head Start programs and the severe shortage of bilingual (particularly Spanish-speaking) teachers who are certified to teach in Head Start programs.

9. A second degree amendment to the amendment offered by Mr. Hinojosa offered by Mr. McKeon, adopted by voice vote. This amendment adds a service requirement to the amendment offered by Mr. Hinojosa.

10. An amendment offered by Mrs. McCarthy, adopted by voice vote. This amendment requires the Secretary to issue regulations regarding how Head Start programs can implement obesity prevention activities, such as exercise and nutrition, into their programs.

11. An amendment, offered by Mr. Hare, adopted by voice vote. This amendment requires the Secretary to address challenges faced

by rural communities by providing technical assistance to remove the barriers relating to recruitment and retention of instructors and outreach to the rural poor.

The Committee rejected four amendments by rollcall vote.

III. Summary of the Bill

PURPOSE

The purpose of H.R. 1429, the Improving Head Start Act of 2007, is to help low-income children arrive at kindergarten ready to succeed by providing a high quality early education program that supports children's cognitive, social, and emotional development, and through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.

FUNDING

Authorizes $7.35 billion for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2012. Of that amount, not more than $20 million may be used in 2008 to carry out research, demonstration, and evaluation activities, including no more than $7 million each year from 2008 through 2012 to carry out studies on the impact of Head Start.

PROGRAM, TEACHER, AND WORKFORCE QUALITY

Requires 60 percent of any new funds appropriated over the level of the preceding year (after a COLA adjustment for local programs) to be used for quality improvement purposes, including requiring programs use at least one-fourth of those funds for increasing the salaries, pay scales, and benefits of educational staff, family service workers, and child counselors. Programs may also use these funds for key improvements such as supporting professional development, increasing program operation hours, reducing child:teacher ratios, reducing family service worker caseloads, and a limited amount may be used to bolster transportation services. H.R. 1429 also requires the Secretary to implement a classroom observation assessment tool that can be used for immediate feedback to teachers on classroom practices. H.R. 1429 increases teacher qualifications, requiring half of teachers nationwide to have a baccalaureate degree in early childhood education or a related field by 2013. Starting in 2009, all new teachers must have at least an associate's degree in early childhood education or a related field, or be working toward that degree. The bill permits Teach for America (TFA) teachers to be eligible to teach in Head Start programs if they pass a rigorous early childhood content exam and participate in on-going TFA training.

FOCUS ON SCHOOL READINESS

Requires the Secretary to re-evaluate and update the current early learning standards and use of assessments, using the best available science. The bill ensures that curricula, assessments, and professional development use best practices to support children's emerging literacy and vocabulary growth. H.R. 1429 suspends and terminates further use of the National Reporting System (NRS).

TRAINING AND TECHNICAL ASSISTANCE

Strengthens the training and technical assistance system in a number of ways. H.R. 1429 maintains a minimum two percent set-aside for training and technical assistance and reserves a minimum of 50 percent of these funds directly for local programs and defines how programs may use these funds. The bill requires at least 30 percent of the training and technical assistance set-aside be used by the Secretary to develop a state-based system of training and that technical assistance be available to support local programs. The remainder of these funds may be reserved by the Secretary to fund various activities aimed at supporting program quality, including up to $5 million annually for supporting State Early Learning Councils. H.R. 1429 also requires programs to develop and submit annually to the Secretary, training and technical assistance plans.

EARLY HEAD START

Increases the Early Head Start set-aside to a minimum of 12 percent in 2008, 14 percent in 2009, 16 percent in 2010, 18 percent in 2011, and 20 percent in 2012. H.R. 1429 requires the Secretary to allow Head Start agencies to convert portions of their base grant into an Early Head Start grant, if programs can demonstrate this meets the needs of their community and is subject to all the requirements of Early Head Start agencies.

INCOME ELIGIBILITY

Deems homeless children eligible for Head Start and allows programs the flexibility of increasing their income eligibility to 130 percent of the poverty line, subject 5 to a 20 percent cap, if programs demonstrate community need, make efforts to prioritize, and continue outreach to serving children and families under 100 percent of the federal poverty line, and other restrictions.

SERVICES FOR CHILDREN AND FAMILIES WITH LIMITED ENGLISH PROFICIENCY

Requires additional focus on meeting the needs of children and families with limited English proficiency (LEP) in a number of ways including, improving outreach to eligible families, setting standards for effectively communicating with and engaging parents with LEP, and adding requirements on transitions to kindergarten for children and families with LEP. H.R. 1429 also targets training assistance resources for meeting the needs of communities that have experienced a rapid increase in eligible children with LEP, requires programs to disaggregate data on teacher qualifications by race, ethnicity, and ability to speak languages other than English, and creates a career ladder demonstration program for Hispanic-serving institutions. The bill requires the Secretary to conduct a study that evaluates both the unique needs related to serving LEP children and families and Head Start's capacity to meet those needs.

MIGRANT AND SEASONAL HEAD START (MSHS)

Reserves 5 percent of the total annual appropriation for migrant and seasonal Head Start programs until such time as the Secretary

can make funding decisions to ensure comparable funding to other eligible children. Authorizes the appointment of a National Migrant and Seasonal Head Start Collaboration Director. Requires a national system of MSHS training and technical assistance. H.R. 1429 also requires the Secretary to conduct a study to evaluate the existing need for services and to improve data tracking systems. The bill clarifies that the MSHS classroom serving infants and toddlers must meet the teacher qualifications set forth for Early Head Start programs.

INDIAN HEAD START

Reserves 3.5 percent of the total annual appropriation for Indian Head Start programs until such time as the Secretary can make funding decisions to ensure comparable funding to other eligible children. Requires a national system of Indian Head Start training and technical assistance. H.R. 1429 also requires the Secretary to continue the current administrative arrangement at the national level for meeting the needs of Indian children and families and to appoint an Indian Head Start Collaboration Director. The bill allows Indian tribes that operate both a Head Start and Early Head Start program to reallocate funds between the two programs to address fluctuations in the client populations. H.R. 1429 directs the Secretary, in collaboration with Indian Head Start programs, the National Indian Head Start Collaboration Director, tribal governments, the National Indian Head Start Directors Association, and other appropriate entities, to undertake a study or studies to focus on curriculum development, availability and need for services, appropriate research methodologies and measures, and best practices relating to American Indian and Alaska native Head Start children. H.R. 1429 authorizes grants to Tribal Colleges and universities to implement education programs that include education about tribal culture and language in an effort to increase the number of degrees in early childhood and related fields held by Indian Head Start staff.

ACCOUNTABILITY

Creates a new system of application review to identify programs providing a high quality comprehensive early childhood program. Under H.R. 1429, the Secretary is required to convene an expert panel with specific areas of expertise, to devise a system of application review based on information from annual budget data, annual audits, the triennial review, an observational measure of classroom quality, and Program Information Report (PIR) data. The Secretary's proposed system of application review, based upon the expert panel's recommendations, must be made available for public comment prior to implementation of the new system of application review. The Secretary must have a transparent, valid, and reliable system ready for implementation no later than two years after the date of enactment of the Improving Head Start Act. Until such time that the new system is implemented, the Secretary may not devise or implement a separate method for recompetition. When a Head Start agency is identified under this application review system as not meeting its mission to provide a high quality, comprehensive early childhood education, the program may enter into an open recompetition for continued designation as a Head Start

agency. Head Start agencies identified under the application review system to be meeting their mission to provide a high quality, comprehensive early childhood education program shall receive a grant award for a period of five years.

H.R. 1429 makes additional changes to the current accountability system. It allows the Secretary to more quickly de-fund seriously underperforming programs and improves the triennial review process by requiring the evaluation of program strengths and weaknesses. It improves the qualifications of the review team, requires inclusion of a detailed fiscal management protocol, and requires follow-up site visits of deficient programs. H.R. 1429 also maintains the existing shared governance structure but requires the active participation of the governing board, requires the creation of a finance and audit committee, prohibits persons with a conflict of interest from serving on the board, imposes requirements on the expertise board members must possess, defines the board's responsibilities, and requires training for board and parent policy council members.

COMPREHENSIVE SERVICES

Increases the emphasis Head Start agencies must place on early identification of child and family mental health needs and improves training for staff for identifying children and families experiencing toxic stress. H.R. 1429 also requires Head Start agencies to implement research-based best practices for family service workers and highlights identification of maternal depression. It requires the Secretary to determine effective methods by which Head Start agencies can help decrease obesity in Head Start students. The Secretary is required to consult with experts and provide guidance on how Head Start centers can address childhood obesity. H.R. 1429 also requires assistance to programs to address issues of air quality in Head Start centers. Under H.R. 1429, the Secretary is required to consult with experts and inform Head Start agencies of programs that may improve indoor air quality in Head Start centers.

COORDINATION

Requires improved coordination between Head Start and state-funded pre-kindergarten programs through the creation of local memoranda of understanding. The bill provides a clear exemption for Head Start programs if there is no state-funded pre-kindergarten program in the service area or if the pre-kindergarten program is unable or unwilling to work in good faith on a memorandum of understanding with the Head Start agency. H.R. 1429 clarifies and expands the focus of the State Head Start Collaboration Offices to provide assistance to local programs to better coordinate with other federal, state and local early childhood services. It improves coordination at the state level by reserving up to $5 million annually for supporting State Early Learning Councils aimed at developing a coordinated delivery system of early childhood services and improving the overall quality of those services. H.R. 1429 requires at least a 50 percent state match to receive these funds.

ENROLLMENT OF HOMELESS CHILDREN

Requires the Secretary to prescribe policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such procedures shall require Head Start agencies to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment; to allow homeless families to apply to enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame. H.R. 1429 also requires procedures to coordinate individual Head Start centers and programs with efforts to implement the McKinney-Vento Homeless Assistance Act.

DISASTER PREPAREDNESS

Requires the Secretary to develop a disaster preparedness plan and advise Head Start agencies on such plan. The bill also requires the Secretary to evaluate the barriers to serving Head Start families after hurricanes Rita and Katrina and to evaluate methods for improved coordination with the Federal Emergency Management Agency (FEMA).

IV. COMMITTEE VIEWS

OVERVIEW

Head Start is the premiere early education program in this country. Started in 1965 under President Johnson, it is a highly successful, research-based, comprehensive child development and early education program for low-income children, birth to five years old, and their families. It has played an important role in improving the lives of more than 20 million children and their families in its long history. Its goal is to help disadvantaged children be better prepared to succeed in school and in life by addressing the needs of the whole child and providing comprehensive services such as health and nutrition in addition to education—the approach child development experts believe is the most effective. Parental involvement has long been a cornerstone of Head Start because parents are children's most important and influential teachers; and, to have long-term success, the program must consider the family as well as the child. These important principles remain central to the program today.

Poverty is one of the strongest predictors of lower school success: an "achievement gap" between low-income children and their more affluent peers begins before kindergarten and continues through elementary and secondary education. After nearly a decade of decline in national child poverty, the rate of child poverty began to rise in 2002. Today, more than 12 million children in America live in poverty, including approximately 20 percent of children under age six. Poverty rates are substantially higher for ethnic and racial minorities. A large income gap exists between White, African American and Hispanic families: in 2005, the median income for White families with children under 18 was nearly twice as high as that of African American and Hispanic families. In 2005, 37.4 percent of African American, 31.2 percent of Hispanic, and 17.3 percent of

White children under age six lived in poverty. In addition, more than eight million children and teenagers do not have health insurance. Research finds that experiencing poverty as a child leads to more health and mental problems throughout one's life, less academic success, and less stable employment as an adult. Head Start continues to be one part of a multi-faceted approach to reducing the impact of poverty on children and families and eliminating the achievement gap. As this Committee examines ways to improve Head Start, it also recognizes that it is unrealistic to believe that Head Start can be the magic cure that eradicates the achievement gap.

Head Start is one of the most evaluated federal programs, and research concludes that Head Start works. Research confirms that children who attend Head Start enter school better prepared than low-income children who do not attend the program and, further, that children who attend Head Start make significant gains relative to national norms in vocabulary, early writing, letter recognition and social behavior. Head Start students show IQ gains, are less likely to need special education services, to repeat a grade, or commit crimes in adolescence and are more likely to graduate from high school.

Research from the well-respected longitudinal study, "The Head Start Family and Child Experiences Survey" (FACES), also found that children who attend Head Start make great strides in closing the achievement gap. FACES found that children made modest but significant gains in areas of cognitive development during the Head Start year and made even greater gains over the kindergarten year so that by the end of kindergarten Head Start graduates were "essentially at national norms in early reading and writing, and about one third of a standard deviation below national norms in vocabulary, general knowledge and early math." These findings suggest that not only do children in Head Start learn key skills in the program, but Head Start also prepares children to better benefit from teaching when they arrive at elementary school.

Recent research conducted with the highest standards confirms that Head Start helps children make gains in cognitive development and narrows the achievement gap. In June 2005, the Department of Health and Human Services (the Department or HHS) released a report on the first year fmdings from the Impact Study—a congressionally mandated study requiring the Secretary to evaluate the impact of Head Start on the children and families it serves. This longitudinal, randomized control group design study will follow children through the end of first grade and evaluate the effect of Head Start over this period. The findings from the first year were very encouraging: Head Start improved children's pre-reading skills, pre-writing skills, vocabulary and parent-reported literacy skills. The study also found that after less than one school year, Head Start narrowed the achievement gap by 45 percent in the area of pre-reading and by 28 percent in pre-writing.

Moreover, the Impact Study demonstrates that Head Start influenced important parenting practices, including increasing the frequency with which parents read to their child. In addition, Head Start decreased hyperactivity in three year olds. Significant effects were not found in the areas of oral comprehension, phonological

awareness, early math and many areas of social and emotional development—suggesting key areas for program improvement.

There are two ways for Head Start to better narrow the achievement gap between low-income children and their more affluent peers—one is to increase program effectiveness, the second is to increase program enrollment. Both approaches are equally necessary and Congress must do more to improve program quality and expand services to serve more infants and toddlers through Early Head Start and more preschoolers through Head Start. The Committee intends to accomplish both these goals with the enactment of the Improving Head Start Act of 2007. If we truly believe that no child should be left behind, working to improve the quality and increase the funding of Head Start must be a top domestic priority.

IMPROVING TEACHER AND CLASSROOM QUALITY

The Committee believes that teacher quality is essential to Head Start quality and to closing the achievement gap between poor children and their more affluent peers. There are many excellent teachers in Head Start, and the Committee believes more can be done to ensure that every single Head Start teacher is prepared and able to give their students the best head start they can. That is why the Committee has made improving teacher quality a central focus of this bill, and H.R. 1429 includes many provisions that will increase teacher quality.

When Congress last reauthorized Head Start in 1998, it aimed to improve teacher quality by requiring that 50 percent of Head Start teachers nationwide have a minimum of an associate degree in early childhood education or a related field by 2003. This provision was extremely successful in improving the qualifications of Head Start teachers: in 1997, only 34 percent of Head Start teachers had an associate or baccalaureate degree; by 2003, 58 percent of teachers had reached that level of qualification, and by 2006, 72 percent of Head Start teachers had an associate degree or higher.

The Committee believes it is important to build on this success by requiring that 50 percent of Head Start teachers nationwide have a minimum of a baccalaureate degree in early childhood education or a related field by 2013. According to the National Research Council report, Eager to Learn, all preschool programs should have a teacher with at least a bachelor's degree in early childhood education or a related field.

Well-educated teachers are one of the keys to early childhood program quality and outcomes for children. Research consistently demonstrates a link between the learning potential of children and the level of education and training of classroom teachers. Research also shows that teachers with a minimum of a bachelor's degree and specialized training in early childhood development are significantly more engaged with children, less critical, and less detached from students in their classrooms—all characteristics related to better child outcomes—than teachers with less formal education. Research further demonstrates that higher teacher qualifications directly translate into better results for children in critical areas of development, including the attainment of the competencies needed to be successful in school. The three most renowned early childhood programs for low-income children—the Perry Preschool Project, Chicago Child Parent Centers, and Abecedarian Preschool—all

were staffed by teachers with a minimum of a bachelor's degree and specialized training in early childhood education. However, it is important to note that the Committee's explicit intent is for a nationwide requirement: No individual program or center should be penalized or sanctioned for failing to meet this provision.

The Improving Head Start Act of 2007 further seeks to improve teacher quality by prioritizing that at least 60 percent of appropriations above the prior year's level (less a cost of living adjustment to programs) be used for quality improvement purposes, such as teacher salaries and professional development. The bill adds to this requirement by mandating that at least one-fourth of such new funding (meaning, at least 15 percent of new funds annually appropriated) be used to increase the salaries, benefits, and pay scales of key staff, including teachers. Low salaries make it difficult for Head Start agencies to attract and retain qualified teachers and this Committee urges local programs to prioritize teacher salaries and benefits.

H.R. 1429 also requires Head Start grantees to create a career ladder and professional development plan for all full-time employees who provide direct educational services to children. Combined with the bill's focus on professional development activities that are part of a sustained and intensive effort to improve key aspects of program quality, the Committee believes that the development of such plans will result in high quality professional development that directly benefits the individual instructor, Head Start students, and the overall program.

The Improving Head Start Act of 2007 also requires the Secretary to integrate into the triennial review, a valid and reliable research-based observational instrument that assesses classroom quality, including multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement. The Committee believes that it is logistically and fiscally impractical to implement such an instrument in every classroom and recommends the Secretary develop appropriate sampling techniques in the implementation. The Committee also believes it is essential that the Secretary ensure only qualified individuals with demonstrated reliability implement this instrument. In choosing an appropriate instrument that meets the requirements of H.R. 1429, the bill directs the Secretary to choose a measure that research has demonstrated to be valid and reliable and predictive of program quality and child outcomes. The Committee encourages the Secretary to consider using the Classroom Assessment Scoring System (CLASS) for these purposes. The CLASS "scores how productive the environment appears in use of time and activities; how sensitive is the teacher's behavior; the quality of instruction and feedback to students; the effectiveness of behavior management; and the extent to which activities and interactions stimulate conceptual development and engagement." (Pianta, 2005). A review of the scientific literature suggests this instrument has solid support to validate its use in evaluating key dimensions of classroom quality and that research has demonstrated its use in predicting child outcomes. The Committee also thinks the CLASS can be a valuable tool to individual Head Start programs because it provides feedback on classroom strengths and weaknesses and offers professional development tools aimed at improving teacher effectiveness. Because one

of this instrument's strengths is it allows a pathway for programs to improve teacher quality, the Committee recommends that when including data from this instrument in the grant review process, that if a Head Start agency implements the CLASS outside of the triennial review, the additional data be included in the application review.

STRENGTHENING THE FOCUS ON SCHOOL READINESS

Early learning standards

Knowledge about children's learning has expanded greatly during the past two decades. Research in the neurobiological and behavioral sciences suggests the importance of a child's experiences during the first years of life for healthy brain development. From birth through age five, children rapidly develop the capabilities on which subsequent development builds. The Improving Head Start Act of 2007 includes numerous provisions to strengthen the focus on school readiness in the classroom. Experts in early childhood education believe that school readiness encompasses many different dimensions of child growth and development. As Dr. Ross Thompson testified before the Subcommittee on Early Childhood, Elementary, and Secondary Education on February 28, 2007, development of non-cognitive skills, such as curiosity, self-control, and attention capabilities are as important to school readiness as literacy and vocabulary development. Therefore, H.R. 1429 aims to strengthen all domains of school readiness of Head Start children, including cognitive, social, and emotional development. In requiring the Secretary to consult with experts to re-evaluate and update as necessary, the current early learning standards using the best available science, the Committee intends for the Secretary to maintain the depth and breadth of Head Start's current early learning standards—the Head Start Child Outcomes Framework—and ensure that the performance standards are updated, as necessary, to reflect the best science on early childhood.

Use of measures and assessments

In addition, the Committee believes assessment can be a very important component of delivering a high-quality early education program, but assessments must be chosen and used wisely and cautiously. The Committee requires the Secretary to consult the forthcoming report entitled "Developmental Outcomes and Assessments for Young Children" from the National Academy of Sciences to fully re-evaluate the use of assessments in Head Start to ensure that any such assessment be used for the purpose of promoting the skills, knowledge and competencies of children, improving classroom practices, identifying special needs, or improving overall program performance. H.R. 1429 explicitly requires that any assessment used in Head Start be developmentally, linguistically, and culturally appropriate, be consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children, be valid and reliable in the appropriate language, only be administered by persons with adequate training, and provide appropriate accommodations for children with disabilities and children who are LEP. H.R. 1429 also specifically prohibits Head Start programs from using such assessments to ex-

clude children from Head Start programs and prohibits any high stakes testing in Head Start at the national, regional, or local level.

In addition, the Committee is concerned that some programs may be using outdated and inadequate screening instruments even though several evidence-based, quick, inexpensive, and accurate tools already exist. Given the great importance of identifying developmental delays early, it is critical that grantees utilize high-quality research-based developmental screening tools. The Secretary is encouraged to assist grantees that are not already doing so, to incorporate high-quality screening tools into their program.

National Reporting System

Since HHS first announced plans for a National Reporting System (NRS), Committee Members have heard from numerous experts about on-going concerns regarding the validity, appropriateness, and use of the NRS. The Committee is concerned that the Secretary did not adequately weigh the concerns expressed by its own Technical Working Group and rushed a flawed testing system into Head Start programs before the system's purpose and plans for use were even clearly defined. More than 300 experts in early childhood development and education wrote to Congress to express their serious concerns about the appropriateness, validity, and use of the NRS. A 2005 report from the independent Government Accountability Office (GAO) confirmed serious flaws in the development and use of the NRS. A recent report by the Advisory Committee on Head Start Accountability and Educational Performance Measures convened by the Secretary only confirms to the Committee that there are inherent and serious flaws in the design and use of the NRS. Given that the National Research Council concluded in 2001 that "[a]ll assessments, and particularly assessments for accountability, must be used carefully and appropriately if they are to resolve, and not create, educational problems," the Committee takes the on-going concerns about the NRS very seriously and suspends implementation of and terminates further development and use of the NRS. H.R. 1429 directs the Secretary to use the findings from the forth-coming study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences to provide guidance on the appropriate use of assessments in early childhood education programs like Head Start.

Curricula

There is a growing body of research and understanding of the early foundations of children's positive development and learning. Research indicates that the use of comprehensive, research-based curricula is critical to preparing children for success in school and in life. Children's readiness for school and positive overall development will be enhanced by teachers using a well-planned, research-based curriculum selected at the local level and implemented by teachers with education and training in child development and in the chosen curriculum. Research further suggests that learning will be most effective if it builds on children's existing understanding, so it is critical that implementation attends to the individual developmental level of the child. Curricula should promote learning of concepts as well as information and skills. Curricula should in-

crease in complexity and difficulty of activities as children develop and should take into account and support the different ways children learn. It should be challenging, engaging, developmentally appropriate, culturally and linguistically responsive, and inclusive of children with disabilities. Curricula should be results-based and linked to instructional goals and measurable objectives. The Committee believes that most Head Start programs are using appropriate curricula that meets these qualities. In addition, the Committee wants to make clear that H.R. 1429's focus on research-based curriculum does not suggest that the majority of Head Start programs need to adopt a new curriculum. Still, to ensure that all programs are delivering a research-based curriculum that adequately supports children's development and school readiness, the Improving Head Start Act of 2007 requires Head Start programs to use research-based early childhood curriculum that promotes school readiness in the areas of language and cognitive development, early reading and pre-mathematics skills, social and emotional development, physical development, and approaches to learning in addition to other requirements. It is important to note that H.R. 1429 does not mandate a federal or specific curriculum.

Comprehensive services

The health, nutritional, and family services provided by Head Start programs are also fundamental to Head Start children arriving at kindergarten ready to succeed. Consequently, the Improving Head Start Act of 2007 aims to improve the delivery of these important services by placing a greater focus on early identification of child and family mental health needs. The Committee also determined to highlight the importance of providing families with information on maternal depression. Research indicates that maternal depression has a significant impact on child development so it is important that Head Start programs are able to help families identify maternal depression and help families reach appropriate services. The latest neuroscience research on brain development finds that experiencing "toxic stress" as a child can affect important brain structures as they are still developing. Therefore, it is critical that Head Start programs are capable of using research-based methods of identifying children and families experiencing high levels of stress so families can be directed to appropriate services.

H.R. 1429 also encourages programs to prioritize the use of best practices for family service workers, including caseload size. The Committee believes family service workers are essential to meeting the needs of Head Start children and families and is concerned about reports that family service worker caseloads have increased as a result of inadequate appropriations since 2003.

The Committee was concerned to learn of the high prevalence of obesity in Head Start students. For example, research suggests that 20 percent of Head Start children in New York City can be classified as obese. The Committee understands the Office of Head Start has implemented a pilot program to address obesity concerns but believes it is important that this health problem gets immediate and broad attention, accordingly, H.R. 1429 requires the Secretary to provide guidance to Head Start programs on ways they can address childhood obesity in their students.

Efforts to improve family literacy also are an important component of Head Start. Family literacy activities, when appropriate, are critical to enhancing a parent's involvement in their child's education, which is significantly challenged if parents cannot read. In keeping with the goal of improving school readiness and valuing the role of parents in their children's education, the Committee bill renews its support for training and technical assistance in the area of family literacy services.

EARLY HEAD START

Neuroscience suggests that the ages of birth to three constitute the most critical period for a child's brain growth. It is during this period that children acquire the ability to think, speak, learn, and reason. According to many brain researchers, the development between the prenatal period and the first years of life is more extensive than previously thought and susceptible to long-lasting early environmental influences. Infants' and toddlers' early experiences are extremely important—research indicates that when the social and emotional development of very young children is ignored, it can have devastating effects on children's overall functioning, their ability to form and maintain relationships, their ability to learn, and their future success in school and life. Disparities in children's cognitive and social abilities become evident well before they enter Head Start or pre-kindergarten programs at age four. Early Head Start minimizes these disparities and helps to establish the foundation needed for children to enter school ready to learn by supporting the cognitive, social, and emotional development of the infants and toddlers it serves.

Unfortunately, Early Head Start only reaches approximately two percent of eligible children because of inadequate funding. Dr. Thompson's testimony before this Committee on February 28, 2007 persuasively made the case for increased resources for Early Head Start. Therefore, the Committee seeks to increase available Early Head Start services. H.R. 1429 increases the current set-aside from a ceiling of 10 percent to floors of 12 percent in fiscal year 2008, 14 percent in fiscal year 2009, 16 percent in fiscal year 2010, 18 percent in fiscal year 2010, and 20 percent in fiscal year 2012. In addition, H.R. 1429 allows programs demonstrating the capacity and a community need to convert dollars from their Head Start grant into an existing Early Head Start grant or a new Early Head Start grant. Because of the increased availability of state-funded pre-kindergarten, some Head Start programs may be better able to meet the needs of their community by converting portions (or all) of their grant to serve infants and toddlers. The Committee believes this provision will improve local flexibility, allowing programs to better meet the needs of the families in their community, and it will expand access to Early Head Start.

SERVING CHILDREN AND FAMILIES WITH LIMITED ENGLISH PROFICIENCY

Limited English Proficiency (LEP) children account for a large share of the children in Head Start. In fact, 28 percent of all Head Start children are LEP. Moreover, population projections estimate that these children will account for a greater share of Head Start eligible children in the coming years. Therefore, the continued effi-

cacy of Head Start is increasingly contingent upon the ability of programs to serve language minority children adequately. The Committee recognizes that LEP children have unique needs that must be addressed in order to prepare these children effectively for the first day of school. Specifically, the Committee understands that language minority status can hinder access to and quality of Head Start services for LEP children and their families.

The Improving Head Start Act of 2007 improves Head Start for LEP children and their families in several key areas. H.R. 1429 requires LEP children to make progress toward English language acquisition and other early learning standards, as outlined in the education performance standards. The Committee intends for LEP children to receive high quality academic services aimed at supporting their school readiness, including through the use of appropriate instructional and home language support for second language learning. H.R. 1429 also provides for the use of training and technical assistance funds to improve access to and quality of Head Start services for LEP populations. The Committee believes that this is particularly important in states that have experienced a growth in the LEP population of at least 100 percent between the years 1990 and 2000, as measured by the U.S. census. H.R. 1429 also ensures that LEP parents benefit from the broad array of Head Start family services and parent involvement opportunities by requiring that all information be provided to parents in their home language, to the extent practicable.

In addition, the Committee believes that increasing the number of Head Start teachers who can effectively support the development of children with LEP is essential. H.R. 1429 allows the Secretary to use training and technical assistance funding for the development of a career ladder demonstration program at Hispanic-serving institutions. Furthermore, in order to effectively monitor progress towards the goal of increasing the qualifications of Head Start teachers with skills in serving LEP children, the Committee requires that as part of the annual program information report, Head Start agencies provide information on the educational levels of Head Start teachers disaggregated by race, ethnicity, and primary language. H.R. 1429 also requires the Secretary to undertake a study to evaluate the specific needs of serving LEP children and families in Head Start and to analyze the capacity of current Head Start grantees to meet these needs. The Committee intends for the Secretary to use the important information gathered in this study to improve the service delivery to LEP children and families.

MIGRANT AND SEASONAL HEAD START

The Migrant Head Start program was started in 1969 to ensure that farmworker families and their children can enjoy the same advantages made available to other low income children through Head Start. The program was initially established to provide for the needs of migrant farmworker children as they moved across the country with their families to pursue work. In 1998, services under Migrant Head Start were expanded to include services to the children of seasonal farmworkers, those who are engaged in seasonal agricultural labor but have not relocated within the last two year period. The current Migrant and Seasonal Head Start program (MSHS) serves approximately 37,000 migrant children and 2,500

seasonal children annually, operating in 40 states. Migrant Head Start programs were the first Head Start programs to serve infants and toddlers and today, two-thirds of the children in the program are infants and toddlers.

The MSHS program model is specifically designed to meet the unique challenges faced by migrant and seasonal farmworker children. Due to the nature of farm labor, farmworker families often need full day services—starting at 6:00 a.m. and running through 6:00 p.m., and often six days a week. In many states, MSHS programs operate in very rural locations, running from May to October, rather than the typical school year schedule. Many of the families and children are on the move for much of the year and need services at different times, in different states and locations. In addition, because most of the farmworker families being served are Spanish speaking only or bilingual Spanish, MSHS programs must have bilingual teachers and staff.

MSHS programs face many unique challenges, and the Improving Head Start Act of 2007 takes steps to help improve the delivery of services in these programs. Unfortunately, program funding for MSHS has been inadequate to meet the needs of eligible farmworker families and their children. The Committee is committed to seeing that additional resources are made available to MSHS programs in order to ensure that a greater percentage of eligible migrant and seasonal children can access Head Start. The Committee is also committed to making certain that systems be put in place by the Secretary to better evaluate existing demand. Currently, inadequate data systems have left the Secretary unable to determine accurately the number of eligible families and those who MSHS services are reaching. H.R. 1429 addresses these problems in several ways. First, the Committee creates a set-aside for MSHS of five percent of total appropriations, until such time as the Secretary can develop an accurate data system to ensure that access to funding eligible children of migrant and seasonal farmworkers is comparable to access to funding for other eligible children. Furthermore, the Committee requires the Secretary to work in consultation with the U.S. Departments of Agriculture, Labor, and Education, and the Bureau of Migrant Health, to establish a system for collecting and reporting data on farmworkers and their families, identifying and eliminating barriers to enrollment, and effectively tracking health and educational documents as families move from state to state.

INDIAN HEAD START

The Committee recognizes the significant challenges faced by many eligible children living on Indian reservations, and H.R. 1429 seeks to address the unique educational, cultural, and native language-related needs of Native American children. The Improving Head Start Act of 2007 requires the maintenance of a separate Indian Head Start office and requires the inclusion of representatives of Indian Head Start programs on the State Early Learning Council. It also requires the Secretary to consult annually with tribal governments in each affected Head Start region for the purpose of better meeting the needs of American Indian and Alaska Native children and families. H.R. 1429 also requires training and technical assistance funds to support a national system of early child-

hood education training and technical assistance for Indian Head Start programs. The Committee encourages the Secretary to provide this training and technical assistance through national awards to contractors with knowledge of, and experience in working with the populations served by these programs.

H.R. 1429 also requires the Secretary to establish a National Director of Indian Head Start Collaboration. The Committee intends for this position to be assigned the same responsibilities assigned to the Directors of State Head Start Collaboration. Though it is important that the State Directors of Head Start Collaboration engage with the Indian populations in their respective states, the National Director will ensure that the specific issues faced by children and families served by Indian Head Start are appropriately addressed. The National Indian Head Start Collaboration Director will also serve as a conduit for knowledge and understanding of this population served by Head Start and Early Head Start programs.

The Committee encourages the Secretary to consult with American Indian and Alaska Native experts in early childhood development, linguists, and representatives from Indian Head Start programs on the review and promulgation of any revised program standards and measures (including standards and measures for language acquisition and school readiness) developed by the Secretary. Finally, although the Indian Head Start program serves more than 23,000 children each year, there still exists a need to expand services to additional eligible children. Therefore, H.R. 1429 requires the Secretary establish a system by which the need for services for eligible children can be determined accurately, and until such system is available, requires that not less than 3.5 percent of the annual Head Start appropriation be made available for Indian Head Start programs.

IMPROVED ACCOUNTABILITY

The Committee believes that most Head Start programs run high-quality early education programs with sound fiscal management. A study by the General Accountability Office (GAO) issued in March 2005 confirms this observation but also makes clear that there are some needed improvements to the Head Start accountability framework. In addition, Members of the Committee have repeatedly heard from local grantees and the Department of significant problems with the triennial monitoring system. The Committee believes Head Start children and families will benefit from a strong but fair accountability system, and therefore, H.R. 1429 takes a number of steps to improve Head Start accountability.

Recompetition

One of the recommendations in the GAO report issued in February 2005 was to initiate some recompetition into the Head Start program. The Committee agrees that limited recompetition of low-performing Head Start agencies will improve overall program performance. Evidence shows that continuity of program services by high-quality grantees best serves children and families in Head Start. The most effective way of fighting the effects of poverty within a community is to provide a sustained and continual effort. Moreover, the existing stability within Head Start, in most in-

stances, promotes better quality and more efficiency. It helps the organization become trusted within the community it is trying to serve, thereby creating better community relations and better outreach to eligible children and families. Continuity and stability provided by high-quality grantees helps programs to recruit and retain better teachers and better plan professional development. Continuity and stability can also have a significant impact on cost effective resource allocation by affecting a program's ability to leverage funds in its community and negotiate lower facilities costs and business loans. The continuity of high-quality grantees better ensures that taxpayer monies spent on professional development and facilities are investments that continue to benefit children served by Head Start. Thus, recompetition of high quality programs could have the unintended effect of undermining program quality and decreasing the efficiency of Head Start expenditures. Therefore, H.R. 1429 includes a provision to begin limited recompetition of only under-performing programs. These provisions are not intended to give the Secretary discretion to re-compete the majority of Head Start programs as the Committee strongly believes this would undermine overall program quality.

The Committee has designed a process wherein the Secretary must convene an expert panel to devise a system of application review to identify the programs meeting the mission of providing high quality comprehensive early childhood programs. Those programs would not be required to re-compete for their grant and would receive a five year grant award. H.R. 1429 requires the system to be based on information from annual budget data, annual audits, the triennial review, PIR data, and the classroom observation instrument. The Committee includes the triennial review as part of this system because this extensive review generally contains a wealth of information. However, the Committee strongly encourages the expert panel and the Secretary to use this information more thoughtfully than simply tabulating whether a grantee has been deemed deficient or not. The Committee believes the process of determining whether a grantee is deficient is seriously flawed, and Assistant Secretary for Children and Families, Wade Horn, informed Committee staff that an internal quality control process has found the determination of deficiency to be unreliable. Furthermore, the Committee believes that there are high quality programs that are deemed deficient and there are seriously under-performing programs that are not deemed deficient. Therefore, in including the triennial review as data for the application review system, the Committee encourages the panel to use the data cautiously and wisely. In addition, H.R. 1429 explicitly requires the Secretary seek public comment before implementing an application review system. The Committee intends for the Secretary to take this public comment seriously and give the expertise available outside the Department due consideration.

Triennial reviews

An effective monitoring system is essential to the integrity of the Head Start program. That is why a triennial review system of program standards has long been an essential component of the Head Start program. In 2000, the PRISM (Program Review Instrument for Systems Monitoring) was implemented to reflect the new pro-

gram performance standards from the 1998 reauthorization of Head Start, and the PRISM has been under constant modification since that time. The original purpose was to create "an integrated, comprehensive and outcome-focused approach to ensure compliance with regulations. This approach promotes quality and supports programs in delivering services for children and families in a more holistic manner." The Committee has learned through various sources, including repeated complaints from local programs, the February 28, 2007 testimony before this Committee from Barbara Haxton, President of the Ohio Head Start Association, a February 2005 GAO report, and the Department, that the current PRISM review system is not effective and reliable. Instead of providing a balanced review of programs that helps identify programs strengths and weaknesses, the PRISM is an overly bureaucratic, punitive and hostile review system that has not reliably evaluated program compliance.

H.R. 1429 contains numerous provisions to improve the PRISM and re-focus its purpose to yield information that programs and the Secretary can use for program improvement. This includes requiring the triennial review use a "risk-based assessment" system that is less focused on a checklist of more than 1,200 items, and more focused on a broad view of program quality service delivery and sound fiscal management. H.R. 1429 also includes new requirements regarding the qualifications of the review team in order to respond to serious concerns about the qualifications of the members of the review teams. H.R. 1429 also requires triennial reviews address program weaknesses and strengths. The current model of focusing solely on program deficits runs counter to central principles of typical grant review systems and leads to an unnecessarily hostile relationship between Head Start agencies and review teams. The Committee believes triennial reviews can be invaluable to improving program quality, but only if they are conducted in a manner in which Head Start programs are collaborators in their own improvements. In addition, H.R. 1429 requires the review findings be presented to Head Start agencies in a manner that allows them to inform the development and implementation of their plan for training and technical assistance. The Committee believes a strong connection between the review process and the training and technical assistance system is vital to program quality, and H.R. 1429 requires this connection be established. In addition, the Committee believes a strong fiscal management protocol is needed in the triennial reviews, requires such a protocol be implemented and requires the Secretary to report to Congress on the Department's efforts to ensure strong fiscal controls at all levels of the Head Start program.

Program governance

The Improving Head Start Act of 2007 aims to improve program governance. The Committee believes a shared governance structure is an important component to the unique role of parent involvement in Head Start; however, the Committee is concerned there are occasions where such structure has led to insufficient attention from the governing board. H.R. 1429 aims to strengthen program quality by improving the operation of the governing body while maintaining a shared governance structure with parent policy

councils. By requiring active participation of the governing body, creating a finance and audit committee, prohibiting persons with conflicts of interest from serving on the boards, clearly defining the body's responsibilities, and requiring training for governing body and parent policy council members, the Committee intends to ensure that governing bodies and parent policy councils work actively and in concert with one another to provide strong governance. The Committee understands that Head Start grantees who are public entities often cannot meet the requirements of the composition of the governing body, and therefore includes exceptions where needed. Furthermore, the Committee understands that in some rural areas, the board composition requirements will pose difficult challenges for some Head Start grantees, and therefore allows for consultants to be used in such cases.

Termination of programs

The Improving Head Start Act of 2007 strengthens federal authority to initiate grantee termination proceedings. The Committee encourages the Secretary to use his or her authority under current law and new authorities under this legislation to terminate expeditiously any grantee that is found to have recurring deficiencies. Furthermore, the Committee recognizes the Secretary's existing authority to issue immediate suspensions of funding to any agency in emergency situations. In such instances, funding to the grantee is suspended and an interim organization provides services until a replacement agency can be identified or the Secretary determines it is appropriate to resume funding to such agency. The Committee recognizes and reaffirms the rights of a grantee to appeal a termination decision, but is concerned that some reviews have been reported to continue several years. The Committee notes that seven months or several years is too long for children to endure programs with demonstrated deficiencies and urges the Departmental Administrative Boards to move swiftly to render decisions on such matters.

IMPROVED COORDINATION

The Committee believes children and families will benefit from effective coordination between Head Start and other early childhood services. Appropriate coordination can allow more effective use of Head Start dollars and improved service delivery. There are many examples of innovative and effective Head Start collaborations. In some locations, Head Start successfully coordinates with local education agencies to provide transportation services the Head Start program would be otherwise unable to provide. In other areas, Head Start collaborates closely with state-funded pre-kindergarten in order to improve teacher quality and teacher salaries. Many centers coordinate with local child care services in order to extend program hours of operation to better meet the needs of working families. Because the Committee believes coordination can be important to leveraging community dollars and improving service delivery, H.R. 1429 asks Head Start programs to prioritize coordination further.

The Improving Head Start Act of 2007 improves local coordination by requiring each Head Start grantee to enter into a memorandum of understanding (MOU) with providers of state pre-kin-

dergarten programs in their service area in order to better align their activities. The Committee believes that state-funded pre-kindergarten will benefit from this arrangement as much as Head Start programs. The Committee additionally believes that Head Start programs will benefit from provisions in H.R. 1429 designed to focus the activities of the state Head Start collaboration offices. The work of the Collaboration office should help strengthen Head Start's linkages with the appropriate IDEA services, as well as state health, mental health, and family services. H.R. 1429 also reserves up to $5 million each year for state Early Learning Councils. The Committee believes that State Early Learning Councils have the potential to improve the quality and service delivery of early childhood services throughout the state.

TRAINING AND TECHNICAL ASSISTANCE

H.R. 1429 reserves at least two percent of annual Head Start appropriations for the purposes of training and technical assistance (T/TA). These funds are intended to help agencies make continuous improvements in the quality of their programs and services, and the Committee retains the set-aside because it believes T/TA is an important component to program quality. Regular, ongoing training and professional development for all Head Start staff is essential to the program's continued success and the T/TA system is integral to this process. In addition, the science associated with preparing children for a lifetime of learning continues to evolve and inform best practices, and must be continually integrated into the Head Start program. The Committee encourages the Secretary to work with local grantees to ensure that grantees prepare a comprehensive annual assessment of their program needs prior to the development of their T/TA budget. Grantees' T/TA activities should reflect the key areas of improvement identified by such assessment and be part of a comprehensive plan to improve program quality.

Under the current system, the Secretary gives approximately half of the T/TA funds directly to grantees for the purposes of locally-determined T/TA needs and uses the other half for meeting T/TA needs prioritized by the Secretary. H.R. 1429 formalizes the process of sending half of these funds to local grantees, and includes a listing of allowable use of funds in order to target T/TA to high-quality activities that will have an effect on program quality. H.R. 1429 aims to replace the current system of regional T/TA which has been ineffective, and requires the Secretary to use at least 30 percent of the T/TA funds to support a state-based system, through which the Secretary will contract with qualified entities within each state to provide T/TA to local grantees. The Committee believes this structure will improve the quality and appropriateness of services for Head Start agencies. H.R. 1429 leaves the remainder of the T/TA funding at the Secretary's discretion.

The Improving Head Start Act of 2007 also restricts the use of training and technical assistance funds for travel expenditures associated with attending conferences when similar training and technical assistance is available locally or regionally. It is the Committee's view that occasional travel may be necessary, but that excessive travel to conferences or events is generally not an appropriate or effective use of training and technical assistance funds. Whenever possible, Head Start programs should utilize local or re-

gionally based training opportunities and should restrict travel to occasions when an identified training need cannot be met through local or regional resources. All T/TA expenditures should be consistent with the training and technical assistance needs identified in a grantee's annual plan for training and technical assistance.

FACILITIES MANAGEMENT

The Committee understands that Head Start grantees may be experiencing difficulties in meeting the Department's grant period for facility-related funding in situations where grantees are governed by an alternate fiscal year. In cases where a grantee is awarded funds after the start of its fiscal year, grantees have been faced with a limited time period in which to obligate funds. Such grantees are working under an inadequate time period in order to meet all review and approval processes required at the local or state level. Under current rules, a grantee must submit a formal request to carry over funds, which may take several months to approve. The Committee recommends the Department consider the needs of some grantees to obligate funds over a reasonable period of time that may exceed the current rules, and provide additional time to grantees in certain situations. In addition, the Committee understands that some portable facilities being used by Head Start grantees are well over 30 years old, are deteriorating to the point of no longer being suitable, and that the costs to repair these aging facilities often exceeds the cost of replacing them.

The Committee encourages the Department to work closely with grantees to explore innovative solutions to this problem recognizing current budgetary constraints. The Committee also urges the Department to evaluate the location of Head Start facilities to ensure that services are located in the areas of most need and are conveniently located to the population served by Head Start. The Committee recognizes that over time low-income communities may shift locations, particularly within urban areas, and that in some cases Head Start programs have not moved along with the population. In an effort to target Head Start resources to serve the country's poorest children and families, the Committee encourages the Department to use its resources efficiently by re-locating programs to areas with the greatest need, and/or reducing funding for programs that continue to operate under-capacity, as appropriate.

PALAU

The Committee is aware that the existing Compact between the United States and the Republic of Palau is scheduled to expire in 2009. Until that time, the Republic of Palau should continue to receive assistance under Head Start. The Committee also acknowledges that, in 2009, if negotiations between the Republic of Palau and the United States are not complete, or if Congress has yet to enact any completed negotiated agreement, then the Committee will revisit the Republic of Palau's continuing participation in the Head Start program.

CIVIL RIGHTS PROTECTIONS

Faith-based organizations play a vital and critical role in serving our nation's most disadvantaged children through the Head Start

program. In fact, Head Start is the second largest source of federal funds for faith-based organizations. The Committee appreciates the service of these organizations to Head Start children and families and strongly supports their continued eligibility as Head Start grantees. H.R. 1429 contains provisions confirming the standing of faith-based organizations as eligible grantees.

The Committee also re-affirms the civil rights of all Head Start staff, parents, and children by keeping intact the long-standing Head Start requirement that prohibits any form of discrimination within Head Start. The Committee strongly rejected a misguided amendment offered by Representative Fortuño to inject religious discrimination into the Head Start program for the first time since its inception and which would have represented the first ever repeal of a civil rights provision. The Committee strongly rejects unsubstantiated claims that the Fortuño amendment is necessary to ensure the participation of faith-based organizations in the Head Start program. In fact, faith-based organizations that currently run Head Start have written to the Committee opposing such an amendment in unequivocal terms. Not only have faith-based organizations in Head Start not sought the Fortuño amendment; they have expressly opposed any attempt to reduce the civil rights protections for their staff.

Since 1972, the Head Start statute has included a civil rights provision (Section 654(a) of current law) to protect the rights of those who participate in the Head Start program—children, parents, teachers, employees and volunteers—to be free from discrimination in any form. That same year, Congress enacted the expanded religious exemption for religious organizations under Title VII of the Civil Rights Act of 1964. Together these provisions reflect an understanding by Congress that the First Amendment allows religious organizations to manage themselves according to the dictates of their faith, and that it is appropriate to set basic civil rights and anti-discrimination standards in federally funded social service programs that are financed by Americans of all faiths and no faith.

As a critical component of America's civil rights platform, Head Start has endeavored to provide all children in need with the opportunities of education and an environment to assist in their healthy development that would enable them to arrive at school ready to succeed. The Committee recognizes that Section 654(a) of the Head Start Act is central to this effort and H.R. 1429 preserves this important provision. The Committee is troubled by statements made by David Kuo, former Deputy Director of the White House Office of Faith-Based and Community Initiatives under the Bush Administration that the civil rights issue is being used as political weapon against Democrats. In his recent book, "Tempting Faith", and in congressional testimony, David Kuo affirmed that the issue of hiring discrimination is a false debate employed for political gain. In testimony before the House Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources on June 21, 2005, Kuo stated:

> [M]any members of the President's own party expressed equal parts apathy and antipathy towards this agenda. Money for the poor? Why, it will just get wasted, they said. We just need to cut the funds and let the private sector

> take over. We don't need more funds, all we really need to do is make sure that we have a huge political fight over religious charities' right to hire and fire based on their own faith. That way, as I have heard time and time again, Republicans will be seen as fighting for religions and Democrats will be seen as fighting against it.

The Committee believes Head Start is too important to be held hostage to such blatant partisan jockeying and we are joined by numerous religious, civil rights, labor and educational organizations that support current law's civil rights protections. The Head Start program is a model for demonstrating that a prohibition on religious employment discrimination with federal funds is fully compatible with federal assistance to faith-based charities. The Committee believes Head Start employees should be hired solely on the basis of their qualifications to provide a high quality early childhood program that prepares its students to succeed in school and in life. The retention of civil rights protections in the Improving Head Start Act of 2007 will help ensure that happens.

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V. Section-by-Section Analysis

Section 1. Short title

Cites the short title as the "Improving Head Start Act of 2007."

Section 2. Purpose

Amends Section 636 of the Head Start Act (42 U.S.C. 9831). Sets forth the purpose of this bill.

Section 3. Definitions

Amends Section 637 of the Head Start Act (42 U.S.C. 9832). Modifies and adds to the definitions under this action, including definitions of "deficiency", "homeless children", "homeless family", "limited English proficient", "professional development", "scientifically based research", and "State."

Section 4. Authorization of appropriations

Amends Section 639 of the Head Start Act (42 U.S.C. 9834). Authorizes $735,000,000 to carry out this action for fiscal year 2008 and such sums as necessary for fiscal years 2009 through 2012, including specific programs.

Section 5. Allotment of funds; limitation on assistance

Amends Section 640 of the Head Start Act (42 U.S.C. 9835). Designates the purposes and percentages for funding. Directs five percent of the total annual appropriations as a set-aside to migrant and seasonal Head Start programs and 3.5 percent to Indian Head Start programs. Provides funding for Republic of Palau through fiscal year 2009. Requires at least two percent of the annual appropriations be used for training and technical assistance, and of that, at least 50 percent is directed to local grantees; at least 30 percent to be used to set up a state-based training and technical assistance system, and the remainder may be used for training and technical assistance purposes at the Secretary's discretion. Requires a minimum of 60 percent of funds in excess of the adjusted prior year appropriation to be used for the specified quality improvement activities. Requires the Secretary to award collaboration grants to states upon written request. Lists purposes for which collaboration grants shall be used. Requires appointment of a State Director of Head Start Collaboration and lists the responsibilities of this position. Requires the Secretary to conduct annual consultations with each region, tribal government or Early Head Start program operating an Indian or Migrant and Seasonal Head Start program. Increases the amounts reserved for the Early Head Start program.

Section 6. Designation of Head Start agencies

Amends Section 641 of the Head Start Act (42 U.S.C. 9836). Maintains the current process of designating a Head Start agency until such time that the Secretary develops and implements the described system of application review. Establishes an expert panel

to make recommendations to the Secretary on the development of a system for application review based upon specified data sources. Requires the opportunity for public comment prior to implementation of such system. Directs the Secretary to develop such a system that integrates these recommendations and will review each grant application every five years, with under-performing programs given an opportunity to enter into open competition. Requires the Secretary to ensure such system is transparent, valid, and reliable.

Adds further language to criteria for designation under open competition, including an applicant's plan to attract and retain qualified staff, maintain child-teacher ratios and family service caseloads, use scientifically based teaching practices, maintain standards, maintain strong fiscal controls, coordinate with pre-kindergarten and child care programs, coordinate with entities willing to commit resources, offer in-home visitation, offer mental and behavioral health services, extend outreach to fathers, meet needs of limited English proficient children and their families, meet diverse cultural needs, collaborate with other early childhood programs and local educational entities, and meet needs of homeless and foster children. Removes priority for non-profit applicants.

Section 7. Quality standards; monitoring of Head Start agencies and programs

Amends Section 641A of the Head Start Act (42 U.S.C. 9836a). Adds additional language requiring the Secretary to modify as necessary, program performance standards to be scientifically-based, developmentally appropriate, and based on the Head Start Child Outcomes Framework. Requires such standards, at a minimum, address language, prereading, mathematics, science, cognitive abilities, social and emotional development, approaches to learning, creative arts, and progress toward acquisition of the English language. Suspends the National Reporting System. Adds requirements about the characteristics and use of allowable measures and assessments. Prohibits the creation of a national database of identifiable information. Requires triennial reviews use a risk-based assessment system and evaluate strengths and weaknesses. Provides for unannounced site visits. Requires that reviews include an assessment of whether a program has addressed community needs and an observational tool that measures classroom quality. Requires that Early Head Start reviews be conducted by someone knowledgeable about infant and toddler development. Requires that review findings inform training and technical assistance plans. Directs Head Start agencies to review their delegate agencies. Requires self-assessments by each Head Start and delegate agency. Institutes enrollment reporting requirements. Establishes rules for redistribution of funds received from reduction of a base grant, recaptured or withheld.

Section 8. Powers and functions of Head Start agencies

Amends Section 642 of the Head Start Act (42 U.S.C. 9837) and re-organizes current statute into four new subsections. Adds specific language regarding each Head Start agency's responsibilities in serving children with limited English proficiency and the involvement of grandparents and kinship caregivers, as appropriate. Maintains a system of shared program governance, with clearly de-

lineated responsibilities shared between a governing body and a parent policy council. Specifies composition of governing body and parent policy council and prohibits conflicts of interest, except in cases where a Head Start grantee is a public entity and such requirements are not feasible. Directs the Secretary to guide Head Start agencies in developing an impasse policy for program governance. Establishes curricular requirements that are research-based and comprehensive and are aligned with the Head Start Child Outcomes Framework and state early learning standards, where appropriate. Requires the use of high-quality, reliable assessment and developmental screening and tools. Directs programs to develop training and technical assistance plans and teacher effectiveness-focused professional development plans. Requires programs to maintain 100 percent enrollment and a waitlist. Requires the use of strong fiscal controls.

Section 9. Head Start transition and alignment with K–12 education

Amends Section 642A of the Head Start Act (42 U.S.C. 9837a). Adds language including homeless families and their school-based liaisons in communication and outreach efforts. Adds requirements concerning curricular continuity, parental involvement, increasing participation of underserved populations and alignment with the Head Start Child Outcomes Framework and state early learning standards, where appropriate. Requires assistance to parents of limited English proficient children to improve transition to kindergarten.

Section 10. Local and state integration of early childhood education

Adds a new section. Requires that all Head Start agencies enter into, submit to the Secretary, and review annually, memoranda of understanding with the state-funded pre-kindergarten program in the agency's service area. Makes available certain funds to be used to establish and support a State Early Learning Council, if a state submits a written request and provides matching funds, which shall included representatives from Head Start, preschool programs, local and state educational agencies, child care, and an IDEA official. Directs the council to improve coordination among their respective programs (including addressing barriers to and opportunities for such coordination), assist in developing state early learning standards, make recommendations for unified data collection, address coordination with health care and other community-based support systems, and develop a plan to increase participation of underserved populations.

Section 11. Administrative requirements and standards

Amends Section 644 of the Head Start Act (42 U.S.C. 9839). Adds language requiring each Head Start agency publish an annual report. Requires that a request to purchase a facility for a Head Start program using Head Start money includes capacity and capability to provide Head Start services, potential to collaborate with community providers, and its relative cost-effectiveness to the facility purchase.

Section 12. Participation in Head Start programs

Amends Section 645 of the Head Start Act (42 U.S.C. 9840). Includes children referred by child welfare services and homeless children as eligible children for Head Start programs. Adds language excluding military basic housing allowance from income eligibility calculation. Allows programs to convert funded Head Start slots to Early Head Start slots upon application to and approval by the Secretary. Allows Head Start programs to increase income eligibility to 130 percent of the federal poverty line with certain restrictions, upon application and approval by the Secretary. Allows Indian Head Start programs to convert Head Start slots to Early Head Start slots at any time.

Section 13. Early Head Start programs

Amends Section 645A of the Head Start Act (42 U.S.C. 9840a). Adds language including parenting skills and child development training to services provided to parents. Adds home-based services, programs for homeless infants and toddlers, and the agency responsible for the Child Abuse Prevention and Treatment Act to entities with which Early Head Start programs must coordinate. Requires programs to facilitate program coordination with Head Start and other early childhood programs. Adds Indian Head Start agencies to list of eligible entities. Adds professional development to training and technical assistance activities. Requires that all center-based staff have a minimum of a child development associate credential by September 30, 2009 and adds standards for staff qualifications and conduct of home visiting services.

Section 14. Parental consent requirement for health care services

Adds a new section. Defines "health care service" and "non-emergency intrusive physical examination" and requires all Head Start agencies to obtain written parental consent prior to administering or referring a child to any health care service.

Section 15. Appeals, notice, and hearing

Amends Section 646(a)(3) of the Head Start Act (42 U.S.C. 9841(a)(3)). Clarifies the Secretary's authority to terminate or reduce financial assistance before conclusion of an appeals process. Prevents federal Head Start funding appropriated under the Act from being used to pay legal fees for an appeal.

Section 16. Records and audits

Amends Section 647 of the Head Start Act (42 U.S.C. 9842). Adds language requiring all Head Start grantees to submit a complete accounting of administrative expenses to the Secretary on an annual basis. Requires Head Start agencies to submit to the Secretary a copy of the audit management letter following an audit conducted under the Single Audit Act.

Section 17. Technical assistance and training

Amends Section 648 of the Head Start Act (42 U.S.C. 9843). Adds language including homeless children and their families in community needs assessment, planning, and recruitment efforts. Targets limited English proficient children and their families for outreach. Requires training in the needs of special populations. Re-

quires that more than half of training and technical assistance funding be used for classroom-focused training. Promotes recruitment of minority men to become Head Start teachers. Prohibits use of funds for travel to training activities available locally or regionally. Lists activities for which funds may be used by Head Start agencies. Directs the Secretary to study and report on the American Indian, Alaska Native, and Migrant and Seasonal Head Start-eligible populations. Directs the Secretary to contract with entities in the states to support a state-based system of delivering training and technical assistance. Permits the Secretary to award demonstration grants for career ladder programs for Hispanic-serving institutions and Tribal Colleges. Encourages the Secretary to contract with an institution of higher education to develop an on-line graduate-level professional development program.

Section 18. Staff qualifications and development

Amends Section 648A of the Head Start Act (42 U.S.C. 9843a). Requires that by September 30, 2013, 50 percent of Head Start teachers nationwide have at least a baccalaureate in early childhood education or a related field and that within two years of enactment that all newly hired teachers have at least an associate's degree in early childhood education or related field or be enrolled in such a program to be completed within three years of date of hire. Clarifies that teachers of infants and toddlers in Migrant and Seasonal Head Start programs should meet the teacher requirements for Early Head Start. Provides for an alternative certification for Teach for America participants meeting specific standards. Requires that recipients of financial assistance teach in a Head Start program for the same period of time for which the assistance was received.

Section 19. Research, demonstrations, and evaluation

Amends Section 649 of the Head Start Act (42 U.S.C. 9844). Establishes a study on limited English proficient Head Start children and families and strikes mention of a study the Secretary has deemed impracticable. Requires the Secretary to evaluate the status of Head Start programs affected by hurricanes Katrina and Rita, establish recommendations on a disaster preparedness plan, and information on coordination with the Federal Emergency Management Agency.

Section 20. Reports

Amends Section 650 of the Head Start Act (42 U.S.C. 9846). Includes homeless children, children in foster care and limited English proficient children in the status report requirements. Requires additional reporting on the 13 percent set-aside detailed in section 640(a)(2), the use of fiscal protocols as required in section 641A(c), and the use of Individualized Education Plans in Head Start. Requires the Secretary to advise programs on how to address childhood obesity in Head Start students and air quality in Head Start centers.

Section 21. Wages and compensation

Amends Section 653 of the Head Start Act (42 U.S.C. 9848). Prohibits any Head Start employee from being compensated at a rate greater than the level II Executive Schedule rate of pay.

Section 22. Limitation on certain uses of funds

Prohibits Head Start funds from being used for any pre-packaged news story unless the text or audio states that it is DHHS prepared or funded, or for publicity or propaganda.

VI. Explanation of Amendments

The Amendment in the Nature of a Substitute, as amended, is explained in the body of this report.

VII. Application of Law to the Legislative Branch

Section 102(b)(3) of Public Law 104–1, the Congressional Accountability Act, requires a description of the application of this bill to the legislative branch. H.R. 1429 amends and improves the Head Start Act to help low-income children arrive at kindergarten ready to succeed. The bill does not prevent legislative branch employees' coverage under this legislation.

VIII. Unfunded Mandate Statement

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 1429 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA). Any costs to state, local, or tribal governments would result from complying with conditions for receiving federal assistance.

IX. Earmark Statement

H.R. 1429 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e) or 9(f) of rule XXI of the House of Representatives.

X. ROLLCALL

COMMITTEE ON EDUCATION AND LABOR

ROLL CALL #1 BILL: H.R. 1429 DATE: 3/14/2007
AMENDMENT NUMBER: #2A DEFEATED: 15 / 27
SPONSOR/AMENDMENT: PRICE / 2nd DEGREE AMENDMENT TO DANNY DAVIS AMENDMENT

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. MILLER, Chairman				X
Mr. KILDEE, Vice Chairman		X		
Mr. PAYNE				X
Mr. ANDREWS		X		
Mr. SCOTT		X		
Ms. WOOLSEY		X		
Mr. HINOJOSA		X		
Mrs. McCARTHY		X		
Mr. TIERNEY		X		
Mr. KUCINICH		X		
Mr. WU				X
Mr. HOLT		X		
Mrs. SUSAN DAVIS		X		
Mr. DANNY DAVIS		X		
Mr. GRIJALVA		X		
Mr. TIMOTHY BISHOP		X		
Ms. SANCHEZ		X		
Mr. SARBANES		X		
Mr. SESTAK		X		
Mr. LOEBSACK		X		
Ms. HIRONO		X		
Mr. ALTMIRE		X		
Mr. YARMUTH		X		
Mr. HARE		X		
Ms. CLARKE		X		
Mr. COURTNEY		X		
Ms. SHEA-PORTER		X		
Mr. McKEON				X
Mr. PETRI		X		
Mr. HOEKSTRA				X
Mr. CASTLE	X			
Mr. SOUDER	X			
Mr. EHLERS	X			
Mrs. BIGGERT		X		
Mr. PLATTS		X		
Mr. KELLER				X
Mr. WILSON	X			
Mr. KLINE	X			
Mrs. McMORRIS RODGERS				X
Mr. MARCHANT	X			
Mr. PRICE	X			
Mr. FORTUÑO	X			
Mr. BOUSTANY	X			
Mrs. FOXX	X			
Mr. KUHL	X			
Mr. ROB BISHOP	X			
Mr. DAVID DAVIS	X			
Mr. WALBERG	X			
Mr. HELLER	X			
TOTALS	**15**	**27**		**7**

COMMITTEE ON EDUCATION AND LABOR

ROLL CALL #2 BILL: H.R. 1429 DATE: 3/14/2007
AMENDMENT NUMBER: #5 DEFEATED: 19 / 26
SPONSOR/AMENDMENT: FORTUÑO / TO PROTECT CHARACTER AND HIRING OF FAITH-BASED PROVIDERS

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. MILLER, Chairman				X
Mr. KILDEE, Vice Chairman		X		
Mr. PAYNE		X		
Mr. ANDREWS		X		
Mr. SCOTT		X		
Ms. WOOLSEY		X		
Mr. HINOJOSA		X		
Mrs McCARTHY		X		
Mr TIERNEY*		X		
Mr. KUCINICH		X		
Mr. WU		X		
Mr. HOLT*		X		
Mrs. SUSAN DAVIS		X		
Mr. DANNY DAVIS		X		
Mr. GRIJALVA		X		
Mr. TIMOTHY BISHOP		X		
Ms. SANCHEZ		X		
Mr. SARBANES		X		
Mr. SESTAK		X		
Mr. LOEBSACK		X		
Ms. HIRONO		X		
Mr. ALTMIRE		X		
Mr. YARMUTH		X		
Mr. HARE		X		
Ms. CLARKE		X		
Mr. COURTNEY		X		
Ms. SHEA-PORTER		X		
Mr. McKEON	X			
Mr. PETRI	X			
Mr. HOEKSTRA*	X			
Mr. CASTLE	X			
Mr. SOUDER*	X			
Mr. EHLERS	X			
Mrs. BIGGERT	X			
Mr. PLATTS				X
Mr. KELLER*	X			
Mr. WILSON	X			
Mr. KLINE	X			
Mrs. McMORRIS RODGERS*	X			
Mr. MARCHANT*	X			
Mr. PRICE	X			
Mr. FORTUÑO	X			
Mr. BOUSTANY	X			
Mrs. FOXX				X
Mr. KUHL	X			
Mr. ROB BISHOP				X
Mr. DAVID DAVIS	X			
Mr. WALBERG*	X			
Mr. HELLER	X			
TOTALS	**19**	**26**		**4**

Original vote tally: 13 AYES / 24 NOES
At the request of Mr. McKeon, Members who missed the vote were allowed to cast their vote late.
* denotes that Member was not present during initial roll call vote

COMMITTEE ON EDUCATION AND LABOR

ROLL CALL #3 **BILL: H.R. 1429** **DATE: 3/14/2007**
AMENDMENT NUMBER: #7 **DEFEATED: 4 / 39**
SPONSOR/AMENDMENT: SOUDER / TEACHER QUALIFICATIONS

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. MILLER, Chairman				X
Mr. KILDEE, Vice Chairman		X		
Mr. PAYNE		X		
Mr. ANDREWS		X		
Mr. SCOTT		X		
Ms. WOOLSEY		X		
Mr. HINOJOSA		X		
Mrs. McCARTHY		X		
Mr. TIERNEY		X		
Mr. KUCINICH		X		
Mr. WU		X		
Mr. HOLT		X		
Mrs. SUSAN DAVIS		X		
Mr. DANNY DAVIS		X		
Mr. GRIJALVA		X		
Mr. TIMOTHY BISHOP		X		
Ms. SANCHEZ		X		
Mr. SARBANES		X		
Mr. SESTAK		X		
Mr. LOEBSACK		X		
Ms. HIRONO		X		
Mr. ALTMIRE		X		
Mr. YARMUTH		X		
Mr. HARE		X		
Ms. CLARKE		X		
Mr. COURTNEY		X		
Ms. SHEA-PORTER		X		
Mr. McKEON		X		
Mr. PETRI		X		
Mr. HOEKSTRA				X
Mr. CASTLE		X		
Mr. SOUDER	X			
Mr. EHLERS		X		
Mrs. BIGGERT		X		
Mr. PLATTS				X
Mr. KELLER		X		
Mr. WILSON	X			
Mr. KLINE	X			
Mrs. McMORRIS RODGERS		X		
Mr. MARCHANT				X
Mr. PRICE		X		
Mr. FORTUÑO	X			
Mr. BOUSTANY		X		
Mrs. FOXX				X
Mr. KUHL		X		
Mr. ROB BISHOP				X
Mr. DAVID DAVIS		X		
Mr. WALBERG		X		
Mr. HELLER		X		
TOTALS	**4**	**39**		**6**

COMMITTEE ON EDUCATION AND LABOR

ROLL CALL #4 BILL: H.R. 1429 DATE: 3/14/2007
AMENDMENT NUMBER: #9 DEFEATED: 18 / 27
SPONSOR/AMENDMENT: PRICE / STATE DEMONSTRATION PROGRAM (BLOCK GRANT)

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. MILLER, Chairman				X
Mr. KILDEE, Vice Chairman		X		
Mr. PAYNE		X		
Mr. ANDREWS		X		
Mr. SCOTT		X		
Ms. WOOLSEY		X		
Mr. HINOJOSA		X		
Mrs. McCARTHY		X		
Mr. TIERNEY		X		
Mr. KUCINICH		X		
Mr. WU		X		
Mr. HOLT		X		
Mrs. SUSAN DAVIS		X		
Mr. DANNY DAVIS		X		
Mr. GRIJALVA		X		
Mr. TIMOTHY BISHOP		X		
Ms. SANCHEZ		X		
Mr. SARBANES		X		
Mr. SESTAK		X		
Mr. LOEBSACK		X		
Ms. HIRONO		X		
Mr. ALTMIRE		X		
Mr. YARMUTH		X		
Mr. HARE		X		
Ms. CLARKE		X		
Mr. COURTNEY		X		
Ms. SHEA-PORTER		X		
Mr. McKEON	X			
Mr. PETRI	X			
Mr. HOEKSTRA	X			
Mr. CASTLE	X			
Mr. SOUDER		X		
Mr. EHLERS	X			
Mrs. BIGGERT	X			
Mr. PLATTS				X
Mr. KELLER	X			
Mr. WILSON	X			
Mr. KLINE	X			
Mrs. McMORRIS RODGERS	X			
Mr. MARCHANT	X			
Mr. PRICE	X			
Mr. FORTUÑO	X			
Mr. BOUSTANY	X			
Mrs. FOXX				X
Mr. KUHL	X			
Mr. ROB BISHOP				X
Mr. DAVID DAVIS	X			
Mr. WALBERG	X			
Mr. HELLER	X			
TOTALS	**18**	**27**		**4**

COMMITTEE ON EDUCATION AND LABOR

ROLL CALL: #5 BILL: H.R. 1429 DATE: 3/14/2007
AMENDMENT NUMBER ADOPTED: PASSED 42 AYES/1 NO
SPONSOR/AMENDMENT: FAVORABLY REPORTING THE BILL AS AMENDED TO THE HOUSE

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. MILLER, Chairman				X
Mr. KILDEE, Vice Chairman	X			
Mr. PAYNE	X			
Mr. ANDREWS	X			
Mr. SCOTT	X			
Ms. WOOLSEY	X			
Mr. HINOJOSA	X			
Mrs. McCARTHY	X			
Mr. TIERNEY	X			
Mr. KUCINICH	X			
Mr. WU	X			
Mr. HOLT	X			
Mrs. SUSAN DAVIS	X			
Mr. DANNY DAVIS	X			
Mr. GRIJALVA	X			
Mr. TIMOTHY BISHOP	X			
Ms. SANCHEZ	X			
Mr. SARBANES	X			
Mr. SESTAK	X			
Mr. LOEBSACK	X			
Ms. HIRONO	X			
Mr. ALTMIRE	X			
Mr. YARMUTH	X			
Mr. HARE	X			
Ms. CLARKE	X			
Mr. COURTNEY	X			
Ms. SHEA-PORTER	X			
Mr. McKEON	X			
Mr. PETRI	X			
Mr. HOEKSTRA	X			
Mr. CASTLE	X			
Mr. SOUDER	X			
Mr. EHLERS	X			
Mrs. BIGGERT	X			
Mr. PLATTS				X
Mr. KELLER	X			
Mr. WILSON	X			
Mr. KLINE	X			
Mrs. McMORRIS RODGERS	X			
Mr. MARCHANT				X
Mr. PRICE				X
Mr. FORTUÑO	X			
Mr. BOUSTANY	X			
Mrs. FOXX				X
Mr. KUHL	X			
Mr. ROB BISHOP				X
Mr. DAVID DAVIS	X			
Mr. WALBERG		X		
Mr. HELLER	X			
TOTALS	**42**	**1**		**6**

XI. Statement of Oversight Findings and Recommendations of the Committee

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

XII. New Budget Authority and CBO Cost Estimate

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for H.R. 1429 from the Director of the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 22, 2007.

Hon. George Miller,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1429, the Improving Head Start Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jonathan Morancy.

Sincerely,

Peter R. Orszag,
Director.

Enclosure.

H.R. 1429—Improving Head Start Act of 2007

Summary: H.R. 1429 would reauthorize the Head Start program through 2012. Head Start was authorized through 2003 by the Coats Human Services Reauthorization Act of 1998 (Public Law 105–285) and has since been extended through annual appropriation acts.

CBO estimates that the bill would authorize additional appropriations of $6.0 billion in 2008 and $36.8 billion over the 2008–2012 period, assuming that annual authorizations are adjusted for inflation when specific annual appropriation levels are not provided. (Without such inflation adjustments, the authorizations would total about $35.4 billion over the 2008–2012 period.) CBO estimates that appropriation of the authorized levels would result in additional outlays of $33.1 billion over the 2008–2012 period, assuming annual adjustments for inflation. (Outlays would total about $31.9 billion without adjustments for inflation.) Enacting H.R. 1429 would not affect direct spending or receipts.

H.R. 1429 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA). Any costs to state, local, or tribal governments would result from complying with conditions for receiving federal assistance.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1429 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Head Start Spending Under Current Law:						
Budget Authority[1]	6,889	1,389	0	0	0	0
Estimated Outlays	6,846	3,751	761	97	14	0
Proposed Changes:						
Estimated Authorization Level	0	5,961	7,490	7,629	7,769	7,916
Estimated Outlays	0	3,398	6,654	7,464	7,689	7,847
Total Spending Under H.R. 1429:						
Estimated Authorization Level	6,889	7,350	7,490	7,629	7,769	7,916
Estimated Outlays	6,846	7,149	7,415	7,560	7,703	7,847

[1] The 2007 level is the amount appropriated for the Head Start program, including an advance of $1.389 billion. The 2008 level is the amount provided in an advance appropriation.

Notes.—Components may not sum to totals because of rounding.

Basis of estimate: H.R. 1429 would reauthorize the Head Start program through 2012. The program is currently authorized through September 30, 2007, by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5). For this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2008, that the estimated amounts shown in the table will be appropriated for each year, and that outlays will follow historical spending patterns.

The Head Start program provides comprehensive child development services to low-income children. Services include education, health, nutrition, and social services with the goal of increasing the school readiness of young children in low-income families.

The bill would authorize the appropriation of $7.350 billion in 2008 (including the $1.389 billion advance already appropriated for fiscal year 2008), and such sums as may be necessary in 2009 through 2012. CBO estimates that the total authorizations of additional appropriations for the 2008–2012 period would be $36.8 billion, assuming adjustments for inflation from 2009 through 2012, with resulting additional outlays of $33.1 billion over those five years.

Funding for this program for a given fiscal year is provided by both a regular appropriation for that fiscal year and an advance appropriation provided earlier. Although the program has been funded by two separate appropriations since 2001, funding does not need to be authorized separately because all of the funds for a fiscal year could be provided in one appropriation.

Intergovernmental and private-sector impact: H.R. 1429 contains no intergovernmental or private-sector mandates as defined in UMRA. Grant funds authorized by the bill would benefit state, local, and tribal governments that participate in the Head Start program. Any costs they incur from complying with increased management and oversight responsibilities would result from complying with conditions for receiving federal assistance.

Previous CBO estimate: On March 20, 2007, CBO transmitted a cost estimate for S. 556 as ordered reported by the Senate Committee on Health, Education, Labor, and Pensions on February 14, 2007. That bill would authorize the overall Head Start program

from 2008 through 2012. S. 556 would authorize slightly more funding than H.R. 1429, including two new grant programs that are not in the House bill. It also would establish a specific authorization level for Head Start for 2009 and 2010, whereas H.R. 1429 would authorize such sums as necessary for those years.

Estimate prepared by: Federal Costs: Jonathan Morancy. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Paige Shevlin.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

XIII. Statement of General Performance Goals and Objectives

In accordance with clause 3(c) of rule XIII of the House of Representatives, the goal of H.R. 1429 is to help low-income children arrive at kindergarten ready to succeed. The Committee expects the Department of Health and Human Services to comply with H.R. 1429 and implement the changes to the law in accordance with the changes.

XIV. Constitutional Authority Statement

Under clause 3(d)(1) of rule XIII of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 1429. The Committee believes that the amendments made by this bill, which authorize appropriations for Head Start programs are within Congress' authority under Article I, section 8, clause 1 of the U.S. Constitution.

XV. Committee Estimate

Clause 3(d)(2) of rule XIII of the House of Representatives requires an estimate and a comparison of the costs that would be incurred in carrying out H.R. 1429. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

XVI. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

HEAD START ACT

CHAPTER 8—COMMUNITY SERVICES PROGRAMS

* * * * * * *

SUBCHAPTER B—Head Start Programs

* * * * * * *

[SEC. 636. STATEMENT OF PURPOSE.

It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.**]**

SEC. 636. STATEMENT OF PURPOSE.

It is the purpose of this subchapter to promote the school readiness of low-income children—

(1) by enhancing their cognitive, social, and emotional development in a learning environment that supports children's growth in language, literacy, mathematics, science, social and emotional functioning, physical skills, and approaches to learning; and

(2) through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.

DEFINITIONS

SEC. 637. For purposes of this subchapter:

(1) * * *

(2) The term "deficiency" means—

(A) systemic or significant material failure of a Head Start agency in an area of performance that the Secretary determines involves—

(i) a threat to the health, safety, or civil rights of children or staff;

(ii) a denial to parents of the exercise of their full roles and responsibilities related to program governance;

(iii) a failure to perform the requirements of section 641A(a), as determined by the Secretary;

(iv) the misuse of funds received under this subchapter;

(v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or

(vi) failure to meet any other of Federal or State requirement; or

(B) material failure of the board of directors of a Head Start agency to meet its legal and fiduciary responsibilities.

[(2)**]** *(3)* The term "delegate agency" means a public, private nonprofit, or for-profit organization or agency to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program.

[(3)**]** *(4)* The term "family literacy services" means services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) * * *

[(4)**]** *(5)* The term "financial assistance" includes assistance provided by grant, agreement, or contract, and payments may

be made in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments.

[(5)] *(6)* The term "full calendar year" means all days of the year other than Saturday, Sunday, and a legal public holiday.

[(6)] *(7)* The term "full-working-day" means not less than 10 hours per day. Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law (including regulation) for the provision of services to such a child.

[(7)] *(8)* The term "Head Start classroom" means a group of children supervised and taught by two paid staff members (a teacher and a teacher's aide or two teachers) and, where possible, a volunteer.

[(8)] *(9)* The term "Head Start family day care" means Head Start services provided in a private residence other than the residence of the child receiving such services.

[(9)] *(10)* The term "home-based Head Start program" means a Head Start program that provides Head Start services in the private residence of the child receiving such services.

(11) The term "homeless children" has the meaning given such term in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

(12) The term "homeless family" means the family of a homeless child.

[(10)] *(13)* The term "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(14) The terms "limited English proficient" and "limited English proficiency" mean with respect to an individual, that such individual—

(A)(i) was not born in the United States or has a native language that is not English;

(ii)(I) is a Native American, an Alaska Native, or a native resident of a territory or possession of the United States; and

(II) comes from an environment in which a language that is not English has had a significant impact on such individual's level of English language proficiency; or

(iii) is migratory, has a native language that is not English, and comes from an environment in which a language that is not English is dominant; and

(B) has difficulty in speaking or understanding the English language to an extent that may be sufficient to prevent such individual from—

(i) successful achievement in classrooms in which the language of instruction is English; or

(ii) fully participating in society.

[(11)**]** *(15)* The term "local educational agency" has the meaning given such term in the Elementary and Secondary Education Act of 1965.

[(12)**]** *(16)* The term "migrant and seasonal Head Start program" means—

(A) * * *

* * * * * * *

[(13)**]** *(17)* The term "mobile Head Start program" means the provision of Head Start services utilizing transportable equipment set up in various community-based locations on a routine, weekly schedule, operating in conjunction with home-based Head Start programs, or as a Head Start classroom.

[(14)**]** *(18)* The term "poverty line" means the official poverty line (as defined by the Office of Management and Budget)—

(A) * * *

* * * * * * *

(19) The term "professional development" means high quality activities that will improve the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, in program administration and the provision of services and instruction, as appropriate, in a manner that improves service delivery to eligible children and families, including activities that—

(A) are part of a sustained effort to improve overall program quality and outcomes for eligible children and families;

(B) are developed or selected with extensive participation of administrators and teachers from Head Start programs;

(C) are developmentally appropriate for the children being served;

(D) include instruction in ways that Head Start personnel may work more effectively with parents, as appropriate;

(E) are designed to give teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate;

(F) if a 1-day or short-term workshop or conference, must be as part of the professional development plan defined in section 648A(f) and be delivered by an institution of higher education or other entity with expertise in delivering training in early childhood development, family support, and other assistance designed to improve the delivery of Head Start services;

(G) assist teachers with—

(i) the acquisition of the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services in early language and literacy, early mathematics, early science, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development linked to school readiness;

(ii) meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate;

(iii) improving classroom management skills, as appropriate;

(iv) advancing understanding of effective instructional strategies that are—

(I) based on scientifically based research; and

(II) aligned with—

(aa) the Head Start Child Outcomes Framework developed by the Secretary and State early learning standards, as appropriate; and

(bb) the curricula, ongoing assessments, and other instruction and services designed to help meet the standards described in section 641A(a)(1);

(v) acquiring the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of limited English proficient children, as appropriate; or

(vi) methods of teaching children with disabilities, as appropriate.

[(15)**]** *(20)* The term "scientifically based reading research"—

(A) * * *

* * * * * * *

(21) The term "scientifically based research"—

(A) means research that involves the application of rigorous, systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that—

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

[(16)**]** *(22)* The term "Secretary" means the Secretary of Health and Human Services.

[(17) The term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001 (and fiscal year 2002, if the legislation described in section 640(a)(2)(B)(iii) has not been enacted before September 30, 2001), also means the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.]

(23) The term "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

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[AUTHORIZATION OF APPROPRIATIONS

[SEC. 639.

[(a) There are authorized to be appropriated for carrying out the provisions of this subchapter such sums as may be necessary for fiscal years 1999 through 2003.

[(b) From the amount appropriated under subsection (a), the Secretary shall make available—

[(1) for each of fiscal years 1999 through 2003 to carry out activities authorized under section 642A, not more than $35,000,000 but not less than the amount that was made available for such activities for fiscal year 1998;

[(2) not more than $5,000,000 for each of fiscal years 1999 through 2003 to carry out impact studies under section 649(g); and

[(3) not more than $12,000,000 for fiscal year 1999, and such sums as may be necessary for each of fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649.]

SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subchapter $7,350,000,000 for fiscal year 2008 and such sums as may be necessary for fiscal years 2009 through 2012.

(b) SPECIFIC PROGRAMS.—From the amount appropriated under subsection (a), the Secretary shall make available to carry out research, demonstration, and evaluation activities (including longitudinal studies under section 649) not more than $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal the years 2009 through 2012, of which not more than $7,000,000 for each of the fiscal years 2008 through 2012 shall be available to carry out impact studies under section 649(g).

ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

SEC. 640.

[(a)(1) Of the sums appropriated pursuant to section 639 for any fiscal year beginning after September 30, 1981, the Secretary shall allot such sums in accordance with paragraphs (2) through (4), and subject to paragraphs (5) and (6).

[(2) The Secretary shall reserve 13 percent of the amount appropriated for each fiscal year for use in accordance with the following order of priorities—

[(A) Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for fiscal year 1998;

[(B) payments, subject to paragraph (7)—

[(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States;

[(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau; and

[(iii) if legislation approving renegotiated Compacts of Free Association for the jurisdictions described in clause (ii) has not been enacted before September 30, 2001, for fiscal year 2002 to those jurisdictions;

according to their respective needs, except that such amount shall not exceed one-half of 1 percent of the sums appropriated for any fiscal year;

[(C) training and technical assistance activities which are sufficient to meet the needs associated with program expansion and to foster program and management improvement activities as described in section 648 of this subchapter, in an amount for each fiscal year which is not less than 2 percent of the amount appropriated for such fiscal year, of which not less than $3,000,000 of the amount appropriated for such fiscal year shall be made available to carry out activities described in section 648(c)(4);

[(D) discretionary payments made by the Secretary (including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies and programs under section 641A(c), and of activities carried out under paragraph (1), (2), or (3) of section 641A(d) related to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies ; and

[(E) payments for research, demonstration, and evaluation activities under section 649.

No funds reserved under this paragraph or paragraph (3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter. No Freely Associated State may receive financial assistance under this subchapter after fiscal year 2002.

[(3)(A)(i) In order to provide assistance for activities specified in subparagraph (C) directed at the goals specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

[(I) 60 percent of such excess amount for fiscal year 1999, 50 percent of such excess amount for fiscal year 2000, 47.5 percent of such excess amount for fiscal year 2001, 35 percent of such excess amount for fiscal year 2002, and 25 percent of such excess amount for fiscal year 2003; and

[(II) any additional amount the Secretary may find necessary to address a demonstrated need for such activities.

[(ii) As used in clause (i), the term "adjusted prior year appropriation" means, with respect to a fiscal year, the amount appropriated pursuant to section 639(a) 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.

[(B) Funds reserved under this paragraph (referred to in this paragraph as "quality improvement funds") shall be used to accomplish any or all of the following goals:

[(i) Ensuring that Head Start programs meet or exceed performance standards pursuant to section 641A(a)(1)(A).

[(ii) Ensuring that such programs have adequate numbers of qualified staff, and that such staff are furnished adequate training, including developing skills in working with children with non-English language background and children with disabilities, when appropriate.

[(iii) Ensuring that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

[(iv) Using salary increases to improve staff qualifications, and to assist with the implementation of career development programs, for the staff of Head Start programs, and to encourage the staff to continually improve their skills and expertise by informing the staff of the availability of Federal and State incentive and loan forgiveness programs for professional development.

[(v) Improving community-wide strategic planning and needs assessments for such programs and collaboration efforts for such programs.

[(vi) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and their parents.

[(vii) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

[(viii) Making such other improvements in the quality of such programs as the Secretary may designate.

[(C) Quality improvement funds shall be used to carry out any or all of the following activities:

[(i)(I) Not less than one-half of the amount reserved under this paragraph, to improve the compensation (including benefits) of classroom teachers and other staff of Head Start agencies and thereby enhance recruitment and retention of qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a). The expenditure of funds under this clause shall be subject to section 653. Preferences in awarding salary increases, in excess of cost-of-living allowances,

with such funds shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.

[(II) If a Head Start agency certifies to the Secretary for such fiscal year that part of the funds set aside under subclause (I) to improve wages cannot be expended by such agency to improve wages because of the operation of section 653, then such agency may expend such part for any of the uses specified in this subparagraph (other than wages).

[(III) From the remainder of the amount reserved under this paragraph (after the Secretary carries out subclause (I)), the Secretary shall carry out any or all of the activities described in clauses (ii) through (vii), placing the highest priority on the activities described in clause (ii).

[(ii) To train classroom teachers and other staff to meet the education performance standards described in section 641A(a)(1)(B), through activities—

[(I) to promote children's language and literacy growth, through techniques identified through scientifically based reading research;

[(II) to promote the acquisition of the English language for non-English background children and families;

[(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

[(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

[(iii) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

[(iv) To pay costs incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

[(v) To supplement amounts provided under paragraph (2)(C) to provide training necessary to improve the qualifications of the staff of the Head Start agencies, and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.

[(vi) Such other activities as the Secretary may designate.

[(D)(i) Funds reserved under subparagraph (A) shall be allotted by the Secretary as follows:

[(I) 80 percent of such funds shall be allotted among the States in the same proportion as the Secretary allots funds among the States under paragraph (4) for the respective fiscal year.

[(II) 20 percent of such funds shall be allotted among the States, geographical areas specified in subsection (a)(2)(B) and Indian Head Start programs and migrant and seasonal Head Start pro-

grams, and used to make grants to Head Start agencies, at the discretion of the Secretary.

[(ii) Funds allotted under clause (i) shall be used by the Secretary to make grants to Head Start agencies that receive grants from funds allotted under paragraph (4) for such fiscal year, in such amounts as the Secretary considers to be appropriate, for expenditure for activities specified in subparagraph (C).

[(iii) Funds received under this subparagraph shall be used to supplement, not to supplant, funds received under paragraph (2) or (4).

[(4) Subject to section 639(b), the Secretary shall allot the remaining amounts appropriated in each fiscal year among the States, in accordance with latest satisfactory data so that—

[(A) each State receives an amount which is equal to the amount the State received for fiscal year 1998; and

[(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age from families whose income is below the poverty line.

For purposes of this paragraph, for each fiscal year the Secretary shall use the most recent data available on the number of children less than 5 years of age from families whose income is below the poverty line, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the most recent data available would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall issue a report setting forth their reasons in detail.

[(5)(A) From amounts reserved and allotted pursuant to paragraph (4), the Secretary shall reserve such sums as may be necessary to award the collaboration grants described in subparagraphs (B) and (D).

[(B) From the reserved sums, the Secretary may award a collaboration grant to each State to facilitate collaboration regarding activities carried out in the State under this subchapter, and other activities carried out in, and by, the State that are designed to benefit low-income children and families and to encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families.

[(C) A State that receives a grant under subparagraph (B) shall—

[(i) appoint an individual to serve as a State liaison between—

[(I) the appropriate regional office of the Administration for Children and Families and agencies and individuals carrying out Head Start programs in the State; and

[(II) agencies (including local educational agencies) and entities carrying out programs serving low-income children and families;

[(ii) involve the State Head Start Association in the selection of the individual, and involve the association in determinations relating to the ongoing direction of the collaboration;

[(iii) ensure that the individual holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies;

[(iv) ensure that the collaboration described in subparagraph (B) involves coordination of Head Start services with health care, welfare, child care, education, and community service activities, family literacy services, activities relating to children with disabilities (including coordination of services with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1444, 1419)), and services for homeless children;

[(v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to plan for the provision of full-working-day, full calendar year early care and education services for children; and

[(vi) encourage local Head Start agencies to appoint a State level representative to represent Head Start agencies within the State in conducting collaborative efforts described in subparagraphs (B) and (D), and in clause (v).

[(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants—

[(i) to States that (in consultation with their State Head Start Associations) develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

[(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

[(E)(i) The Secretary shall—

[(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal, State, and local child care and early childhood education programs and resources;

[(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes, in necessary cases, to eliminate barriers to the collaboration; and

[(III) develop a mechanism to resolve administrative and programmatic conflicts between programs described in subclause (I) that would be a barrier to service providers, parents, or children related to the provision of unified services and the consolidation of funding for child care services.

[(ii) In the case of a collaborative activity funded under this subchapter and another provision of law providing for Federal child care or early childhood education, the use of equipment and nonconsumable supplies purchased with funds made available under this subchapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried

out under that subchapter or provision, during a period in which the activity is predominantly funded under this subchapter or such provision.

[(F) As used in this paragraph, the term "low-income", used with respect to children or families, shall not be considered to refer only to children or families that meet the low-income criteria prescribed pursuant to section 645(a)(1)(A).

[(6)(A) From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a), a portion of the combined total of such amounts equal to 7.5 percent for fiscal year 1999, 8 percent for fiscal year 2000, 9 percent for fiscal year 2001, 10 percent for fiscal year 2002, and 10 percent for fiscal year 2003, of the amount appropriated pursuant to section 639(a), except as provided in subparagraph (B).

[(B)(i) If the Secretary does not submit an interim report on the preliminary findings of the Early Head Start impact study currently being conducted by the Secretary (as of the date of enactment of the Head Start Amendments of 1998) to the appropriate committees by June 1, 2001, the amount of the reserved portion for fiscal year 2002 that exceeds the reserved portion for fiscal year 2001, if any, shall be used for quality improvement activities described in section 640(a)(3) and shall not be used to serve an increased number of eligible children under section 645A.

[(ii) If the Secretary does not submit a final report on the Early Head Start impact study to the appropriate committees by June 1, 2002, or if the Secretary finds in the report that there are substantial deficiencies in the programs carried out under section 645A, the amount of the reserved portion for fiscal year 2003 that exceeds the reserved portion for fiscal year 2002, if any, shall be used for quality improvement activities described in section 640(a)(3) and shall not be used to serve an increased number of eligible children under section 645A.

[(iii) In this subparagraph:

[(I) The term "appropriate committees" means the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives and the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate.

[(II) The term "reserved portion", used with respect to a fiscal year, means the amount required to be used in accordance with subparagraph (A) for that fiscal year.

[(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to reserve the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or adversely affecting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be reserved for the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so reserved for the preceding fiscal year.

[(ii) For any fiscal year for which the amount appropriated under section 639(a) is reduced to a level that requires a lower amount

to be made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

[(I) the amounts made available to the entities for programs carried out under section 645A; and

[(II) the amounts made available to Head Start agencies for Head Start programs.

[(7) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.**]**

(a) ALLOTMENT OF FUNDS.—

(1) IN GENERAL.—Of the funds appropriated under section 639, the Secretary shall allot such amounts in accordance with paragraphs (2) through (4), and subject to paragraphs (5) and (6).

(2) THIRTEEN PERCENT SET-ASIDE.—The Secretary shall reserve 13 percent of the amount appropriated for each fiscal year for use in accordance with the following order of priorities:

(A) SPECIAL POPULATIONS.—For Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that—

(i) there shall be made available for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs for fiscal year 2007;

(ii) migrant and seasonal Head Start programs shall receive not less than 5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible children of migrant and seasonal farmworkers is comparable to access to funding for other eligible children based on the data collected and reported pursuant to section 648(l), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services before such reduction in funding; and

(iii) Indian Head Start programs shall receive not less than 3.5 percent of the amount appropriated for each fiscal year until such time as the Secretary can make funding decisions to ensure access to funding for eligible Indian children is comparable to access to funding for other eligible children based on the data collected in accordance with the requirements of section 648(k), except that no future reduction in funding shall result in the termination of Head Start services pro-

vided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services before such reduction in funding.

(B) PAYMENTS TO TERRITORIES AND FREELY ASSOCIATED STATES.—Subject to paragraph (7), for payments to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and the Republic of Palau, except that payments to the Republic of Palau shall not be made after fiscal year 2009.

(C) TRAINING AND TECHNICAL ASSISTANCE.—Not less than 2 percent of the amount appropriated for such fiscal year for training and technical assistance activities to foster program quality and management improvement as described in section 648, of which—

(i) not less than 50 percent shall be available to local Head Start agencies to make program improvements identified by such agencies to use for the training and technical assistance activities described in section 648(j);

(ii) not less than 30 percent shall be available to the Secretary to support a State-based system or a national system, in the case of migrant and seasonal Head Start and Indian Head Start programs, of early childhood education training and technical assistance to local Head Start agencies as described in section 648(n); and

(iii) the remainder of such amount shall be available to the Secretary to assist local Head Start agencies in meeting and exceeding the standards described in section 641A(a)(1), including financial assistance to help Head Start programs address weaknesses identified by monitoring activities conducted by the Secretary under section 641A(c), except that—

(I) not less than $3,000,000 shall be available to carry out the activities described in section 648(c)(4); and

(II) no more than $5,000,000 shall be reserved to carry out the activities described in section 642B(b).

(D) MONITORING AND TERMINATIONS.—For discretionary payments made by the Secretary, including payments for all costs (other than compensation of Federal employees) of reviews of Head Start agencies, programs under section 641A(c), and of activities carried out under paragraph (1), (2), or (3) of section 641A(d) related to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies.

(E) RESEARCH.—For payments for research, demonstration, and evaluation activities under section 649.

No funds reserved under this paragraph or paragraph (3) may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment, unless such funds appropriated

under this subchapter are separately identified in such grant or payment and are used for the purposes of this subchapter.

(3) QUALITY IMPROVEMENT FUNDS.—

(A) DETERMINATION OF FUNDS.—

(i) For each of the fiscal years 2008 through 2012, to provide assistance for activities specified in subparagraph (B), the Secretary shall reserve, from the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation, a share equal to the sum of—

(I) 60 percent of such excess amount; and

(II) any additional part of such excess amount the Secretary may find necessary to address a demonstrated need for such activities.

(ii) As used in clause (i), the term "adjusted prior year appropriation" means, with respect to a fiscal year, the amount appropriated under section 639(a) 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.

(B) QUALITY IMPROVEMENT ACTIVITIES.—Funds reserved under this paragraph shall be used to carry out the following activities:

(i) Not less than one-fourth of the amount reserved under this paragraph, to improve the compensation, salary scales, and benefit standards of educational staff, family service workers, and child counselors, as described in sections 644(a) and 653, to ensure that salary levels and benefits are adequate to attract and retain qualified staff for such programs.

(ii) Providing on-going professional development to teachers that improves their understanding of child development, content knowledge, and appropriate teaching strategies needed to provide effective instruction and other school readiness services in the areas of early language and literacy, early mathematics, cognitive skills, approaches to learning, creative arts, science, physical health and development, and social and emotional development.

(iii) Improving the qualifications and skills of educational personnel to meet the professional standards established under section 648A(a)(1), including providing assistance to complete postsecondary course work, subject to section 648A(a)(2)(D).

(iv) Ensuring that the physical environments of Head Start programs are conducive to providing effective program services to children and families, and are accessible to children with disabilities and other individuals with disabilities.

(v) Employing additional qualified classroom staff necessary to reduce the child to teacher ratio in the classroom and family to staff ratio for family services workers.

(vi) Ensuring that such programs have qualified staff that can promote language skills and literacy growth of children and that can provide children with a variety of skills that have been identified, through scientifically based reading research, as predictive of later reading achievement.

(vii) Increasing hours of program operation, including—

(I) conversion of part-day to full-day; and

(II) number of weeks operated in a calendar year.

(viii) Improving the compensation and benefits of staff of Head Start agencies in order to improve the quality of Head Start programs.

(ix) Transportation costs associated with transporting Head Start children safely, except that—

(I) no more than ten percent of funds under this paragraph may be used for such purposes;

(II) a Head Start agency shall demonstrate efforts to leverage the costs of transportation through collaboration with other entities; and

(III) a Head Start agency shall submit information to the Secretary describing how such use of funds is necessary to prevent reduction or termination of transportation services or, in the case of a Head Start agency serving a rural community, how such use of funds is necessary to improve services to such community.

(C) ALLOCATION.—

(i) Funds reserved under subparagraph (A) shall be allotted by the Secretary as follows:

(I) 80 percent of such funds shall be allotted among the States in the same proportion as the Secretary allots funds among the States under paragraph (4) for the respective fiscal year.

(II) 20 percent of such funds shall be allotted among the States, geographical areas specified in subsection (a)(2)(B) and Indian Head Start programs and migrant and seasonal Head Start programs, and used to make grants to Head Start agencies, at the discretion of the Secretary.

(ii) Funds allotted under clause (i) shall be used by the Secretary to make grants to Head Start agencies that receive grants from funds allotted under paragraph (4) for such fiscal year, in such amounts as the Secretary considers to be appropriate, for expenditure for activities specified in subparagraph (B).

(iii) Funds received under this subparagraph shall be used to supplement, not to supplant, funds received under paragraph (2) or (4).

(4) GRANT DISTRIBUTION.—Subject to section 639(b), the Secretary shall allot the remaining amounts appropriated in each fiscal year among the States, in accordance with latest satisfactory data so that—

(A) each State receives an amount which is equal to the amount the State received for fiscal year 2007; and

(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age from families whose income is below the poverty line.

For purposes of this paragraph, for each fiscal year the Secretary shall use the most recent data available on the number of children less than 5 years of age from families whose income is below the poverty line, as published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the most recent data available would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretaries shall issue a report setting forth their reasons in detail.

(5) COLLABORATION GRANTS.—

(A) From amounts reserved and allotted under paragraph (4), the Secretary shall award the collaboration grants described in subparagraphs (B), (C), and (D).

(B)(i) From the reserved sums, the Secretary shall award upon submission of a written request, a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant and seasonal Head Start programs to facilitate collaboration between Head Start agencies and entities (including the State or national administrative office) that carry out other activities designed to benefit low-income families and children from birth to school entry. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraphs (B) and (C).

(ii) Grants described in clause (i) shall be used to—

(I) assist Head Start agencies to collaborate with entities involved in State and local planning processes to better meet the needs of low-income families and children from birth to school entry;

(II) assist Head Start agencies to coordinate activities with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and entities providing resource and referral services in the State, to make full-working-day and full calendar year services available to children;

(III) promote alignment of Head Start curricula and continuity of services with the Head Start Child Outcomes Framework and State early learning standards, as appropriate;

(IV) promote better linkages between Head Start agencies and other child and family agencies, including agencies that provide health, mental health, or family services, or other child or family supportive services, such as services provided under section 619 or

part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and

(V) carry out the activities of the State Director of Head Start Collaboration authorized in subparagraph (D).

(C) In order to improve coordination and delivery of early education services to children in the State, a State that receives a collaboration grant under subparagraph (B) shall—

(i) appoint or designate an individual to serve as, or carry out the responsibilities of, the State Director of Head Start Collaboration;

(ii) ensure that the State Director of Head Start Collaboration holds a position with sufficient authority and access to ensure that the collaboration described in subparagraph (B) is effective and involves a range of State agencies; and

(iii) involve the State Head Start Association in the selection of the Director and involve the Association in determinations relating to the ongoing direction of the collaboration office.

(D) The State Director of Head Start Collaboration shall—

(i) not later than 1 year after the State receives a collaboration grant under subparagraph (B), conduct an assessment that—

(I) addresses the needs of Head Start agencies in the State with respect to collaboration, coordination, and alignment of services, and alignment of curricula and assessments with the Head Start Child Outcomes Framework, and with State early learning standards, as appropriate;

(II) shall be updated on an annual basis; and

(III) shall be made available to the general public within the State;

(ii) develop a strategic plan that is based on the assessment described in clause (i) that will—

(I) enhance collaboration and coordination of Head Start services with other entities providing early childhood programs and services (such as child care or services offered by museums), health care, mental health care, welfare, child protective services, education and community service activities, family literacy services, reading readiness programs (including such programs offered by public and school libraries), services relating to children with disabilities, other early childhood programs and services for limited English proficient children and homeless children, and services provided for children in foster care and children referred to Head Start programs by child welfare agencies, including agencies and State officials responsible for such services;

(II) assist Head Start agencies to develop a plan for the provision of full-working-day, full calendar

year services for children enrolled in Head Start programs who need such care;

(III) assist Head Start agencies to align curricula and assessments with the Head Start Child Outcomes Framework and to the State early learning standards, as appropriate; and

(IV) enable Head Start agencies in the State to better access professional development opportunities for Head Start staff, such as by—

(aa) working with local Head Start agencies to meet the degree requirements described in section 648A(a)(2)(A), including providing distance learning opportunities for Head Start staff, where needed to make higher education more accessible to Head Start staff; and

(bb) enabling the State Head Start agencies to better conduct outreach to eligible families;

(iii) promote partnerships between Head Start agencies, State and local governments, and the private sector to help ensure that children, who are in Head Start programs, are receiving comprehensive services to prepare the children to enter school ready to succeed;

(iv) consult with the chief State school officer, local educational agencies, and providers of early childhood education and care, regarding early care and education services at both the State and local levels;

(v) promote partnerships between Head Start agencies, schools, law enforcement, relevant community-based organizations, and substance abuse and mental health treatment agencies to strengthen family and community environments and to reduce the impact on child development of substance abuse, child abuse, domestic violence, and other high risk behaviors that compromise healthy development;

(vi) promote partnerships between Head Start agencies and other organizations in order to enhance Head Start program quality, including partnerships to promote inclusion of more books in Head Start classrooms;

(vii) identify other resources and organizations (both public and private) for the provision of in-kind services to Head Start agencies in the State; and

(viii) work with the State Early Learning Council in order to assist the efforts of Head Start agencies to engage in effective coordination and collaboration.

(6) EARLY HEAD START.—

(A) AMOUNTS RESERVED.—From amounts reserved and allotted pursuant to paragraphs (2) and (4), the Secretary shall use, for grants for programs described in section 645A(a), a portion of the combined total of such amounts that is not less than 12 percent for fiscal year 2008, not less than 14 percent for fiscal year 2009, not less than 16 percent for fiscal year 2010, not less than 18 percent for fiscal year 2011, and not less than 20 percent for fiscal year 2012 of the amount appropriated pursuant to section 639(a).

(B) LIMITATIONS.—

(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to reserve the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or adversely affecting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be reserved for the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so reserved for the preceding fiscal year.

(ii) For any fiscal year for which the amount appropriated under section 639(a) is reduced to a level that requires a lower amount to be made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to such agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

(I) the amounts made available to such entities for programs carried out under section 645A; and

(II) the amounts made available to such Head Start agencies for Head Start programs.

(7) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

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[(f) The Secretary shall establish procedures to enable Head Start agencies to develop locally designed or specialized service delivery models to address local community needs.**]**

(f) SERVICE DELIVERY MODELS.—

(1) Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall establish procedures to enable Head Start agencies to develop locally designed or specialized service delivery models to address local community needs, including models that leverage the existing capacity and capabilities of the delivery system of early childhood education and child care.

(2) In establishing the procedures, the Secretary shall establish procedures to provide for—

(A) the conversion of part-day programs to full-day programs or part-day slots to full-day slots; and

(B) serving additional infants and toddlers pursuant to section 645(a)(4).

(g)(1) * * *

(2) **[**For the purpose of expanding Head Start programs, in**]** *In* allocating funds to an applicant within a State, from amounts allot-

ted to a State pursuant to subsection (a)(4), the Secretary shall take into consideration—

(A) * * *

* * * * * * *

[(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and public agencies serving children and families (including organizations serving families in whose homes English is not the language customarily spoken), and organizations and public entities serving children with disabilities;

[(D) the extent to which the family and community needs assessment of the applicant reflects a need to provide full-working-day or full calendar year services and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full calendar year services;

[(E) the numbers of eligible children in each community who are not participating in a Head Start program or any other early childhood program;

[(F) the concentration of low-income families in each community;

[(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

[(H) the extent to which the applicant, in providing services, plans to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding such services and the education services provided by such local educational agency.]

(C) the extent to which the applicant has undertaken community-wide strategic planning and needs assessments involving other community organizations and local public agencies serving children and families with Federal, State, or local funds (including organizations and agencies providing family support services, child abuse prevention services, protective services, and foster care, and organizations serving families in whose homes English is not the language customarily spoken), and individuals, organizations, and public entities serving children with disabilities or homeless children, including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

(D) the extent to which the family and community needs assessment of the applicant reflects a need to provide full working-day or full calendar year services and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with the State and local community providers of child care or preschool services to provide full working-day full calendar year services;

(E) the number of eligible children in each community who are not participating in a Head Start program or any other early childhood program;

(F) the concentration of low-income families in each community;

(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will leverage the existing delivery systems of such services and enhance the resource capacity of the applicant;

(H) the extent to which the applicant, in providing services, successfully coordinated its activities with the local educational agency serving the community involved, (including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)) and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding such services and the education services provided by such local educational agency; and

(I) the amount of funds used by such agency to pay administrative expenses and the amount of available funds received by such agency under this section to service each enrolled child.

* * * * * * *

(l)(1) * * *

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[(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children and shall ensure that appropriate funding is provided to meet such needs.**]**

(3) In carrying out this subchapter, the Secretary shall continue the administrative arrangement at the national level for meeting the needs of Indian children and children of migrant and seasonal farmworkers and shall ensure that appropriate funding is provided to meet such needs, including training and technical assistance and the appointment of a national migrant and seasonal Head Start collaboration director and a national Indian Head Start collaboration director.

(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start programs and Early Head Start programs.

(B) The consultations shall be for the purpose of better meeting the needs of Indian children and children of Alaskan Natives, and their families, in accordance with subsections (a), (b), and (c) of section 641, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

(C) The Secretary shall publish a notification of the consultations in the Federal Register before conducting the consultations.

(D) A detailed report of each consultation shall be prepared and made available within 90 days of the annual consultation to all Indian tribes that receive assistance under this subchapter.

(m) ENROLLMENT OF HOMELESS CHILDREN.—The Secretary shall issue rules to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs. Such rules shall require Head Start agencies—

(1) to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment;

(2) to allow homeless families to apply to, enroll in and attend Head Start programs while required documents, such as proof of residency, immunization and other medical records, birth certificates and other documents, are obtained within a reasonable time frame; and

(3) coordinate individual Head Start programs with efforts to implement subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431—11435).

(n) RULE OF CONSTRUCTION.—Nothing in this subchapter shall be construed to require a State to establish a program of early education for children in the State, to require any child to participate in a program of early education, to attend school, or to participate in any initial screening before participating in such program, except as provided under sections 612(a)(3) and 635(a)(5) of the Individuals with Disabilities Education Act.

(o) MATERIALS.—All curricula and instructional materials funded under this subchapter shall be based on scientifically based research, age and developmentally appropriate, and focused on all areas of development (cognitive, social, emotional, and physical), learning (language and literacy, mathematics, science, and creative arts) and approaches to learning. Parents shall be permitted to inspect, upon request, any curricula or instructional materials used to carry out this subchapter.

[DESIGNATION OF HEAD START AGENCIES

[SEC. 641.

[(a) The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit or for-profit agency, within a community, which (1) has the power and authority to carry out the purposes of this subchapter and perform the functions set forth in section 642 within a community; and (2) is determined by the Secretary (in consultation with the chief executive officer of the State involved, if such State expends non-Federal funds to carry out Head Start programs) to be capable of planning, conducting, administering, and evaluating, either directly or by other arrangements, a Head Start program.

[(b) For purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary), or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.

[(c)(1) In the administration of the provisions of this section (subject to paragraph (2)), the Secretary shall, in consultation with the chief executive officer of the State involved if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any local pub-

lic or private nonprofit or for-profit agency which is receiving funds under any Head Start program on the date of the enactment of this Act unless the Secretary determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 641A(a)(1), results-based performance measures developed by the Secretary under section 641A(b), or other requirements established by the Secretary.

[(2) If there is no agency of the type referred to in paragraph (1) because of any change in the assistance furnished to programs for economically disadvantaged persons, the Secretary shall, in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs, give priority in the designation of Head Start agencies to any successor agency that is operating a Head Start program in substantially the same manner as the predecessor agency that did receive funds in the fiscal year preceding the fiscal year for which the determination is made.

[(3) Notwithstanding any other provision of this subsection, the Secretary shall not give such priority to any agency with respect to which financial assistance has been terminated, or an application for refunding has been denied, under this subchapter by the Secretary after affording such agency reasonable notice and opportunity for a full and fair hearing in accordance with section 646(a)(3).

[(d) If no entity in a community is entitled to the priority specified in subsection (c), then the Secretary may designate a Head Start agency from among qualified applicants in such community. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures. In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

[(1) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

[(2) the plan of such applicant to provide comprehensive health, nutritional, educational, social, and other services needed to aid participating children in attaining their full potential;

[(3) the plan of such applicant to coordinate the Head Start program it proposes to carry out, with other preschool programs, including Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1444, 1419), and with the educational programs such children will enter at the age of compulsory school attendance;

[(4) the plan of such applicant—

[(A) to seek the involvement of parents of participating children in activities (at home and in the center involved

where practicable) designed to help such parents become full partners in the education of their children;

[(B) to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

[(C) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.), public and school libraries, and family support programs) to such parents—

[(i) family literacy services; and

[(ii) parenting skills training;

[(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

[(E) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

[(i) training in basic child development;

[(ii) assistance in developing communication skills;

[(iii) opportunities for parents to share experiences with other parents; or

[(iv) any other activity designed to help such parents become full partners in the education of their children; and

[(F) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in subparagraphs (C) (D), and (E) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

[(5) the ability of such applicant to carry out the plans described in paragraphs (2), (3), and (4);

[(6) other factors related to the requirements of this subchapter;

[(7) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;

[(8) the plan of such applicant to meet the needs of children with disabilities;

[(9) the plan of such applicant who chooses to assist younger siblings of children who will participate in the proposed Head Start program to obtain health services from other sources; and

[(10) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community.

[(e) If no agency in the community receives priority designation under subsection (c), and there is no qualified applicant in the community, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.

[(f) The Secretary shall require that the practice of significantly involving parents and area residents affected by the program in selection of Head Start agencies be continued.

[(g) If the Secretary determines that a nonprofit agency and a for-profit agency have submitted applications for designation of equivalent quality under subsection (d), the Secretary may give priority to the nonprofit agency. In selecting from among qualified applicants for designation as a Head Start agency under subsection (d), the Secretary shall give priority to applicants that have demonstrated capacity in providing comprehensive early childhood services to children and their families.

[SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

[(a) QUALITY STANDARDS.—

[(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish by regulation standards, including minimum levels of overall accomplishment, applicable to Head Start agencies, programs, and projects under this subchapter, including—

[(A) performance standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d), and other services;

[(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

[(ii) additional education performance standards to ensure that the children participating in the program, at a minimum—

[(I) develop phonemic, print, and numeracy awareness;

[(II) understand and use language to communicate for various purposes;

[(III) understand and use increasingly complex and varied vocabulary;

[(IV) develop and demonstrate an appreciation of books; and

[(V) in the case of non-English background children, progress toward acquisition of the English language.

[(C) administrative and financial management standards;

[(D) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

[(E) such other standards as the Secretary finds to be appropriate.

[(2) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the regulations required under paragraph (1), the Secretary shall—

[(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to non-English language background children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

[(B) take into consideration—

[(i) past experience with use of the standards in effect under this subchapter on the date of enactment of this section;

[(ii) changes over the period since the date of enactment of this Act in the circumstances and problems typically facing children and families served by Head Start agencies;

[(iii) developments concerning best practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

[(iv) projected needs of an expanding Head Start program;

[(v) guidelines and standards currently in effect or under consideration that promote child health services, and projected needs of expanding Head Start programs;

[(vi) changes in the population of children who are eligible to participate in Head Start programs, including the language background and family structure of such children; and

[(vii) the need for, and state-of-the-art developments relating to, local policies and activities designed to ensure that children participating in Head Start programs make a successful transition to public schools; and

[(C)(i) review and revise as necessary the performance standards in effect under this subsection; and

[(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on the date of enactment of the Coats Human Services Reauthorization Act of 1998.

[(3) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to a delegate agency to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

[(b) RESULTS-BASED PERFORMANCE MEASURES.—

[(1) IN GENERAL.—The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, family services, and program management, shall develop methods and procedures for measuring, annually and over longer periods, the quality and effectiveness of programs operated by Head Start agencies, and the impact of the services provided through

the programs to children and their families (referred to in this subchapter as "results-based performance measures").

[(2) CHARACTERISTICS OF MEASURES.—The performance measures developed under this subsection shall—

[(A) be used to assess the impact of the various services provided by Head Start programs and, to the extent the Secretary finds appropriate, administrative and financial management practices of such programs;

[(B) be adaptable for use in self-assessment, peer review, and program evaluation of individual Head Start agencies and programs, not later than July 1, 1999; and

[(C) be developed for other program purposes as determined by the Secretary.

The performance measures shall include the performance standards described in subsection (a)(1)(B)(ii).

[(3) USE OF MEASURES.—The Secretary shall use the performance measures developed pursuant to this subsection—

[(A) to identify strengths and weaknesses in the operation of Head Start programs nationally, regionally, and locally; and

[(B) to identify problem areas that may require additional training and technical assistance resources.

[(4) EDUCATIONAL PERFORMANCE MEASURES.—Such results-based performance measures shall include educational performance measures that ensure that children participating in Head Start programs—

[(A) know that letters of the alphabet are a special category of visual graphics that can be individually named;

[(B) recognize a word as a unit of print;

[(C) identify at least 10 letters of the alphabet; and

[(D) associate sounds with written words.

[(5) ADDITIONAL LOCAL RESULTS-BASED PERFORMANCE MEASURES.—In addition to other applicable results-based performance measures, Head Start agencies may establish local results-based educational performance measures.

[(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

[(1) IN GENERAL.—In order to determine whether Head Start agencies meet standards established under this subchapter and results-based performance measures developed by the Secretary under subsection (b) with respect to program, administrative, financial management, and other requirements, the Secretary shall conduct the following reviews of designated Head Start agencies, and of the Head Start programs operated by such agencies:

[(A) A full review of each such agency at least once during each 3-year period.

[(B) A review of each newly designated agency immediately after the completion of the first year such agency carries out a Head Start program.

[(C) Followup reviews including prompt return visits to agencies and programs that fail to meet the standards.

[(D) Other reviews as appropriate.

[(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

[(A) are performed, to the maximum extent practicable, by employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

[(B) are supervised by such an employee at the site of such Head Start agency;

[(C) are conducted by review teams that shall include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and their families;

[(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed by the Secretary pursuant to subsection (b) and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1); and

[(E) seek information from the communities and the States involved about the performance of the programs and the efforts of the Head Start agencies to collaborate with other entities carrying out early childhood education and child care programs in the community.

[(d) CORRECTIVE ACTION; TERMINATION.—

[(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or results-based performance measures developed by the Secretary under subsection (b), the Secretary shall—

[(A) inform the agency of the deficiencies that shall be corrected;

[(B) with respect to each identified deficiency, require the agency—

[(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

[(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

[(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

[(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

[(2) QUALITY IMPROVEMENT PLAN.—

[(A) AGENCY RESPONSIBILITIES.—In order to retain a designation as a Head Start agency under this subchapter, a Head Start agency that is the subject of a determination described in paragraph (1) (other than an agency required

to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

[(i) develop in a timely manner, obtain the approval of the Secretary regarding, and implement a quality improvement plan that specifies—

[(I) the deficiencies to be corrected;

[(II) the actions to be taken to correct such deficiencies; and

[(III) the timetable for accomplishment of the corrective actions specified; and

[(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency received notice of the determination and of the specific deficiency to be corrected).

[(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

[(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

[(e) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (d), during such fiscal year. Such report shall be widely disseminated and available for public review in both written and electronic formats.

[POWERS AND FUNCTIONS OF HEAD START AGENCIES

[SEC. 642.

[(a) In order to be designated as a Head Start agency under this subchapter, an agency must have authority under its charter or applicable law to receive and administer funds under this subchapter, funds and contributions from private or local public sources which may be used in support of a Head Start program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit or for-profit agency (as the case may be) organized in accordance with this subchapter, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Head Start program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and it overall program responsibilities. The power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

[(b) In order to be so designated, a Head Start agency shall also—

[(1) establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests;

[(2) provide for their regular participation in the implementation of such programs;

[(3) provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources;

[(4) seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development, conduct, and overall performance of the program at the local level;

[(5) offer (directly or through referral to local entities, such as entities carrying out Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training;

[(6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;

[(7) at the option of such agency, offer (directly or through referral to local entities), to such parents—

[(A) training in basic child development;

[(B) assistance in developing communication skills;

[(C) opportunities to share experiences with other parents;

[(D) regular in-home visitation; or

[(E) any other activity designed to help such parents become full partners in the education of their children;

[(8) provide, with respect to each participating family, a family needs assessment that includes consultation with such parents about the benefits of parent involvement and about the activities described in paragraphs (4) through (7) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities);

[(9) consider providing services to assist younger siblings of children participating in its Head Start program to obtain health services from other sources;

[(10) perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers; and

[(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

[(B) refer eligible parents to the child support offices of State and local governments.

[(c) The head of each Head Start agency shall coordinate and collaborate with the State agency responsible for administering the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development programs, including Even Start programs under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1444, 1419), serving the children and families served by the Head Start agency to carry out the provisions of this subchapter.

[(d)(1) Each Head Start agency shall take steps to ensure, to the maximum extent possible, that children maintain the developmental and educational gains achieved in Head Start programs and build upon such gains in further schooling.

[(2) A Head Start agency may take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

[(A) collaborating on the shared use of transportation and facilities; and

[(B) exchanging information on the provision of noneducational services to such children.

[(3) In order to promote the continued involvement of the parents of children that participate in Head Start programs in the education of their children upon transition to school, the Head Start agency shall—

[(A) provide training to the parents—

[(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

[(ii) to enable the parents to understand and work with schools in order to communicate with teachers and other school personnel, to support the school work of their children, and to participate as appropriate in decisions relating to the education of their children; and

[(B) take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

[(4) The Secretary, in cooperation with the Secretary of Education, shall—

[(A) evaluate the effectiveness of the projects and activities funded under section 642A;

[(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

[(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.

[(e) Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure

whether such teacher has mastered the functions described in section 648A(a)(1).

[SEC. 642A. HEAD START TRANSITION.

Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

[(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

[(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

[(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

[(4) organizing and participating in joint transition-related training of school staff and Head Start staff;

[(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

[(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

[(7) linking the services provided in such Head Start program with the education services provided by such local educational agency.]

SEC. 641. DESIGNATION OF HEAD START AGENCIES.

(a) AUTHORITY TO DESIGNATE.—The Secretary is authorized to designate as a Head Start agency any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, pursuant to the requirements of this section, except that until such time that the Secretary develops and implements the system of application review under this section, the Secretary is authorized to designate as a Head Start agency, any local public or private nonprofit agency, including community-based and faith-based organizations, or for-profit agency, within a community, in the manner and process utilized by the Secretary prior to the enactment of the Improving Head Start Act of 2007.

(b) APPLICATION FOR GRANTS.—Each entity shall submit a plan to the Secretary, at such time and in such manner as the Secretary may require.

(c) DEVELOPMENT OF APPLICATION REVIEW SYSTEM.—

(1) IN GENERAL.—The Secretary shall develop a system that integrates the recommendations of the expert panel convened under paragraph (3) to determine if a Head Start agency is providing a quality comprehensive early learning program that meets the educational, health, and nutritional needs of the chil-

dren and families it serves, and meets program and financial management requirements and performance standards described in section 641A(a)(1), based on—

(A) annual budget data;

(B) program reviews conducted under section 641A(c);

(C) annual audits required under section 647;

(D) classroom quality as measured under section 641A(c)(2)(H); and

(E) Program Information Report.

(2) EXPERT PANEL.—No later than six months after the enactment of the Improving Head Start Act of 2007, the Secretary shall convene an expert panel of 7 members to make recommendations to the Secretary on the development of a transparent, reliable, and valid system for evaluating grant renewal applications.

(3) COMPOSITION OF EXPERT PANEL.—The Secretary, in convening such panel, shall appoint the following:

(A) 5 members, who are competent, by virtue of their training, expertise, and experience, in each of at least one of the following areas:

(i) Early childhood program accreditation or quality assessment.

(ii) Research on early childhood development.

(iii) Governance and finance of non-profit organizations.

(iv) Delivery of services to children and families with limited English proficiency.

(v) Delivery of services to children with disabilities.

(B) An employee from the Office of Head Start.

(C) An executive director of a Head Start agency.

(4) EXPERT PANEL REPORT.—Within 12 months of being convened by the Secretary, the expert panel shall issue a report to the Secretary that provides recommendations on a proposed system of application review that takes into account the criteria in paragraph (1) to evaluate whether a Head Start grantee is meeting mission to provide a high quality comprehensive early education program, including adequately meeting its governance and financial management requirements.

(5) PUBLIC COMMENT; REPORT TO CONGRESS.—No later than 6 months after receiving the report described in paragraph (4), the Secretary shall publish a proposed system of application review in the Federal Register, providing at least 90 days for public comment and shall provide a report to the Education and Labor Committee of the U.S. House of Representatives and the Health, Education, Labor, and Pensions Committee of the U.S. Senate that provides a detailed description of such proposed system, including clear rationale for any differences between the proposed system and the recommendations of the expert panel, if any such differences exist.

(6) IMPLEMENTATION OF APPLICATION REVIEW SYSTEM.—After the Secretary has reviewed all public comments and finalized the system of application review, the Secretary will use this system to determine which grantees are successfully delivering a high quality comprehensive early education program. Grantees who are determined under such system to be—

(A) successfully delivering a high quality comprehensive early education program shall be designated a Head Start agency for a period of 5 years;

(B) under-performing and may enter into an open competition as described in subsection (e); and

(C) notwithstanding paragraph (B), if an Indian Head Start agency is determined to be underperforming, the Secretary shall engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a performance enhancement plan for that agency. Such plan is to be developed and implemented within 6 months of the Secretary's determination. Not more than 6 months after implementation of that plan, the Secretary shall re-evaluate the performance of the Indian Head Start agency. If the Indian Head Start agency remains underperforming, the Secretary shall conduct an open competition as described in subsection (e), subject to the following limitations:

(i) Except as provided in paragraph (ii), a non-Indian Head Start agency may not receive a grant to carry out an Indian Head Start program.

(ii) In a community in which there is no Indian Head Start agency available for designation to carry out an Indian Head Start program, a non-Indian Head Start agency, on an interim basis, may receive a grant to carry out an Indian Head Start program, but only until such time as an Indian Head Start agency in such community becomes available.

(d) TRANSPARENCY, RELIABILITY, AND VALIDITY.—The Secretary shall ensure the system of application evaluation is fair, consistent, and transparent and applied in a manner that designates, in a timely manner grantees as Head Start agencies for a period of 5 years if such grantees are providing a high quality comprehensive early education program. The Secretary shall periodically evaluate whether the criteria are being applied in a manner that is transparent, reliable, and valid.

(e) DESIGNATION WHEN NO ENTITY HAS PRIORITY.—

(1) IN GENERAL.—If no entity in a community is determined to be successfully delivering a high quality comprehensive early education program, as specified in subsection (c), the Secretary shall, after conducting an open competition, designate for a 5-year period a Head Start agency from among qualified applicants in such community.

(2) CONSIDERATIONS IN DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

(B) the plan of such applicant to provide comprehensive health (including mental and behavioral health), educational, nutritional, social, and other services needed to prepare children to succeed in school and in life;

(C) the plan of such applicant to attract and retain qualified staff capable of delivering a high quality comprehensive early education program, including demonstrating the ability to provide adequate salary and benefits to maintain a high quality staff;

(D) the ability of such applicant to maintain child-teacher ratios and family service worker caseloads that reflect best practices and are tied to high quality service delivery;

(E) the capacity of such applicant to serve eligible children with curriculum and teaching practices that are based on scientifically based research, are developmentally appropriate, and that promote the school readiness of children participating in the program;

(F) the plan of such applicant to meet standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

(G) the proposed budget and plan of such applicant to maintain strong fiscal controls and cost effective fiscal management;

(H) the plan of such applicant to coordinate the Head Start program the applicant proposes to carry out, with other local early learning programs for young children, including—

(i) programs implementing grants under the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 et seq., 6381 et seq.);

(ii) and programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

(iii) State prekindergarten programs;

(iv) child care programs; and

(v) the educational programs that the children participating in the Head Start program will enter at the age of compulsory school attendance;

(I) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;

(J) the plan of such applicant—

(i) to seek the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;

(ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level;

(iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs

under subchapter 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—

(I) family literacy services; and

(II) parenting skills training;

(iv) to offer to parents of participating children, mental health services (either directly or through referral to local entities), including substance abuse counseling and information on maternal depression and on the effect of drug-exposure on infants and fetal alcohol syndrome;

(v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—

(I) training in basic child development (including cognitive, social, and emotional development);

(II) assistance in developing literacy and communication skills;

(III) opportunities to share experiences with other parents (including parent mentor relationships);

(IV) regular in-home visitation;

(V) mental and behavioral health services; or

(VI) any other activity designed to help such parents become full partners in the education of their children;

(vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in subparagraph (H) in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and

(vii) to extend outreach to fathers, in appropriate cases, in order to strengthen the role of fathers in families, in the education of their young children, and in the Head Start program, by working directly with fathers and father figures through activities such as—

(I) in appropriate cases, including fathers in home visits and providing culturally appropriate opportunities for direct father-child interactions; and

(II) targeting increased male participation in the conduct of the program;

(K) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);

(L) the plan of such applicant to meet the diverse cultural needs of the population served;

(M) the plan of such applicant to meet the needs of children with disabilities;

(N) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program to obtain health, including mental health, services from other sources;

(O) the plan of such applicant to collaborate with other entities carrying out public or private early childhood education and child care programs in the community;

(P) the plan of such applicant to meet the needs of homeless children, including transportation needs, and children in foster care and children and families experiencing toxic stress;

(Q) the plan of such applicant to maintain a qualified staff, including a teaching staff qualified to implement research-based curricula aligned with the Head Start Child Outcomes Framework developed by the Secretary and to the early learning standards in State in which such program would operate;

(R) the plan of such applicant to enter into memoranda of understanding with local educational agencies within the service area, as described in section 642B(a); and

(S) other factors related to the requirements of this subchapter.

(f) INTERIM PROVIDER.—If no agency in the community receives priority designation under subsection (c), and there is no qualified applicant in the community, the Secretary shall designate a qualified agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.

(g) PARENT AND COMMUNITY PARTICIPATION.—The Secretary shall require that the practice of significantly involving parents and area residents affected by the program in the selection of Head Start agencies be continued.

(h) COMMUNITY.—For purposes of this subchapter, a community may be a city, county, or multicity or multicounty unit within a State, an Indian reservation (including Indians in any off-reservation area designated by an appropriate tribal government in consultation with the Secretary) or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed to operate a Head Start program.

SEC. 641A. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.

(a) QUALITY STANDARDS.—

(1) ESTABLISHMENT OF STANDARDS.—The Secretary shall modify, as necessary, program performance standards by regulation applicable to Head Start agencies, programs, and projects under this subchapter, including—

(A) performance standards with respect to services required to be provided, including health, parental involvement, nutritional, social, transition activities described in section 642(d), and other services;

(B) scientifically based and developmentally appropriate early learning standards related to school readiness that are based on the Head Start Child Outcomes Framework to ensure that the children participating in the program, at a minimum develop and demonstrate—

(i) language knowledge and skills, including oral language and listening comprehension;

(ii) prereading knowledge and skills that prepare children for early literacy in schools including phonological awareness, print awareness and print skills, and alphabetic knowledge;

(iii) mathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

(iv) science knowledge and skills, including measurement;

(v) cognitive abilities related to academic achievement and general knowledge;

(vi) social and emotional development related to early learning, school success, social problem-solving, and overall well-being;

(vii) approaches to learning related to child development and early learning;

(viii) creative arts; and

(ix) in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in clauses (i) through (viii), including progress made through the use of culturally and linguistically appropriate instructional services;

(C) administrative and financial management standards;

(D) standards relating to the condition and location of facilities for such agencies, programs, and projects; and

(E) such other standards as the Secretary finds to be appropriate.

(2) CONSIDERATIONS IN DEVELOPING STANDARDS.—In developing the standards required under paragraph (1), the Secretary shall—

(A) consult with experts in the fields of child development, early childhood education, child health care, family services (including linguistically and culturally appropriate services to limited English proficient children and their families), administration, and financial management, and with persons with experience in the operation of Head Start programs;

(B) take into consideration—

(i) past experience with use of the standards in effect under this subchapter on October 27, 1998;

(ii) changes over the period since October 27, 1998, in the circumstances and problems typically facing children and families served by Head Start agencies;

(iii) recommendations from the report on Developmental Outcomes and Assessments for Young Children

by the National Academy of Sciences, when it becomes available;

(iv) developments concerning research-based practices with respect to early childhood education and development, children with disabilities, family services, program administration, and financial management;

(v) projected needs of an expanding Head Start program;

(vi) guidelines and standards currently in effect or under consideration that promote child health services and physical development, including outdoor activity that supports children's motor development and overall health and nutrition;

(vii) changes in the population of children who are eligible to participate in Head Start programs, including the language and cultural background and family structure of such children;

(viii) mechanisms to ensure that children participating in Head Start programs make a successful transition to the schools that the children will be attending; and

(ix) the unique challenges faced by individual programs, including those that are seasonal or short term, and those that serve rural populations; and

(C)(i) review and revise as necessary the performance standards in effect under this subsection; and

(ii) ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in quality, scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on October 27, 1998.

(3) STANDARDS RELATING TO OBLIGATIONS TO DELEGATE AGENCIES.—In developing standards under this subsection, the Secretary shall describe the obligations of a Head Start agency to a delegate agency to which the Head Start agency has delegated responsibility for providing services under this subchapter and determine whether the Head Start agency complies with the standards. The Secretary shall consider such compliance during the review described in subsection (c)(1)(A) and in determining whether to renew financial assistance to the Head Start agency under this subchapter.

(b) MEASURES.—

(1) IN GENERAL.—The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, shall use the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences to provide guidance to Head Start agencies for utilizing scientifically-based measures that support, as appropriate—

(A) classroom instructional practices;

(B) identification of special needs; and

(C) program evaluation.

(2) CHARACTERISTICS OF MEASURES.—The measures under this subsection shall

(A) be developmentally, linguistically, and culturally appropriate for the population served;

(B) be reviewed not less than every 4 years, based on advances in the science of early childhood development;

(C) be consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

(D) be valid and reliable (in English, Spanish, and any other language, as appropriate);

(E) be administered by staff with appropriate training for such administration;

(F) provide appropriate accommodations for children with disabilities and children who are limited English proficient; and

(G) be high-quality research-based measures that have been demonstrated to assist with the purposes for which they were devised.

(3) USE OF MEASURES; LIMITATIONS ON USE.—

(A) Measures shall be designed for the purpose of—

(i) promoting the skills, knowledge, and competencies of children participating in Head Start programs specified in subsection (a)(1)(B)(ii), with an emphasis on measuring skills that scientifically-based research has demonstrated are related to children's school readiness and later success in school;

(ii) improving classroom practices, including reviewing children's strengths and weaknesses;

(iii) identifying special needs; and

(iv) improving overall program performance in order to help programs identify problem areas that may require additional training and technical assistance resources.

(B) Such measures shall not be used to exclude children from Head Start programs.

(4) SUSPENDED IMPLEMENTATION OF NATIONAL REPORTING SYSTEM.—The Secretary shall—

(A) suspend implementation and terminate further development and use of the National Reporting System; and

(B) incorporate, as appropriate, recommendations from the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences into any assessment used in the Head Start programs, in accordance with paragraphs (2) and (3).

(5) SPECIAL RULE.—The use of assessment items and data on any assessment authorized under this subchapter by an agent or agents of the Federal Government to provide rewards or sanctions for individual children or teachers is prohibited. The Secretary shall not use the results of a single assessment as the sole or primary method for assessing program effectiveness or making grantee funding determinations at the national, regional, or local level.

(6) CONFIDENTIALITY.—

(A) The Secretary, through regulation, shall ensure the confidentiality of any personally identifiable data, information and records collected or maintained by the Secretary

and any Head Start agency. Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.

(B) Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on children participating in measures under this subsection.

(c) MONITORING OF LOCAL AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—To determine whether Head Start agencies meet standards established under this subchapter with respect to program, administrative, financial management, and other requirements and in order to help programs identify areas for improvement and areas of strengths as part of an on-going self-assessment process, the Secretary shall develop and use a risk-based assessment system to conduct the following reviews of Head Start agencies, and of the Head Start programs operated by such agencies:

(A) A full review of each such agency at least once during each 3-year period.

(B) A review of each newly designated Head Start agency immediately after the completion of the first year such agency carries out a Head Start program.

(C) Followup reviews, including unannounced reviews as appropriate, of programs with 1 or more findings of deficiencies not later than 12 months after the date of such finding.

(D) other reviews, including unannounced site inspections of Head Start centers, as appropriate.

(2) CONDUCT OF REVIEWS.—The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

(A) are conducted by review teams that—

(i) include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities) and limited-English proficient children and their families; and

(ii) include, to the maximum extent practicable, current or former employees of the Department of Health and Human Services who are knowledgeable about Head Start programs;

(B) include as part of the reviews of the programs, a review and assessment of program strengths and areas in need of improvement;

(C) include as part of the reviews of the programs, a review and assessment of whether programs have adequately addressed the population and community needs (including populations of children with limited English proficiency and children of migrant and seasonal farm-working families);

(D) include as part of the review the extent to which the program addresses the community needs and strategic plan identified in section 640(g)(2)(C);

(E) include as part of the review the implementation by qualified individuals with demonstrated reliability, of a valid and reliable research-based observational instrument that assesses classroom quality, including multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement;

(F) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, and based on a transparent and reliable system of review;

(G) in the case of Early Head Start programs, are conducted by a review team that includes individuals who are knowledgeable about the development of infants and toddlers; and

(H) include as part of the review a protocol for fiscal management that shall be used to assess the compliance with program requirements for—

(i) using federal funds appropriately;

(ii) using federal funds specifically to purchase property and to compensate personnel;

(iii) securing and using qualified fiscal officer support; and

(iv) reporting financial information and implementing appropriate internal controls to safeguard federal funds.

(3) USE OF REVIEW FINDINGS.—The findings of the review shall, at a minimum—

(A) be presented to an agency in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

(B) be used by the Head Start agencies to inform the development and implementation of their plan for training and technical assistance.

(d) EVALUATIONS AND CORRECTIVE ACTIONS FOR DELEGATE AGENCIES.—

(1) PROCEDURES.—The Head Start agency shall establish procedures relating to its delegate agencies, including—

(A) procedures for evaluating delegate agencies;

(B) procedures for defunding delegate agencies; and

(C) procedures for appealing a defunding decision relating to a delegate agency.

(2) EVALUATIONS.—Each Head Start agency—

(A) shall evaluate its delegate agencies using the procedures established under this section; and

(B) shall inform the delegate agencies of the deficiencies identified through the evaluation that are required to be corrected.

(3) REMEDIES TO ENSURE CORRECTIVE ACTIONS.—If the Head Start agency identifies a deficiency of a delegate agency through the evaluation, the Head Start agency may—

(A) initiate procedures to terminate the designation of the delegate agency unless such agency corrects the deficiency; and

(B) conduct monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to modify, supersede, or affect the powers, duties, or functions of the Secretary with respect to Head Start agencies or delegate agencies that receive financial assistance under this subchapter.

(e) CORRECTIVE ACTION; TERMINATION.—

(1) DETERMINATION.—If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to section 641 fails to meet the standards described in subsection (a) or fails to adequately address the community needs and strategic plan identified in section 640(g)(2)(C), the Secretary shall—

(A) inform the agency of the deficiencies that shall be corrected;

(B) with respect to each identified deficiency, require the agency—

(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan; and

(C) initiate proceedings to terminate the designation of the agency unless the agency corrects the deficiency.

(2) QUALITY IMPROVEMENT PLAN.—

(A) AGENCY AND PROGRAM RESPONSIBILITIES.—To retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program to continue to receive funds from such agency, a Head Start agency, or Head Start program that is the subject of a determination described in paragraph (1) (excluding an agency or program required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the secretary, or in the case of a program, the sponsoring agency, and which shall specify—

(I) the deficiencies to be corrected;

(II) the actions to be taken to correct such deficiencies; and

(III) the timetable for accomplishment of the corrective actions specified; and

(ii) eliminate each deficiency identified, not later than the date for elimination of such deficiency specified in such plan (which shall not be later than 10 months after the date the agency or program obtains approval of its quality improvement plan).

(B) SECRETARIAL RESPONSIBILITY.—Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

(C) AGENCY RESPONSIBILITY FOR PROGRAM IMPROVEMENT.—Not later than 30 days after receiving from a Head Start program, a proposed quality improvement plan pursuant to subparagraph (A), the Head Start agency shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary shall provide training and technical assistance to Head Start agencies and programs with respect to the development or implementation of such quality improvement plans to the extent the Secretary finds such provision to be feasible and appropriate given available funding and other statutory responsibilities.

(f) SUMMARIES OF MONITORING OUTCOMES.—Not later than 120 days after the end of each fiscal year, the Secretary shall publish a summary report on the findings of reviews conducted under subsection (c) and on the outcomes of quality improvement plans implemented under subsection (e), during such fiscal year. Such report shall be made available to all parents with children receiving assistance under this subchapter in an understandable and uniform format, and to the extent practicable, provided in a language that the parents can understand, and in addition, make the information widely available through public means such as distribution through public agencies, and at a minimum posting such information on the Internet immediately upon publication. Such reports shall contain detailed data on compliance with specific performance standards and measures sufficient to allow individual Head Start agencies to use such data to improve the quality of their program.

(g) SELF-ASSESSMENTS.—

(1) IN GENERAL.—Not less frequently than once each program year, with the consultation and participation of policy councils, and as applicable, policy committees, and as appropriate, other community members, each Head Start agency and each delegate agency that receives financial assistance under this subchapter shall conduct a comprehensive self-assessment of its effectiveness and progress in meeting program goals and objectives (including professional development plans) and in implementing and complying with Head Start program performance standards.

(2) REPORT AND IMPROVEMENT PLANS.—

(A) REPORT.—An agency conducting a self-assessment shall report the findings of the self-assessment to the rel-

evant policy council, policy committee, governing body, and Secretary. Each self-assessment shall identify areas of strength and weakness.

(B) IMPROVEMENT PLAN.—The agency shall develop and report to the Secretary an improvement plan approved by the governing body of the agency to strengthen any areas identified in the self-assessment as weaknesses or in need of improvement.

(3) ONGOING MONITORING.—Each Head Start agency, delegate Head Start agency, and entity that carries out an Early Head Start program a shall establish and implement procedures for the ongoing monitoring of their respective programs, to ensure that the operations of the programs work toward meeting program goals and objectives and Head Start performance standards.

(h) ENROLLMENT REPORTING REQUIREMENT.—

(1) Head Start agencies shall report on a regular basis to the Secretary—

(A) the actual enrollment in such program; and

(B) if such actual enrollment is less than the funded enrollment, any apparent reason for such enrollment shortfall.

(2) The Secretary shall determine on a regular basis which Head Start agencies are operating with an actual enrollment that is less than the funded enrollment and shall provide appropriate and timely training and technical assistance to increase actual enrollment, as appropriate.

(3) In this subsection:

(A) The term "actual enrollment" means, with respect to a Head Start program, the actual number of children enrolled in such program in a given month.

(B) The term "base grant" means, with respect to Head Start agency for a fiscal year, that portion of the grant derived from—

(i) amounts reserved for use in accordance with section 640(a)(2)(A), for a Head Start agency administering an Indian Head Start program or migrant and seasonal Head Start program;

(ii) amounts reserved for payments under section 640(a)(2)(B); or

(iii) amounts available under section 640(a)(2)(D) or allotted among States under section 640(a)(4).

(C) The term "funded enrollment" means, with respect to the program of a Head Start agency in a fiscal year, the number of children that the agency is funded to serve through a grant for the program during such fiscal year, as indicated in the grant award.

(i) REDISTRIBUTION OF FUNDS.—Funds held by the Secretary as a result of recapturing, withholding, or reducing a base grant, except when such action is the result of an open competition 641(d)) or termination 646(d) shall be redistributed in such fiscal year as follows:

(1) If such funds are derived from an Indian Head Start program, then such funds shall be redistributed to increase enroll-

ment in such fiscal year in 1 or more Indian Head Start programs.

(2) If such funds are derived from the operation of a migrant and seasonal Head Start program, then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more migrant and seasonal Head Start programs.

(3) If such funds are derived from the operation of a Head Start program in a State (excluding Indian Head Start program and migrant and seasonal Head Start programs), then such funds shall be redistributed to increase enrollment in such fiscal year in 1 or more Head Start programs (excluding Indian Head Start programs and migrant and seasonal Head Start programs) that are carried out in such State, except that—

(A) not less than 50 percent of the funds shall be prioritized to increase the program participation of children and families served under Early Head Start; and

(B) not less than 25 percent of the funds shall be prioritized to increase program participation of underserved populations of eligible children.

SEC. 642. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

(a) LEGAL AUTHORITY.—To be designated as a Head Start agency under this subchapter, an agency must have authority under its charter or applicable law to receive and administer funds under this subchapter, funds and contributions from private or local public sources which may be used in support of a Head Start program, and funds under any Federal or State assistance program pursuant to which a public or private nonprofit or for-profit agency (as the case may be) organized in accordance with this subchapter, could act as grantee, contractor, or sponsor of projects appropriate for inclusion in a Head Start program. Such an agency must also be empowered to transfer funds so received, and to delegate powers to other agencies, subject to the powers of its governing board and its overall program responsibilities. The power to transfer funds and delegate powers must include the power to make transfers and delegations covering component projects in all cases where this will contribute to efficiency and effectiveness or otherwise further program objectives.

(b) FAMILY AND COMMUNITY INVOLVEMENT; FAMILY SERVICES.—To be so designated, a Head Start agency shall, at a minimum, do all the following to involve and serve families and communities:

(1) Establish effective procedures by which parents and area residents concerned will be enabled to directly participate in decisions that influence the character of programs affecting their interests.

(2) Seek the involvement of parents, area residents, and local business in the design and implementation of the program.

(3) Establish effective procedures to facilitate and seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children, and to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including a process through which parents of children currently participating in a Head Start program or an Early Head Start program select the par-

ent representatives to serve on the council under section 642(b)(4)(B)(ii).

(4) Offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.)), to parents of participating children, family literacy services and parenting skills training.

(5) Offer to parents of participating children mental health services (either directly or through referral to local entities), including substance abuse counseling, and including information on maternal depression and on drug-exposed infants and fetal alcohol syndrome.

(6) At the option of such agency, offer (directly or through referral to local entities) to such parents—

(A) training in basic child development (including cognitive, social, and emotional development);

(B) assistance in developing literacy and communication skills;

(C) opportunities to share experiences with other parents (including parent-mentor relationships);

(D) mental and behavioral health services;

(E) regular in-home visitation; or

(F) any other activity designed to help such parents become full partners in the education of their children.

(7) Provide, with respect to each participating family, a family needs assessment that includes consultation with such parents, in a manner and language that such parents can understand, about the benefits of parent involvement and about the activities described in paragraphs (5) through (8) in which such parents may choose to be involved (taking into consideration their specific family needs, work schedules, and other responsibilities).

(8) Consider providing services to assist younger siblings of children participating in its Head Start program to obtain health, including mental health, services from other sources.

(9) Perform community outreach to encourage individuals previously unaffiliated with Head Start programs to participate in its Head Start program as volunteers.

(10)(A) Inform custodial parents in single-parent families that participate in programs, activities, or services carried out or provided under this subchapter about the availability of child support services for purposes of establishing paternity and acquiring child support; and

(B) Refer eligible parents to the child support offices of State and local governments.

(11) Provide parents of limited English proficient children outreach and services under this subchapter, in an understandable and uniform format and, to the extent practicable, in a language that such parents can understand.

(12) Provide technical and other support needed to enable parents and area residents to secure on their own behalf available assistance from public and private sources.

(13) Promote the continued involvement of the parents (including grandparents and kinship caregivers, as appropriate) of children that participate in Head Start programs in the edu-

cation of their children upon transition to school, the Head Start agency shall work with the local educational agency—

(A) to provide training to the parents;

(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

(ii) to enable the parents—

(I) to understand and work with schools in order to communicate with teachers and other school personnel;

(II) to support the schoolwork of their children; and

(III) to participate as appropriate in decisions relating to the education of their children; and

(B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

(14) Provide parents of a child suspected of having a disability information about services available under section 619 or part C of the Individuals With Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.) and refer such child to the appropriate agency for an evaluation of eligibility under such Act.

(c) PROGRAM GOVERNANCE.—Head Start agencies must establish and maintain a formal structure of shared governance through which an independent governing body with legal and fiscal responsibility for administering and overseeing programs under this subchapter and a parent policy council and parent policy committee, as appropriate, shall ensure that such agency operates a high quality Head Start program in compliance with all applicable Federal, State, and local laws.

(1) GOVERNING BODY.—

(A) COMPOSITION.—The governing body shall be composed as follows:

(i) Not less than 1 member with significant financial management or accounting experience.

(ii) Not less than 1 member shall have a background and expertise in early childhood development.

(iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.

(iv) Additional members shall be selected for their expertise in education, business administration, and community affairs and shall reflect the community served.

(v) Exceptions shall be made when members of the governing body oversee a public entity and are selected by public election or are political appointments.

(B) CONFLICT OF INTEREST.—Members of the governing body shall—

(i) not have a conflict of interest with the Head Start agency or delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed;

(ii) not receive compensation for the purposes of serving on the governing body or for providing services to the Head Start agency, exceptions shall be made when

a board member of a public entity is selected by election or politically appointed;

(iii) not be employed nor shall members of their immediate family be employed by the Head Start agency or one of its delegate agencies, exceptions shall be made when a board member of a public entity is selected by election or politically appointed; and

(iv) operate as an entity independent of staff employed by the Head Start agency entity or applicant, exceptions shall be made when a board member of a public entity is selected by election or politically appointed.

(C) CONSULTANTS.—In the case that persons described in subparagraph (A) are not available to serve as members, the governing body shall make use of consultants in the areas described in subparagraph (A) to work directly with the governing body.

(D) TRAINING.—All members of the governing body shall receive training in management responsibilities and obligations, ethics, and financial literacy management.

(E) RESPONSIBILITIES OF GOVERNING BODY.—The governing body shall be responsible for—

(i) adoption of practices that assure active, independent and informed governance of the Head Start agency;

(ii) oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644;

(iii) establish an audit and finance committee whose primary responsibility shall be—

(I) to approve annually the operating budget of the Head Start agency;

(II) to review and recommend to the governing body the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee, except when the auditor is assigned by the State under State law;

(III) to review and recommend to the governing body the termination or extension of the existing audit firm at least once every 5 years;

(IV) to review and advise the governing body of the audit management letter provided pursuant to the chapter 75 of title 31, United States Code, and of any audit findings; and

(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices;

(iv) approve all major policies of the agency, including the mission of the agency and policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits);

(v) approve all major financial expenditures of the agency;

(vi) approve the selection or dismissal of the Head Start Director or the equivalent position within the Head Start agency;

(vii) approve or disapprove all policies, applications, and decisions of the Policy Council made under the authority of paragraph (2);

(viii) to oversee the program planning of the Head Start agency, including adoption of policies for setting long- and short-range goals and objectives;

(ix) oversee and approve the agency's applications to receive funds made available under this subchapter; and

(x) to establish, adopt and periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—

(I) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers, employees, consultants and agents who provide services or furnish goods to the Head Start agency; and

(II) complaints, including investigations, when appropriate.

(2) POLICY COUNCIL.—

(A) COMPOSITION.—The Policy Council or Policy Committee, as appropriate, shall be composed as follows:

(i) Members of the Policy Council shall be either parents of children currently enrolled in the Head Start agency's (or delegate's) Head Start or Early Head Start program or that are parents of children who were enrolled in the program in the previous year (Parent Members) or shall be members of the community served by the Head Start agency or delegate (Community Members).

(ii) Parent members of the Policy Council shall constitute a majority of the members of the Policy Council and shall be elected by parents of currently enrolled children.

(iii) Parent members shall represent, proportionately, all program options and settings operated by the Head Start agency or delegate.

(iv) The term of a Policy Council member shall be no more than 2 years and no Policy Council member shall serve longer than 6 years.

(B) RESPONSIBILITIES OF POLICY COUNCIL.—In order to be designated as a Head Start agency, an entity or delegate of

such an entity shall have a Policy Council which shall approve and submit to the governing body decisions about the following activities:

(i) The strategic direction of the program, including long and short-term planning goals and objectives (such planning and goals shall take into account the annual community assessment and self-assessment).

(ii) Selection of delegate agencies and their service areas.

(iii) Recruitment, selection and enrollment priorities.

(iv) Funding applications and amendments to funding applications for Head Start or Early Head Start prior to submission of such applications.

(v) Budget planning for program expenditures.

(vi) Bylaws for the operation of the Policy Council including procedures by which Policy Council members are chosen.

(vii) Program personnel policies, including standards of conduct for program staff, contractors and volunteers.

(viii) Decisions regarding employment of Head Start staff other than the director and executive director.

(ix) Activities to support the active involvement of parents in supporting program operations.

(x) Program responsiveness to community and parent needs.

(C) TRAINING.—Appropriate training and technical assistance shall be provided to the members of the Policy Council to ensure that the members understand the information the members receive and effectively oversee and participate in the programs of the Head Start agency or delegate.

(3) IMPASSE POLICY.—The Secretary shall develop policies and procedures describing how Head Start agencies will implement shared decision-making, including a process for resolving any impasse between the Governing Body and the Policy Council.

(d) COLLABORATION AND COORDINATION.—To be so designated, a Head Start agency must collaborate and coordinate with public and private entities to improve the available services to Head Start children and families, including the following activities:

(1) Conduct outreach to schools in which children participating in Head Start programs enroll, local educational agencies, the local business community, community-based organizations, faith-based organizations, museums, and libraries to generate support and leverage the resources of the entire local community in order to improve school readiness.

(2) In communities where both public prekindergarten programs and Head Start programs operate, a Head Start agency shall collaborate and coordinate activities with the local educational agency or other public agency responsible for the operation of the prekindergarten program and providers of prekindergarten, including outreach activities to identify eligible children, as possible.

(3) Head Start agency staff shall, with the permission of the parents of children enrolled in Head Start programs, regularly communicate with the elementary schools such children will be attending—

(A) to share information about such children; and

(B) to ensure a smooth transition to elementary school for such children.

(4) Each Head Start agency shall collaborate, as appropriate, with providers of social and community services available to children and families participating in Head Start programs, and may support such partnerships with financial agreements, when applicable, for the provision of such services.

(5) A Head Start agency shall take steps to coordinate activities with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

(A) collaborating on the shared use of transportation and facilities;

(B) collaborating to enhance the efficiency of services while increasing the program participation of underserved populations of eligible children; and

(C) exchanging information on the provision of noneducational services to such children.

(6) The Secretary, in consultation with the Secretary of Education, shall—

(A) evaluate the effectiveness of the projects and activities funded under section 642A;

(B) disseminate to Head Start agencies information (including information from the evaluation required by subparagraph (A)) on effective policies and activities relating to the transition of children from Head Start programs to public schools; and

(C) provide technical assistance to such agencies to promote and assist such agencies to adopt and implement such effective policies and activities.

(e) QUALITY STANDARDS, CURRICULA AND ASSESSMENT.—To be so designated, each Head Start agency shall—

(1) take steps to ensure, to the maximum extent possible, that children maintain the developmental and educational gains achieved in Head Start programs and build upon such gains in further schooling;

(2) establish a program with standards set forth in section 641A(a)(1), with particular attention to the standards set forth in subparagraphs (A) and (B) of such section;

(3) implement a research-based early childhood curriculum that promotes young children's school readiness in the areas of language and cognitive development, early reading and premathematics skills, socio-emotional development, physical development, and approaches to learning. Such curricula shall be—

(A) based on scientifically based research and have standardized training procedures and curriculum materials to support implementation;

(B) comprehensive, linked to ongoing assessment, with developmental and learning goals and measurable objectives; and focused on improving the learning environment, teaching practices, family involvement, and child outcomes across all areas of development; and

(C) aligned to the Head Start Child Outcomes Framework developed by the Secretary and to State early learning standards, as appropriate;

(4) use ongoing, research-based assessment methods that are developmentally appropriate, culturally and linguistically responsive, and tied to children's daily activities in order to support the educational instruction of children in the program, including language skills, prereading knowledge and premathematics knowledge. Assessment instruments shall be those designed and validated for making decisions about teaching and learning and aligned with the programs curricula and section 641A(a)(1);

(5) use high-quality research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for children from a range of racial, ethnic, linguistic, and cultural backgrounds, for the purpose of meeting the relevant performance standards;

(6) adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in section 648A(a)(1) and attained a level of literacy appropriate to implement Head Start curricula;

(7) use the information provided from the assessment conducted under section 640A(C)(2)(H) to adopt a professional development plan that leads to improved teacher effectiveness;

(8) establish measurable objectives for the provision of health, educational, nutritional, and social services related to the program mission and to school readiness and provided under this subchapter; and

(9) develop procedures for identifying children as limited English proficient, and inform the parents of such children as to the instructional services used to help children make progress towards acquiring the knowledge and skills described in section 641A(a)(1)(B) and acquisition of the English language.

(f) FUNDED ENROLLMENT; WAITING LIST.—Each Head Start agency shall enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations.

(g) TECHNICAL ASSISTANCE AND TRAINING PLAN.—In order to receive funds under this subchapter, a Head Start agency shall develop an annual technical assistance and training plan. Such plan shall be based on the agency's self-assessment, the community-wide needs assessment, the needs of parents and children to be serviced by such agency, and the results of the reviews conducted under section 641A(c).

(h) FINANCIAL MANAGEMENT.—In order to receive funds under this subchapter, a Head Start agency shall document strong fiscal controls, including the employment of well-qualified fiscal staff with

a history of successful management of a public or private organization.

SEC. 642A. HEAD START TRANSITION AND ALIGNMENT WITH K-12 EDUCATION.

Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program to promote continuity of services and effective transitions, including—

(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

(2) establishing ongoing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), and health staff) to facilitate coordination of programs;

(3) establish on-going communication for developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;

(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;

(5) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

(6) helping parents of limited English Proficient children understand the method of instruction and other services provided by the school in which such child will enroll after participation in Head Start and as appropriate, information provided to parents of limited English proficient children under section 3302 of title III of the Elementary and Secondary Education Act of 1965 (20U.S.C. 7012);

(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431—11435);

(8) assisting families, administrators, and teachers in enhancing educational and developmental continuity and continuity in parental involvement activities between Head Start services and elementary school classes;

(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;

(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching

them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program are aligned with—

(A) the Head Start Child Outcomes Framework as developed by the Secretary; and

(B) State early learning standards, as appropriate, with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate.

SEC. 642B. LOCAL AND STATE INTEGRATION OF EARLY CHILDHOOD EDUCATION.

(a) LOCAL INTEGRATION.—In general, Head Start agencies shall enter into ongoing partnerships with local educational agencies and with State-funded preschool and other early childhood programs.

(1) MEMORANDA OF UNDERSTANDING.—Each Head Start agency shall enter into a memorandum of understanding with any local educational agencies or local councils, responsible for managing publicly funded prekindergarten programs in the service area of the Head Start agency (or if such agencies and such councils are not applicable in the service area, with the largest provider of publicly funded prekindergarten in the service area), that shall include plans to coordinate the following activities:

(A) Educational activities, curricula, and instruction.

(B) Public information dissemination and access to programs for families contacting any of the early childhood programs.

(C) Selection priorities for eligible children to be served by programs.

(D) Service delivery areas.

(E) Staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, and social and emotional development.

(F) Program technical assistance.

(G) Provision of additional services to meet the needs of working parents.

(H) Planning and parent education for smooth transitions to kindergarten as required in section 642A(3) and 642A(6).

(I) Provision and use of facilities, transportation, and other program elements.

(J) Other elements mutually agreed to by the parties to such memorandum.

(2) TIMING OF MEMORANDA.—Each Head Start agency shall enter into a memorandum of understanding under paragraph (1) not later than 1 year after the effective date of this section.

(3) SECRETARIAL REVIEW.—Each memorandum of understanding entered into under paragraph (1) shall be submitted to the Secretary not later than 30 days after entering into such memorandum.

(A) If a Head Start agency is unable to comply with the requirement in paragraph (1) the Head Start agency shall notify the Secretary and the chief executive officer of the State not later than 30 days after determining that they are unable to enter into such memorandum. The Secretary, in cooperation with the State Early Learning Council and the State Director of Head Start Collaboration, shall evaluate the causes of failure to enter into a memorandum of understanding under paragraph (1). With the assistance of the State Early Learning Council and the State Director of Head Start Collaboration, all parties shall again attempt to enter into a memorandum of understanding under paragraph (1). Then if no such memorandum of understanding is entered into, the Secretary shall make 1 of the following determinations:

(i) The local educational agency, local council, or other appropriate entity is unable or unwilling to enter into such a memorandum despite reasonable efforts on the part of the Head Start agency.

(ii) The Head Start agency has not engaged in reasonable efforts to successfully negotiate and enter into a memorandum of understanding pursuant to paragraph (1).

(iii) There is an absence of publicly funded prekindergarten in the service area of the Head Start agency.

(B) If the Secretary determines the Head Start agency is not making reasonable efforts to enter into a memorandum of understanding pursuant to paragraph (1), the Head Start agency shall be found to be noncompliant with program performance standards.

(C) If the Secretary concludes that the local educational agency, local council, or other appropriate entity is not making reasonable efforts to reach such a memorandum of understanding, the Head Start agency shall not be found out of compliance with paragraph (1).

(4) REVISION OF MEMORANDA.—Each memorandum of understanding shall be revised and renewed annually by the parties to such memorandum, in alignment with the beginning of the school year.

(5) ABSENCE OF PREKINDERGARTEN.—In the absence of publicly funded prekindergarten in the service area of a Head Start agency, the Head Start agency shall submit notice to the Secretary and the chief executive officer of the State and shall work with the State Early Learning Council and the State Director of Head Start Collaboration to improve coordination in their service area.

(b) STATE EARLY LEARNING COUNCILS.—From the amounts reserved under section 640(a)(2)(C)(iii), the Secretary shall award, upon submission of a written request and pursuant to the requirements of paragraph (2), an early learning collaboration grant to each State for the purposes of supporting a State Early Learning Council responsible for advancing the development of a coordinated early childhood services delivery system in the State. A State that receives a grant under this subparagraph shall—

(1) establish a State Early Learning Council, which shall include—

(A) the State Director of Head Start Collaboration;

(B) representatives from the State preschool programs;

(C) representatives of local educational agencies;

(D) the State official who oversees child care programs;

(E) the State official who oversees section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

(F) the State official who oversees the State educational agency;

(G) representatives from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

(H) representatives of local child care programs or organizations; and

(I) a representative of the State agency responsible for health and mental health care;

except that the chief executive officer of the State may designate an existing entity to serve as the Early Learning Council if such entity includes representatives described in this paragraph;

(2) ensure that allotted funds distributed to a State for a fiscal year to carry out this subsection may be used by the State to pay not more than 50 percent of the cost of carrying out this subsection;

(3) direct the early learning council to improve the coordination and quality of early childhood services within the State, including—

(A) to increase coordination and collaboration among State preschool, Head Start programs, child care programs, early childhood special education, and other early childhood programs, including in the areas of outcomes and standards, technical assistance, coordination of services, cross-sector professional development and training, community outreach, communication, and better serving the needs of working families through provision of full-day and full-year early education services;

(B) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to local Head Start programs, local education agencies, and State and locally funded preschool and child care programs to increase integration among early childhood programs through adoption of local memoranda of understanding described in subparagraph (A) and other means;

(C) to work with State agencies responsible for education, child care, and early intervention to provide leadership and assistance to develop developmentally appropriate standards for children birth through the early elementary grades to effect a smooth transition to and success in the early elementary grades;

(D) to develop or conduct periodic Statewide needs assessments concerning early care and education programs for children from birth to school entry;

(E) to work to identify and address barriers to and opportunities for integration between entities carrying out Federal and State child development, child care, and early childhood education programs;

(F) to develop recommendations regarding means of establishing a unified data collection system for early care and education programs operating throughout the State;

(G) to address coordination of early learning programs with health care (including mental and behavioral health care), welfare, family literacy and services for homeless children;

(H) to support a State system of early childhood education, and training and technical assistance that improves the quality of early learning programs and the capacity of such programs to deliver services pursuant to section 648(b);

(I) to develop a plan for increasing the participation of children underrepresented in State early childhood education and child care programs, including Head Start, State preschool programs, and programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(J) developing a Statewide professional development and career ladder plan for early care and education in the State; and

(K) assisting 2- and 4-year public and private institutions of higher education to develop articulation agreements concerning degrees in early childhood and related fields.

(4) Nothing in this subsection shall be construed to provide the Early Learning Council with authority to modify, supersede, or affect the operation of this subchapter.

(5) Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out the purposes of this section.

* * * * * * *

ADMINISTRATIVE REQUIREMENTS AND STANDARDS

SEC. 644.

[(a) Each Head Start agency shall observe standards of organization, management, and administration which will assure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this subchapter and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible. Each such agency shall adopt for itself and other agen-

cies using funds or exercising authority for which it is responsible, rules designed to (1) establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits; (2) assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness; (3) guard against personal or financial conflicts of interest; (4) define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.]

(a) IN GENERAL.—

(1) STANDARDS.—Each Head Start agency shall observe standards of organization, management, and administration which will ensure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of this subchapter and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism. Each such agency shall establish or adopt rules to carry out this section, which shall include rules to assure full staff accountability in matters governed by law, regulations, or agency policy. Each agency shall also provide for reasonable public access to information, including public hearings at the request of appropriate community groups and reasonable public access to books and records of the agency or other agencies engaged in program activities or operations involving the use of authority or funds for which it is responsible.

(2) ANNUAL REPORT.—Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the then most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child or parent:

(A) The total amount of public and private funds received and the amount from each source.

(B) An explanation of budgetary expenditures and proposed budget for the following fiscal year.

(C) The total number of children and families served and percent of average monthly enrollment, including the percent of eligible children served.

(D) The results of the most recent review by the Secretary and the financial audit.

(E) The percentage of enrolled children that received medical and dental exams.

(F) Information about parent involvement activities.

(G) The agency's efforts to prepare children for kindergarten.

(H) Any other information required by the Secretary.

(3) PROCEDURAL CONDUCT.—Each such agency shall adopt for itself and other agencies using funds or exercising authority for which it is responsible, rules designed to—

(A) establish specific standards governing salaries, salary increases, travel and per diem allowances, and other employee benefits;

(B) assure that only persons capable of discharging their duties with competence and integrity are employed and that employees are promoted or advanced under impartial procedures calculated to improve agency performance and effectiveness;

(C) guard against personal or financial conflicts of interest; and

(D) define employee duties in an appropriate manner which will in any case preclude employees from participating, in connection with the performance of their duties, in any form of picketing, protest, or other direct action which is in violation of law.

* * * * * * *

[(f)(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities, or to request approval of the purchase (after December 31, 1986) of facilities, to be used to carry out Head Start programs. The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.

[(2) Financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal, and paying interest on, loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains—

[(A) a description of the site of the facility proposed to be purchased or that was previously purchased;

[(B) the plans and specifications of such facility;

[(C) information demonstrating that—

[(i) the proposed purchase will result, or the previous purchase has resulted, in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or

[(ii) the lack of alternative facilities will prevent, or would have prevented, the operation of such program;

[(D) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and

[(E) such other information and assurances as the Secretary may require.

[(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments

for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility.]

(f) FACILITIES.—

(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities, or to request approval of the purchase (after December 31, 1986) of facilities, to be used to carry out Head Start programs. The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.

(2) Financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal and paying interest on loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains—

(A) a description of the consultation conducted by the Head Start agency with the providers in the community demonstrating capacity and capability to provide services under this subchapter, and of the potential for collaboration with such providers and the cost effectiveness of such collaboration as opposed to the cost effectiveness of the purchase of a facility;

(B) a description of the site of the facility proposed to be purchased or that was previously purchased;

(C) the plans and specifications of such facility;

(D) information demonstrating that—

(i) the proposed purchase will result, or the previous purchase has resulted, in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or

(ii) the lack of alternative facilities will prevent, or would have prevented, the operation of such program;

(E) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and

(F) such other information and assurances as the Secretary may require.

(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary may authorize the use of financial assistance, from the amount reserved under section 640(a)(2)(A), to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility.

* * * * * * *

PARTICIPATION IN HEAD START PROGRAMS

SEC. 645. (a)(1) The Secretary shall by regulation prescribe eligibility for the participation of persons in Head Start programs assisted under this subchapter. Except as provided in paragraph (2), such criteria may provide—

(A) * * *

(B) pursuant to such regulations as the Secretary shall prescribe, that—

[(i) programs assisted under this subchapter may include, to a reasonable extent, participation of children in the area served who would benefit from such programs but whose families do not meet the low-income criteria prescribed pursuant to subparagraph (A); and]

(i) programs assisted under this subchapter may include, to a reasonable extent, participation of children in the area served who would benefit from such programs, including children referred by child welfare services, but whose families do not meet the low-income criteria prescribed pursuant to subparagraph (A) (A homeless child shall be deemed to meet the low-income criteria.); and

* * * * * * *

(3) The amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for programs assisted under this subchapter.

(4)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may use funds under section 640(a) to serve infants and toddlers if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

(i) the amount of funds under section 640(a) that are proposed to be used in accordance with section 645A(b);

(ii) a community-wide needs assessment demonstrating how the use of such funds would best meet the needs of the community;

(iii) a description of how the needs of pregnant women, and of infants and toddlers, will be addressed in accordance with section 645A(b), and with regulations prescribed by the Secretary pursuant to section 641A in areas including the agency's approach to child development and provision of health services, approach to family and community partnerships, and approach to program design and management;

(iv) a description of how the needs of eligible Head Start children will be met in the community;

(v) assurances that the agency will participate in technical assistance activities (including a planning period, start-up site visits, and national training activities) in the same manner as recipients of grants under section 645A; and

(vi) evidence that the agency meets the same eligibility criteria as recipients of grants under section 645A.

(B) An application that satisfies the requirements specified in subparagraph (A) shall be approved by the Secretary unless the Secretary finds that—

(i) the agency lacks adequate capacity and capability to carry out an effective Early Head Start program; or

(ii) the information provided under subparagraph (A) is inadequate.

(C) Any Head Start agency approved under subparagraph (B) shall be considered to be an entity that receives assistance under section 645A, and such funds under (i) shall be subject to the same rules, regulations, and conditions as apply to recipients of grants under section 645A.

(5)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may consider children from low-income families to be eligible for participation in programs assisted under this subchapter if their family income is at or above the poverty line but below 130 percent of the poverty line, if the agency submits an application to the Secretary containing the following information, as specified in rules issued by the Secretary—

(i) a description of how the needs of eligible Head Start children, as described in paragraph (1)(A) are being adequately met in the agency's service area;

(ii) a description of outreach efforts to the community to reach full enrollment under the eligibility guidelines under paragraph (1), including using outreach efforts that are linguistically and culturally appropriate;

(iii) assurance that the agency will prioritize serving children currently eligible under the guidelines under paragraph (1); and

(iv) a description of why increasing the number of infants and toddlers being served, as described in paragraph (4), is not appropriate based upon the communitywide needs assessment or the agency's capability.

(B) In approving such applications, the Secretary shall take into account the—

(i) cost of living for families living the area served by the Head Start agency;

(ii) the efforts the Head Start agency has undertaken to be fully enrolled under the eligibility criteria in paragraph (1); and

(iii) the policies and procedures the Head Start agency will implement to ensure that children currently eligible under the criteria described under paragraph (1) will be prioritized.

(C) No more than 20 percent of children served by such Head Start agency may be from families above the poverty line.

* * * * * * *

(c) Each Head Start program operated in a community shall be permitted to provide more than 1 year of Head Start services to eligible children ⟦(age 3 to compulsory school attendance)⟧ in the State. Each Head Start program operated in a community shall be permitted to recruit and accept applications for enrollment of children throughout the year.

(d)(1) * * *

* * * * * * *

(4) Notwithstanding any other provision of this Act, an Indian tribe that operates both a Head Start program and an Early Head Start program under section 645A may, at its discretion, at any time during the grant period involved, reallocate funds between the Head Start program and the Early Head Start program in order to address fluctuations in client population, including pregnant women and children birth to compulsory school age. The reallocation of such funds between programs by an Indian tribe shall not serve as the basis for the Secretary to reduce a base grant (as defined in section 641A(g)(1)) for either program in succeeding years.

[SEC. 645A. EARLY HEAD START PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

[(a) IN GENERAL.—The Secretary shall make grants, in accordance with the provisions of this section for programs providing family-centered services for low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency.

[(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

[(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

[(2) ensure that the level of services provided to families responds to their needs and circumstances;

[(3) promote positive parent-child interactions;

[(4) provide services to parents to support their role as parents and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

[(5) coordinate services with services provided by programs in the State and programs in the community (including programs for infants and toddlers with disabilities) to ensure a comprehensive array of services (such as health and mental health services);

[(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

[(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the program receive such services through such age;

[(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and

[(9) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

[(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a) include—

[(1) pregnant women; and

[(2) families with children under age 3;

who meet the income criteria specified for families in section 645(a)(1).

[(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

[(1) entities operating Head Start programs under this subchapter; and

[(2) other public entities, and nonprofit or for-profit private entities, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

[(e) SELECTION OF GRANT RECIPIENTS.—From the portion specified in section 640(a)(6), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

[(f) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

[(1) ensure an equitable national geographic distribution of the grants; and

[(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

[(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

[(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

[(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

[(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

[(B) ACTIVITIES.—Funds in the account may be used by the Secretary for purposes including—

[(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national

training and technical assistance system, in order to provide such direction and support;

[(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

[(iii) providing ongoing training and technical assistance for existing recipients (as of the date of such training or assistance) of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants; and

[(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience.]

SEC. 645A. EARLY HEAD START PROGRAMS FOR FAMILIES WITH CHILDREN UNDER 3 YEARS OF AGE.

(a) IN GENERAL.—The Secretary shall make grants, in accordance with this section for programs (to be known as "Early Head Start programs") that provide family-centered services for low-income families with very young children designed to promote the development of the children, and to enable their parents to fulfill their roles as parents and to move toward self-sufficiency.

(b) SCOPE AND DESIGN OF PROGRAMS.—In carrying out a program described in subsection (a), an entity receiving assistance under this section shall—

(1) provide, either directly or through referral, early, continuous, intensive, and comprehensive child development and family support services that will enhance the physical, social, emotional, and intellectual development of participating children;

(2) ensure that the level of services provided to families responds to their needs and circumstances;

(3) promote positive parent-child interactions;

(4) provide services to parents to support their role as parents (including parenting skills training and training in basic child development) and to help the families move toward self-sufficiency (including educational and employment services as appropriate);

(5) coordinate services with services provided by programs in the State (including home-based services) and programs in the community (including programs for infants and toddlers with disabilities and programs for homeless infants and toddlers) to ensure a comprehensive array of services (such as health and mental health services and family support services);

(6) ensure formal linkages with local Head Start programs in order to provide for continuity of services for children and families;

(7) in the case of a Head Start agency that operates a program and that also provides Head Start services through the age of mandatory school attendance, ensure that children and families participating in the program receive such services through such age;

(8) ensure formal linkages with the agencies and entities described in section 644(b) of the Individuals with Disabilities

Education Act (20 U.S.C. 1444(b)) and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and the agency responsible for administering section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a);

(9) develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program under this section into a Head Start program or other local early childhood education program;

(10) establish channels of communication between staff of Early Head Start programs under this section and staff of Head Start programs or other local early childhood education programs, to facilitate the coordination of programs; and

(11) meet such other requirements concerning design and operation of the program described in subsection (a) as the Secretary may establish.

(c) PERSONS ELIGIBLE TO PARTICIPATE.—Persons who may participate in programs described in subsection (a) include—

(1) pregnant women; and

(2) families with children under age 3;

who meet the income criteria specified for families in section 645(a)(1).

(d) ELIGIBLE SERVICE PROVIDERS.—To be eligible to receive assistance under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Entities that may apply to carry out activities under this section include—

(1) entities operating Head Start programs under this subpart;

(2) Indian Head Start programs; and

(3) other public entities, and nonprofit or for-profit private entities, including community-based and faith-based organizations, capable of providing child and family services that meet the standards for participation in programs under this subchapter and meet such other appropriate requirements relating to the activities under this section as the Secretary may establish.

(e) SELECTION OF GRANT RECIPIENTS.—From the portion specified in section 640(a)(6), the Secretary shall award grants under this subsection on a competitive basis to applicants meeting the criteria specified in subsection (d) (giving priority to entities with a record of providing early, continuous, and comprehensive childhood development and family services).

(f) DISTRIBUTION.—In awarding grants to eligible applicants under this section, the Secretary shall—

(1) ensure an equitable national geographic distribution of the grants; and

(2) award grants to applicants proposing to serve communities in rural areas and to applicants proposing to serve communities in urban areas.

(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

(1) REQUIREMENT.—To ensure the successful operation of programs assisted under this section, the Secretary shall use funds

from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

(B) ACTIVITIES.—Funds in the account may be used by the Secretary for purposes including—

(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

(iii) providing ongoing training and technical assistance for existing recipients (as of the date of such training or assistance) of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants;

(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience; and

(v) providing professional development designed to increase program participation for underserved populations of eligible children.

(h) CENTER-BASED STAFF.—The Secretary shall ensure that, not later than September 30, 2009, all teachers providing direct services to children and families participating in early Head Start programs located in early Head Start centers have a minimum of a child development associate credential, and have been trained (or have equivalent course work) in early childhood development.

(i) STAFF QUALIFICATIONS AND DEVELOPMENT.—

(1) HOME VISITOR STAFF STANDARDS.—In order to further enhance the quality of home visiting services provided to families of children participating in home-based, center-based, or combination program options under this subchapter, the Secretary shall establish standards for training, qualifications, and the conduct of home visits for home visitor staff in Early Head Start programs.

(2) CONTENTS OF STANDARDS.—The standards for training, qualifications, and the conduct of home visits shall include content related to—

(A) structured child-focused home visiting that promotes parents' ability to support the child's cognitive, social, emotional, and physical development;

(B) effective strengths-based parent education, including methods to encourage parents as their child's first teachers;

(C) early childhood development with respect to children from birth through age 3;

(D) methods to help parents promote emergent literacy in their children from birth through age 3;

(E) ascertaining what health and developmental services the family receives and working with these providers to eliminate gaps in service by offering annual health, vision, hearing, and developmental screening for children from birth to entry into kindergarten, when needed;

(F) strategies for helping families coping with crisis; and

(G) the relationship of health and well-being of pregnant women to prenatal and early child development.

SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "health care service" includes—

(A) any nonemergency intrusive physical examination; and

(B) any screening, including but not limited to, a medical, dental, developmental, mental health, social, or behavioral screening.

(2) The term "nonemergency intrusive physical examination" means, with respect to a child, a physical examination that—

(A) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

(B) includes incision or is otherwise invasive, or includes exposure of private body parts.

(b) REQUIREMENT.—Before administering any health care service to a child (or referring a child to obtain such service) in connection with participation in a program under this subchapter, a Head Start agency and an entity that receives assistance under section 645A shall obtain the written consent of a parent of such child indicating consent for each specific health care service to be performed.

(c) RULE OF CONSTRUCTION.—

(1) Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

(2) Nothing in this subchapter shall be construed to permit a Head Start agency, an entity that receives assistance under section 645A, or the personnel of such agency or entity to administer any health care service to a child (or to refer a child to obtain such service) without the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

(3) Nothing in this section shall be construed to require a Head Start agency or an entity that receives assistance under section 645A to provide separate consent forms for each specific health care service.

APPEALS, NOTICE, AND HEARING

SEC. 646. (a) The Secretary shall prescribe procedures to assure that—

(1) * * *

* * * * * * *

[(3) financial assistance under this subchapter shall not be terminated or reduced, an application for refunding shall not be denied, and a suspension of financial assistance shall not be continued for longer than 30 days, unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing; and]

(3) if financial assistance under this subchapter is terminated or reduced, an application for a noncompeting continuation award is denied based on a previous failure to comply with terms applicable to financial assistance previously provided under this subchapter, or suspension of financial assistance is continued for more than 30 days, the recipient with respect to whom such action is taken shall have the opportunity to appeal such action in accordance with such procedures, except that no funds made available under this subchapter may be used to reimburse any such recipient for legal fees and other costs incurred in pursuing such an appeal; and

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RECORDS AND AUDITS

SEC. 647. (a) * * *

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(d) Each recipient of financial assistance under this subchapter shall—

(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses);

(2) within 30 days after the completion of an audit conducted in the manner and to the extent provided in chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act Amendments of 1996"), submit to the Secretary a copy of the audit management letter and of any audit findings as it relates to the Head Start program; and

(3) provide such additional documentation as the Secretary may require.

[TECHNICAL ASSISTANCE AND TRAINING

[SEC. 648.

[(a) The Secretary shall provide, directly or through grants or other arrangements (1) technical assistance to communities in developing, conducting, and administering programs under this subchapter; and (2) training for specialized or other personnel needed in connection with Head Start programs, in accordance with the

process, and the provisions for allocating resources, set forth in subsections (b) and (c).

[(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

[(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible;

[(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs; and

[(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full calendar year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration.

[(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

[(1) give priority consideration to—

[(A) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

[(B) assisting Head Start agencies in—

[(i) ensuring the school readiness of children; and

[(ii) meeting the educational performance measures described in section 641A(b)(4);

[(2) supplement amounts provided under section 640(a)(3)(C)(ii) in order to address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities) and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

[(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

[(4) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—

[(A) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and

[(B) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in

collaboration with such agencies to provide family literacy services;

[(5) assist Head Start agencies and programs in conducting and participating in communitywide strategic planning and needs assessment;

[(6) assist Head Start agencies and programs in developing and implementing full-working-day and full-calendar-year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children;

[(7) assist Head Start agencies in better serving the needs of families with very young children;

[(8) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;

[(9) assist in efforts to secure and maintain adequate facilities for Head Start programs;

[(10) assist Head Start agencies in developing innovative program models, including mobile and home-based programs; and

[(11) provide support for Head Start agencies (including policy councils and policy committees, as defined in regulation) that meet the standards described in section 641A(a) but that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), significant programmatic, quality, and fiscal issues to address.

[(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children. Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities.

[(e) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children (including services to promote the acquisition of the English language), training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children.]

SEC. 648. TECHNICAL ASSISTANCE AND TRAINING.

(a) The Secretary shall provide, directly or through grants or other arrangements—

(1) technical assistance to communities in developing, conducting, and administering programs under this subchapter; and

(2) training for specialized or other personnel needed in connection with Head Start programs, in accordance with the process, and the provisions for allocating resources, set forth in subsections (b) and (c).

(b) The process for determining the technical assistance and training activities to be carried out under this section shall—

(1) ensure that the needs of local Head Start agencies and programs relating to improving program quality and to program expansion are addressed to the maximum extent feasible;

(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the individuals and agencies carrying out Head Start programs; and

(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full calendar year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration.

(c) In allocating resources for technical assistance and training under this section, the Secretary shall—

(1) give priority consideration to—

(A) activities to correct program and management deficiencies identified through reviews carried out pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

(B) assisting Head Start agencies in—

(i) ensuring the school readiness of children; and

(ii) meeting the educational performance measures described in section 641A(b)(4);

(2) supplement amounts provided under section 640(a)(3)(C)(ii) in order to address the training and career development needs of classroom staff (including instruction for providing services to children with disabilities), and nonclassroom staff, including home visitors and other staff working directly with families, including training relating to increasing parent involvement and services designed to increase family literacy and improve parenting skills;

(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

(4) provide technical assistance and training, either directly or through a grant, contract, or cooperative agreement with an entity that has experience in the development and operation of successful family literacy services programs, for the purpose of—

(A) assisting Head Start agencies providing family literacy services, in order to improve the quality of such family literacy services; and

(B) enabling those Head Start agencies that demonstrate effective provision of family literacy services, based on improved outcomes for children and their parents, to provide technical assistance and training to other Head Start agencies and to service providers that work in collaboration with such agencies to provide family literacy services;

(5) assist Head Start agencies and programs in conducting and participating in community-wide strategic planning and needs assessment, including the needs of homeless children and their families;

(6) assist Head Start agencies and programs in developing and implementing full-working-day and full-calendar-year programs where community need is clearly identified and making the transition to such programs, with particular attention to involving parents and programming for children throughout the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full calendar year services for children;

(7) assist Head Start agencies in better serving the needs of families with very young children;

(8) assist Head Start agencies and programs in the development of sound management practices, including financial management procedures;

(9) assist in efforts to secure and maintain adequate facilities for Head Start programs;

(10) assist Head Start agencies in developing innovative program models, including mobile and home-based programs;

(11) provide support for Head Start agencies (including policy councils and policy committees) that meet the standards described in section 641A(a) but that have, as documented by the Secretary through reviews conducted pursuant to section 641A(c), significant programmatic, quality, and fiscal issues to address;

(12) assist Head Start agencies and programs in increasing program participation of homeless children;

(13) assist Head Start agencies and Head Start programs in improving outreach to, and the quality of services available to, limited English proficient children and their families, particularly in communities that have experienced a large percentage increase in the population of limited English proficient individuals, as measured by the Bureau of the Census;

(14) assist Head Start agencies in developing appropriate methods and approaches for identifying and working with children and families experiencing toxic stress;

(15) assist programs in improving outreach to serve additional children with disabilities, if such program's enrollment opportunities or funded enrollment for children with disabilities is less than 10 percent; and

(16) provide assistance to address and remove barriers related to recruitment and retention of Head Start teachers for rural communities, and remove barriers related to outreach efforts to eligible families in rural communities.

(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive

programs using electronic media to enhance the learning experience of Head Start children. Special consideration shall be given to entities that have demonstrated effectiveness in educational programming for preschool children that includes components for parental involvement, care provider training, and developmentally appropriate related activities.

(e) The Secretary shall provide, either directly or through grants or other arrangements, funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to limited English proficient children (including services to promote the acquisition of the English language), training for personnel providing services to children determined to be abused or neglected, training for personnel providing services to children referred by or receiving child welfare services, training for personnel in helping children cope with community violence, resource access projects for personnel working with disabled children, and training for appropriate personnel to recognize common health, including mental health, problems in children for appropriate referral.

(f) The Secretary shall provide, either directly or through grants, or other arrangements, funds for training of Head Start personnel in addressing the unique needs of migrant and seasonal working families, families with 1 or more children with disabilities, families with a limited English proficiency, homeless families, and children and families experiencing toxic stress.

(g) More than 50 percent of funds expended under this section shall be used to provide high quality, sustained, intensive, and classroom-focused training and technical assistance in order to have a positive and lasting impact on classroom instruction. Funds shall be used to carry out activities related to any or all of the following:

(1) Education and early childhood development.

(2) Child health, nutrition, and safety.

(3) Family and community partnerships and services.

(4) Other areas that impact the quality or overall effectiveness of Head Start programs.

(h) The Secretary shall develop and implement a program of outreach to recruit and train minority men to become Head Start teachers in order to reflect the communities in which Head Start children live and to increase the provision of quality services and instruction to children with diverse backgrounds.

(i) Funds under this subchapter used for training shall be used for needs identified annually by a grant applicant or delegate agency in their program improvement plan, except that funds shall not be used for long-distance travel expenses for training activities available locally or regionally or for training activities substantially similar to locally or regionally available training activities.

(j) Funds made available under section 640(a)(2)(C)(i) shall be used by a Head Start agency for any of the following:

(1) Activities that ensure that Head Start programs meet or exceed the program performance standards described in section 641A(a)(1).

(2) Activities that ensure that Head Start programs have adequate numbers of trained, qualified staff who have skills in

working with children and families, including children and families who are limited English proficient and children with disabilities.

(3) Activities to pay expenses, including direct training for expert consultants working with any staff, to improve the management and implementation of Head Start services and systems.

(4) Activities that help ensure that Head Start programs have qualified staff who can promote language skills and literacy growth of children and who can provide children with a variety of skills that have been identified as predictive of later reading achievement, school success, and the skills, knowledge, abilities, development, and progress described in section 641A(a)(1)(B)(ii).

(5) Activities to improve staff qualifications and to assist with the implementation of career development programs and to encourage the staff to continually improve their skills and expertise, including developing partnerships with programs that recruit, train, place, and support college students in Head Start centers to deliver an innovative early learning program to preschool children.

(6) Activities that help local programs ensure that the arrangement, condition, and implementation of the learning environments in Head Start programs are conducive to providing effective program services to children and families.

(7) Activities to provide training necessary to improve the qualifications of Head Start staff and to support staff training, child counseling, health services, and other services necessary to address the needs of children enrolled in Head Start programs, including children from families in crises, children who experience chronic violence or homelessness, children who experience substance abuse in their families, and children under 3 years of age, where applicable.

(8) Activities to provide classes or in-service-type programs to improve or enhance parenting skills, job skills, adult and family literacy, including financial literacy, or training to become a classroom aide or bus driver in a Head Start program.

(9) Additional activities deemed appropriate to the improvement of Head Start agencies' programs, as determined by the agencies' technical assistance and training plans.

(10) Any other activities regarding the use of funds as determined by the Secretary.

(k) The Secretary shall—

(1) work in collaboration with the Head Start agencies that carry out Indian Head Start programs, the Indian Head Start collaboration director, and other appropriate entities, including tribal governments and the National Indian Head Start Directors Association—

(A) to undertake a study or set of studies designed to focus on the American Indian and Alaska Native Head Start-eligible population, with a focus on issues such as curriculum development, availability and need for services, appropriate research methodologies and measures for these populations, and best practices for teaching and educating American Indian and Alaska Native Head Start Children;

(B) to accurately determine the number of children nationwide who are eligible to participate in Indian Head Start programs each year;

(C) to document how many of these children are receiving Head Start services each year;

(D) to the extent practicable, to ensure that access to Indian Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children; and

(E) to make the funding decisions required in section 640(a)(2)(A)(iii), after completion of the studies required in that section, taking into account:

(i) the Federal government's unique trust responsibility to American Indians and Alaska Natives;

(ii) limitations faced by tribal communities in accessing non-Federal sources of funding to supplement Federal funding for early childhood programs; and

(iii) other factors that uniquely and adversely impact children in American Indian and Alaska Native communities such as highly elevated poverty, unemployment and violent crime rates, as well as depressed levels of educational achievement and limited access to non-Federal health, social and educational resources;

(2) in carrying out paragraph (1), consult with the Secretary of Education about the Department of Education's systems for collecting and reporting data about, and maintaining records on, American Indian and Alaska Native students;

(3) not later than 9 months after the effective date of this subsection, publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before submitting a report to the Congress;

(4) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, detailing how the Department of Health and Human Services plans to carry out paragraph (1);

(5) through regulation, ensure the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out Indian Head Start programs, and by State Directors of Head Start Collaboration, by the Indian Head Start Collaboration Project Director and by other appropriate entities pursuant to this subsection (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

(l) The Secretary shall—

(1) in order to increase access to Head Start services for eligible migrant and seasonal children, work in collaboration with migrant and seasonal Head Start providers, the Department of Agriculture (land grant universities), the Department of Labor, the Bureau of Migrant Health, and the Department of Education to—

(A) establish a system for collecting and reporting data on farm workers and their families in order to adequately account for the number of seasonal and migrant children that are eligible for Head Start and determine how many of these eligible children receive services;

(B) identify barriers that prevent eligible migrant and seasonal children from accessing Head Start services and develop a plan for eliminating barriers and increasing enrollment; and

(C) develop a system through which migrant and seasonal Head Start programs can effectively track health records and educational documents as a child moves from state to state;

(2) not later than 6 months after the effective date of this subsection, publish in the Federal Register a notice on how the Secretary plans to carry out the activities identified in paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before implementing any of the activities identified in paragraph (1);

(3) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Health, Education, Labor and Pensions Committee of the Senate detailing how the Secretary plans to carry out the activities identified in (1);

(4) submit a report to Congress annually on the migrant and seasonal Head Start program including a report on the progress made in carrying out the activities identified in paragraph (1), the progress made in reaching out to and serving eligible migrant and seasonal children, and information on states where migrant and seasonal children are still underserved;

(5) through regulation, ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant and seasonal Head Start programs, by the State director of Head Start Collaboration, by the Migrant and Seasonal Farmworker Collaboration project Director (Such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act.); and

(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

(m) For purposes of this section, the term "eligible entities" means an institution of higher education or other entity with expertise in delivering training in early childhood development, family support,

and other assistance designed to improve the delivery of Head Start services.

(n) For the purposes of delivering a State-based training and technical assistance system, as described in section 640(a)(C)(ii), that will meet the needs of local grantees and provide high quality, sustained, and intensive training and technical assistance to Head Start programs in order to help them meet or exceed the program performance standards described in section 641A(a)(1), the Secretary shall—

(1) enter into contracts in each State with 1 or more entities who have a demonstrated expertise in supporting the delivery of high quality early education programs, except that bi-State contracts may be entered in to if the demographics of proximal States make such a system more appropriate;

(2) ensure that the entities described in subparagraph (1) determine the types of services to be provided through consultation with—

(A) local Head Start agencies;

(B) the State Head Start collaboration office; and

(C) the State Head Start Association;

(3) provide a report, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. no later than 90 days after the end of the fiscal year, summarizing the funding for such contracts and the activities carried out thereunder; and

(4) periodically evaluate the usefulness of the delivery of services in each State and their effectiveness in promoting program quality.

(o) To support enhanced early language and preliteracy development of children in Head Start programs, and to provide the children with high-quality oral language skills, and environments that are rich in literature, in which to acquire language and preliteracy skills, each Head Start agency shall ensure that—

(1) all of the agency's Head Start teachers receive ongoing training in language and emergent literacy (referred to in this subsection as "literacy training"), and including appropriate curricula and assessment to improve instruction and learning;

(2) such literacy training shall include training in methods to promote vocabulary development and phonological awareness (including phonemic awareness) in a developmentally, culturally, and linguistically appropriate manner and support children's development in their home language;

(3) the literacy training shall include training in how to work with parents to enhance positive language and early literacy development at home;

(4) the literacy training shall include specific methods to best address the needs of children who are limited English proficient; and

(5) the literacy training shall include training on how to best address the language and literacy needs of children with disabilities, including training on how to work with specialists in language development.

(p) The Secretary is encouraged to contract, on a competitive basis, with an institution of higher education (as defined in section 102 of the Higher Education Act of 1965) to develop an on-line

graduate-level professional development program with the goal of improving the leadership of those working in Head Start programs and improving teacher quality and the capacity of effective Head Start teachers.

(q) INDOOR AIR QUALITY.—The Secretary shall consult with experts on issues of air quality related to children's health and inform Head Start agencies of existing programs or combination of programs that provide methods for improving indoor air quality.

(r) DEMONSTRATION FOR CAREER LADDER PARTNERSHIPS WITH TRIBAL COLLEGES AND HISPANIC-SERVING INSTITUTIONS.—

(1) TRIBAL COLLEGE CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to tribal colleges and universities to—

(A) implement education programs that include education concerning tribal culture and language and increase the number of associate, baccalaureate, and graduate degrees in early childhood and related fields that are earned by Indian Head Start agency staff members, parents of children served by such an agency, and members of the tribal community involved;

(B) develop and implement the programs under subparagraph (A) in technology-mediated formats, including providing the programs through such means as distance learning and use of advanced technology, as appropriate; and

(C) provide technology literacy programs for Indian Head Start agency staff members and children and families of children served by such an agency.

(2) HISPANIC-SERVING INSTITUTIONS CAREER LADDER DEMONSTRATION PROGRAM.—The Secretary is authorized to award demonstration grants, for periods of not less than 5 years, to Hispanic-serving institutions to—

(A) provide assistance for stipends and costs related to tuition, fees, and books for enrolling Head Start agency staff members and parents of children served by such an agency in courses required to complete the degree and certification requirements to become bilingual teachers in early childhood education and related fields;

(B) develop career ladder program curricula to increase the number of associate's, bachelor's, and graduate degrees earned by Head Start agency staff who have the linguistic skills and expertise to teach in programs serving a large number of limited English proficient children and parents of children served by such an agency; and

(C) other activities to upgrade the skills and qualifications of noncertified educational personnel to meet the professional standards in section 648A(a)(1), including certification and licensure as bilingual education teachers and other educational personnel who serve limited English proficient children.

(3) REQUIREMENT.—Individuals who receive assistance under paragraphs (1) and (2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of funds.

SEC. 648A. STAFF QUALIFICATIONS AND DEVELOPMENT.

[(a) CLASSROOM TEACHERS.—

[(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned one teacher who has demonstrated competency to perform functions that include—

[(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving the readiness of children for school by developing their literacy and phonemic, print, and numeracy awareness, their understanding and use of language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books, and their problem solving abilities;

[(B) establishing and maintaining a safe, healthy learning environment;

[(C) supporting the social and emotional development of children; and

[(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

[(2) DEGREE REQUIREMENTS.—

[(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2003, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

[(i) an associate, baccalaureate, or advanced degree in early childhood education; or

[(ii) an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

[(B) PROGRESS.—The Secretary shall require Head Start agencies to demonstrate continuing progress each year to reach the result described in subparagraph (A).]

(a) CLASSROOM TEACHERS.—

(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving the readiness of children for school by developing their literacy, phonemic, and print awareness, their understanding and use of language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books, their understanding of early math and early science, their problem solving abilities, and their approaches to learning;

(B) establishing and maintaining a safe, healthy learning environment;

(C) supporting the social and emotional development of children; and

(D) encouraging the involvement of the families of the children in a Head Start program and supporting the de-

velopment of relationships between children and their families.

(2) DEGREE REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall ensure that not later than September 30, 2013, at least 50 percent of all Head Start teachers nationwide in center-based programs have—

(i) a baccalaureate, or advanced degree in early childhood education;

(ii) a baccalaureate or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

(iii) except that teachers providing services in migrant and seasonal Head Start classrooms that serve children under age 3 shall be required to meet the teacher requirements described in section 645A(h).

(B) PROGRESS REPORT.—

(i) On an annual basis, each Head Start agency shall provide to the Secretary a report indicating the number and percentage of classroom instructors with child development / early childhood education associate credentials and associate, baccalaureate, or advanced degrees, and number of classroom instructors who successfully transferred associate credit and completed a baccalaureate degree disaggregated by race, ethnicity, and proficiency in a language other than English, with a description of those languages.

(ii) Not later than September 30, 2008 the Secretary shall compile and transmit reports received under (i) to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(C) PROGRESS.—Each Head Start agency shall provide to the Secretary a report indicating the number and percentage of teachers and teacher's aides with child development associate credentials and associate, baccalaureate, or advanced degrees. The Secretary shall compile all program reports and make them available to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

(D) REQUIREMENT FOR NEW HEAD START TEACHERS.—In accordance with rules issued by the Secretary and made effective 2 years after the effective date of this subparagraph, all Head Start agencies shall require that all Head Start teachers hired after such rules take effect to provide Head Start services in center-based programs—

(i) have an associate, baccalaureate, or advanced degree in early childhood education or a related field; or

(ii) be currently enrolled in a program of study leading to an associate degree in early childhood education or a related field, and agree to complete degree requirements not later than 3 years after the date of hire.

(E) SERVICE REQUIREMENTS.—The Secretary shall establish requirements to ensure that individuals who receive fi-

nancial assistance under this subchapter in order to comply with the requirements under section 648A(a)(2) shall subsequently teach in a Head Start center for a period of time equivalent to the period for which they received assistance or repay the amount of the funds.

(F) LIMITATION.—The Secretary shall require that any Federal funds provided directly or indirectly to comply with subparagraph (A) shall be used toward degrees awarded by an institution of higher education, as defined by sections 101 or 102 of the Higher Education Act (20 U.S.C. 1001, 1002).

(3) ALTERNATIVE CREDENTIALING REQUIREMENTS.—The Secretary shall ensure that, for center-based programs, each Head Start classroom that does not have a teacher that meets the requirements of clause (i) or (ii) of paragraph (2)(A) is assigned one teacher who has—

(A) * * *

(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential; **[**or**]**

(C) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program**[**.**]***; or*

(D) a baccalaureate and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.

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[(b) MENTOR TEACHERS.—

[(1) DEFINITION; FUNCTION.—For purposes of this subsection, the term "mentor teacher" means an individual responsible for observing and assessing the classroom activities of a Head Start program and providing on-the-job guidance and training to the Head Start program staff and volunteers, in order to improve the qualifications and training of classroom staff, to maintain high quality education services, and to promote career development, in Head Start programs.

[(2) REQUIREMENT.—In order to assist Head Start agencies in establishing positions for mentor teachers, the Secretary shall—

[(A) provide technical assistance and training to enable Head Start agencies to establish such positions;

[(B) give priority consideration, in providing assistance pursuant to subparagraph (A), to Head Start programs that have substantial numbers of new classroom staff or that are experiencing difficulty in meeting applicable education standards;

[(C) encourage Head Start programs to give priority consideration for such positions to Head Start teachers at the appropriate level of career advancement in such programs; and

[(D) promote the development of model curricula, designed to ensure the attainment of appropriate competencies of mentor teachers in Head Start programs.]

(c) FAMILY SERVICE WORKERS.—To improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall—

(1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services;

(2) review, and as necessary, revise or develop maximum caseload requirements, as suggested by best practices;

(3) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; and

(4) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide.

* * * * * * *

(f) PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time Head Start employees who provide direct services to children and shall ensure that such plans are regularly evaluated for their impact on teacher and staff effectiveness.

SEC. 649. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

(a) IN GENERAL.—

(1) REQUIREMENT; GENERAL PURPOSES.—The Secretary shall carry out a continuing program of research, demonstration, and evaluation activities, in order to—

(A) * * *

[(B) use the Head Start programs to develop, test, and disseminate new ideas and approaches for addressing the needs of low-income preschool children (including children with disabilities) and their families and communities (including demonstrations of innovative noncenter-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.]

(B) use the Head Start programs to develop, test, and disseminate new ideas and based on existing scientifically based research, for addressing the needs of low-income preschool children (including children with disabilities, homeless children, children who have been abused or neglected, and children in foster care) and their families and communities (including demonstrations of innovative non-center-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.

* * * * * * *

(d) SPECIFIC OBJECTIVES.—The research, demonstration, and evaluation activities under this subchapter shall include components designed to—

(1) * * *

* * * * * * *

(7) provide for disseminating and promoting the use of the findings from such research, demonstration, and evaluation activities; *and*

(8) promote exploration of areas in which knowledge is insufficient, and that will otherwise contribute to fulfilling the purposes of this subchapter**[**;**]**.

[(9) study the experiences of small, medium, and large States with Head Start programs in order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—

[(A) may include the use of a data set that existed prior to the initiation of the study; and

[(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children; and

[(10) provide for—

[(A) using the Survey of Income and Program Participation to conduct an analysis of the different income levels of Head Start participants compared to comparable persons who did not attend Head Start programs;

[(B) using the National Longitudinal Survey of Youth, which began gathering data in 1988 on children who attended Head Start programs, to examine the wide range of outcomes measured within the Survey, including outcomes related to cognitive, socio-emotional, behavioral, and academic development;

[(C) using the Survey of Program Dynamics, the new longitudinal survey required by section 414 of the Social Security Act (42 U.S.C. 614), to begin annual reporting, through the duration of the Survey, on Head Start program attendees' academic readiness performance and improvements;

[(D) ensuring that the Survey of Program Dynamics is linked with the National Longitudinal Survey of Youth at least once by the use of a common performance test, to be determined by the expert panel, for the greater national usefulness of the National Longitudinal Survey of Youth database; and

[(E) disseminating the results of the analysis, examination, reporting, and linkage described in subparagraphs (A) through (D) to persons conducting other studies under this subchapter.

[The Secretary shall ensure that an appropriate entity carries out a study described in paragraph (9), and prepares and submits to the appropriate committees of Congress a report containing the results of the study, not later than September 30, 2002.**]**

* * * * * * *

(g) NATIONAL HEAD START IMPACT RESEARCH.—

(1) EXPERT PANEL.—

(A) IN GENERAL.—The Secretary shall appoint an independent panel consisting of experts in program evaluation and research, education, and early childhood programs—

[(i) to review, and make recommendations on, the design and plan for the research (whether conducted as a single assessment or as a series of assessments) described in paragraph (2), within 1 year after the date of enactment of the Coats Human Services Reauthorization Act of 1998;]

[(ii)] *(i)* to maintain and advise the Secretary regarding the progress of the research; and

[(iii)] *(ii)* to comment, if the panel so desires, on the interim and final research reports submitted under paragraph (7).

* * * * * * *

(7) REPORTS.—

(A) * * *

* * * * * * *

[(C) TRANSMITTAL OF REPORTS TO CONGRESS.—

[(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

[(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.]

(C) TRANSMITTAL OF REPORT TO CONGRESS.—Not later than September 30, 2009, the Secretary shall transmit the final report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

* * * * * * *

[(h) QUALITY IMPROVEMENT STUDY.—

[(1) STUDY.—The Secretary shall conduct a study regarding the use and effects of use of the quality improvement funds made available under section 640(a)(3) since fiscal year 1991.

[(2) REPORT.—The Secretary shall prepare and submit to Congress not later than September 2000 a report containing the results of the study, including information on—

[(A) the types of activities funded with the quality improvement funds;

[(B) the extent to which the use of the quality improvement funds has accomplished the goals of section 640(a)(3)(B);

[(C) the effect of use of the quality improvement funds on teacher training, salaries, benefits, recruitment, and retention; and

[(D) the effect of use of the quality improvement funds on the development of children receiving services under this subchapter.]

(h) LIMITED ENGLISH PROFICIENT CHILDREN.—

(1) STUDY.—Not later than 1 year after the date of enactment of the Improving Head Start Act of 2007, the Secretary shall conduct a study on the status of limited English proficient children and their families in participating Head Start programs and Early Head Start programs.

(2) REPORT.—The Secretary shall prepare and submit to Congress, not later than September 2008, a report containing the results of such study, including information on—

(A)(i) the demographics of limited English proficient children less than 5 years of age and the geographical distribution of such children; and

(ii) the number of such children receiving Head Start services and the number of such children receiving Early Head Start services, and the geographical distribution of such children receiving such services;

(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

(C) procedures in Head Start programs for assessing language needs and for making the transition of limited English proficient children to kindergarten, including the extent to which Head Start programs meet the requirements of section 642A for limited English proficient children;

(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;

(E) the home languages of Head Start and Early Head Start teachers;

(F) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—

(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in Head Start programs;

(ii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and

(iii) the correlation between such progress and the health and family services provided by Head Start programs to limited English proficient children and their families; and

(G) the extent to which Head Start programs make use of funds under section 640(a)(3) to improve the quality of Head Start services provided to limited English proficient children and their families.

(i) CHILDREN, FAMILIES, AND PROGRAMS AFFECTED BY HURRICANES KATRINA AND RITA.—

(1) PURPOSE.—The purpose of this subsection is to evaluate the status of Head Start and Early Head Start programs affected by Hurricanes Katrina and Rita as well as the challenges those programs have faced in reestablishing themselves and reenrolling eligible children and families, with the ultimate goal of providing all Head Start and Early Head Start programs with recommendations for developing and implementing disaster plans.

(2) DEFINITION.—The term "areas affected by Hurricanes Katrina and Rita" means any parish or county for which it was determined that assistance was warranted from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricanes Katrina and Rita.

(3) STUDY.—The Secretary shall conduct a study on the status of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita.

(4) REPORT.—Not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress a report containing the results of such study, including

(A) information on the population served, including—

(i) the number of children and families participating in Head Start and Early Head Start programs in areas affected by Hurricanes Katrina and Rita before and after Hurricanes Katrina and Rita;

(ii) the demographics of such children and families; and

(iii) the geographical distribution of such children and families;

(B) information on staff and programs, including—

(i) the number and geographic distribution of staff serving Head Start and Early Head Start children and families from areas affected by Hurricanes Katrina and Rita;

(ii) the current status, including employment status and geographic location, of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita prior to Hurricanes Katrina and Rita; and

(iii) the response and recovery efforts of Head Start and Early Head Start staff serving in areas affected by Hurricanes Katrina and Rita

(C) information on facilities, including—

(i) the number of Head Start and Early Head Start facilities operating prior to Hurricanes Katrina and Rita in areas affected by Hurricanes Katrina and Rita;

(ii) the current status of each such facility; and

(iii) information on any new Head Start or Early Head Start facility that has opened in areas affected by Hurricanes Katrina and Rita or that serves children and families who lived in areas affected by Hurricanes

Katrina and Rita at the time of Hurricanes Katrina and Rita;

(D) information on coordination with the Federal Emergency Management Agency (FEMA) in areas affected by Hurricanes Katrina and Rita, including—

(i) areas of success that Head Start agencies and programs had in working with FEMA;

(ii) challenges that Head Start agencies and programs had in working with FEMA; and

(iii) the number of Head Start families that received individualized assistance (as defined under the Robert T. Stafford Disaster Relief and Emergency Act) and the types of assistance received by such families.

(E) challenges that were faced by Head Start and Early Head Start programs and families in areas affected by Hurricanes Katrina and Rita including—

(i) the availability of Head Start services for families displaced during the period of transition;

(ii) identification of and outreach to families displaced by the Hurricanes Katrina and Rita; and

(iii) the extent to which non-Federal disaster assistance was available to Head Start agencies and programs, and coordination of such services with non-Federal disaster assistance resources.

(5) DISASTER PLAN PREPAREDNESS.—Not later than 1 year after the date of the enactment of Improving Head Start Act of 2007, the Secretary shall prepare and submit to Congress, Head Start disaster plan recommendations based upon the report initiated in paragraph (4), including recommendations for prevention, preparedness, response, and recovery, that can be used to advise Head Start and Early Head Start programs in the development and implementation of disaster plans.

SEC. 650. REPORTS.

(a) STATUS OF CHILDREN.—At least once during every 2-year period, the Secretary shall prepare and submit, to the [Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate] *Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate*, a report concerning the status of children (including disabled [and non-English language background children] *children, homeless children, children in foster care, and limited English proficient children*) in Head Start programs, including the number of children and the services being provided to such children. Such report shall include—

(1) * * *

* * * * * * *

(8) information concerning children participating in programs that receive Head Start funding, including information on family income, racial and ethnic background, *homelessness, whether the child is in foster care or was referred by a child welfare agency,* disability, and receipt of benefits under part A of title IV of the Social Security Act;

* * * * * * *

Promptly after submitting such report to the ⟦Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate⟧ *Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate*, the Secretary shall publish in the Federal Register a notice indicating that such report is available to the public and specifying how such report may be obtained.

* * * * * * *

(c) SET-ASIDE ACTIVITIES.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report detailing the different amounts of expenditures under section 640(a)(2) and the activities carried out thereunder.

(d) FISCAL PROTOCOL.—The Secretary shall conduct an annual review to assess whether the design and implementation of the triennial reviews described in section 641A(c) include compliance procedures that provide reasonable assurance that Head Start agencies are complying with applicable fiscal laws and regulations. The Secretary shall report the findings and conclusions of the annual review to the House Committee on Education and Labor, and the Senate Committee on Health, Education, Labor and Pensions within 30 days of completing the review.

(e) USE OF INDIVIDUALIZED EDUCATION PLANS.—The Secretary shall track the use of Head Start Individualized Education Plans by Head Start agencies in order to evaluate the reasons why Head Start agencies are opting not to use Individualized Education Plans for children with disabilities (as specified in the Individuals With Disabilities Education Act (20 U.S.C. 1414(d)), whether Head Start Individualized Education Plans are used to provide services prior to the development of an Individualized Education Plan, as required under the Individuals With Disabilities Education Act, and the length of time programs use Head Start Individualized Education Plans before an Individualized Education Plan as required under Individuals With Disabilities Education Act is developed. The Secretary shall provide a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than 1 year after the date of the enactment of the Improving Head Start Act of 2007.

(f) EVALUATION AND RECOMMENDATIONS REGARDING OBESITY PREVENTION.—The Secretary shall evaluate and publish regulations on the issue of and concerns related to preventing and reducing obesity in children who participate in Head Start programs and shall consult, at a minimum, with experts in child and maternal health, child development, child and family nutrition and physical education, to determine the effective methods by which Head Start agencies can help address childhood obesity. The regulations should include guidance on how Head Start agencies can incorporate, at a minimum, more physical activity and nutrition education into such programs related to preventing and reducing obesity. Not later than 1 year after the effective date of this subsection, the Secretary shall submit to the House Committee on Education and Labor and the Senate Committee on Health, Education, Labor and Pensions, a re-

port containing such recommendations and the results of such evaluation.

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[COMPARABILITY OF WAGES

[SEC. 653. The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this subchapter shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher; or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938. The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.]

SEC. 653. WAGES AND COMPENSATION.

(a) COMPARABILITY OF WAGES.—The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this subchapter shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher; or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938. The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.

(b) FEDERAL RATE LIMITATION.—Notwithstanding any other provision of law, no Federal funds shall be used to pay all or any part of the compensation of an individual employed by a Head Start agency in carrying out programs under this subchapter, either as direct or indirect costs of any proration thereof, at a rate in excess of the rate then payable for level II of the Executive Schedule under section 5313 of title 5, United States Code.

* * * * * * *

SEC. 656A. LIMITATION ON CERTAIN USES OF FUNDS.

No funds made available to carry out this subchapter may be used—

(1) for publicity or propaganda purposes not heretofore authorized by the Congress; or

(2) unless authorized by law in effect on the effective date of this section, to produce any pre-packaged news story intended for broadcast or distribution unless such story includes a clear notification contained within the text or audio of such story

stating that the prepackaged news story was prepared or funded by the Department of Health and Human Services.

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XVII. Committee Correspondence

None.

MINORITY VIEWS

Head Start was established in 1965 by President Lyndon B. Johnson as part of the War on Poverty and is one of the nation's most popular domestic programs. The program provides educational and other support services to prepare extremely low-income children for school. Head Start is the federal government's largest effort to prepare the nation's most disadvantaged children for school.

Head Start provides a range of services, including education, nutrition, health, and parent training, to over 900,000 children and their families living in poverty. Federal Head Start funds are provided directly to local grantees, rather than through States. Programs are locally designed and administered by a network of more than 1,600 public and private non-profit and for-profit agencies, or grantees operating about 2,600 programs nationwide. Grantees are required to reserve at least ten percent of their slots for children with disabilities. In 1994, Early Head Start was established to serve pre-natal mothers and infants and toddlers under the age of three.

Committee Republicans are pleased that H.R. 1429, the Improving Head Start Act of 2007, reforms Head Start to improve the overall school readiness of disadvantaged children. Similar to H.R. 2123, the School Readiness Act of 2005 introduced by Congressman Mike Castle (R–DE) and approved by the House in 2005, improving school preparedness and teacher quality are key components of H.R. 1429. Head Start research shows that participating children are making progress yet continue to fall short of expectations by lagging behind their more affluent peers in some domains of achievement. Eliminating academic and developmental disparities early on is an important goal of this legislation given the requirements of the No Child Left Behind Act, which mandate that children read on grade level by the end of third grade.

We are pleased that H.R. 1429 addresses many Republican priorities and that the bill was developed through bipartisan negotiation. However, we are concerned that the bill does not adequately protect the civil liberties of faith-based organizations participating or seeking to participate in Head Start. Committee Republicans strongly supported an amendment offered by Congressman Luis Fortuño, which the Democrats opposed, to protect these rights.

ENHANCING THE SCHOOL READINESS OF HEAD START CHILDREN

Knowledge about children's learning has expanded greatly during the past two decades. Research in the neurobiological and behavioral sciences suggests the importance of a child's experiences during the first years of life for healthy brain development. From birth through age five, children rapidly develop the capabilities on which subsequent development builds.

While the resources to fund Head Start are significant, more work is needed to achieve the ultimate program goal of closing the readiness gap between Head Start children and their more advantaged peers when they enter kindergarten. Studies indicate that children who are enrolled in Head Start make progress, but still are lagging behind national norms in all aspects of school readiness. Data from the Family and Child Experiences Survey (FACES) and the first year findings of the Head Start Impact study both suggest that Head Start participants show progress on some measures after completion of a year in Head Start, but on balance remain below the national average. However, FACES data finds the achievement gap has been closed in the areas of pre-reading and pre-writing by the time Head Start children complete kindergarten. The Committee looks forward to future reports from the Impact study to see if these results are replicated.

To accomplish the goal of ensuring that Head Start children develop the cognitive competencies necessary to succeed, the Improving Head Start Act enhances program emphasis on the academic components of school readiness, while retaining the commitment to providing comprehensive early learning and social services. Committee Republicans recognize the importance of all domains of development in order for a child to be school ready; however, Head Start is not making good on its promise if Head Start children are not fully prepared to enter school.

A critical component of school readiness is the attainment of pre-reading abilities. As such, Head Start programs should provide children from low income families a high-quality, oral language and literature-rich environment. Through scientific research, much has been learned about the way children learn to read and the strong foundation that is important before children are given formal reading instruction in kindergarten and first grade. Head Start must play a pivotal role in this effort. In addition to supporting the socio-emotional development of children under their care, Head Start programs must encourage and promote cognitive development activities along with professional development for teachers and staff based on scientific research in reading.

Committee Republicans also recognize the importance of pre-mathematics and pre-science skills for young children. Promoting pre-mathematics and pre-science knowledge and abilities is important for school readiness. These competencies may be promoted through early science and math experiences, including observing with senses, predicting, inferring, defining and controlling variables, working in teams, and communicating discoveries. Examples of science and math experiences may include planting different seeds, with various types of growing medium, light, and water; building towers with various block sizes; employing ramps and different balls; watching ice melt in different environments, etc.

The Improving Head Start Act updates the Head Start quality standards to reflect scientific advances relating to the core areas of competence fundamental to children's school readiness. The new quality standards will require Head Start teachers to ensure that children enrolled in the program develop and demonstrate the following: language knowledge and skills; pre-reading knowledge and skills, including phonological awareness, print awareness and

skills, and alphabetic knowledge; mathematics knowledge and skills, such as aspects of classification, seriation, number, spatial relations and time; science knowledge and skills, including measurement; cognitive abilities related to academic achievement; social and emotional development related to early learning, school success, problem-solving, and overall well-being; approaches to learning related to childhood development and early learning; creative arts; and for limited English proficient children, progress toward acquisition of the English language while making meaningful progress towards attaining the same school readiness knowledge and skills as other participating children. Additionally, we are pleased that the Improving Head Start Act eliminates the previous educational performance measures that were arbitrary and misaligned with the school readiness competencies specified under the quality and educational standards section.

Committee Republicans strongly support the definition of scientifically based research and the requirement that Head Start grantees demonstrate the capacity to serve eligible children with programs based on scientifically based research that promotes school readiness and meets quality standards. Consistent with the No Child Left Behind Act, we strongly believe that Head Start programs should be utilizing sound scientifically-based research when making program decisions. The language in H.R. 1429 will ensure that instructional strategies have resulted from the application of rigorous, systematic, and objective procedures; employ systematic empirical methods that draw on observation or experiment; involve rigorous data analyses; rely upon measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and have been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. We believe these requirements will lead to improved program quality and better outcomes for the children participating in Head Start.

TEACHER QUALITY

According to the National Research Council report, Eager to Learn, all preschool programs should have a teacher with at least a bachelor's degree in early childhood education or a related field (National Research Council, 2000). Well educated teachers are a key to early childhood program quality and outcomes for children.

Since its inception, the Head Start program has been providing training and professional development to its workers. Today, a certified Child Development Associate, or CDA, is the minimum teacher requirement in every Head Start classroom, and three-quarters of all Head Start teachers have at least an associate's degree in child development or a related field. This is good progress, but the program must build upon this to advance the qualifications of educational staff. Improved academic achievement in Head Start cannot be accomplished without well-qualified Head Start teachers who are trained in child development, utilize research-based literacy techniques, and understand the importance of a language-rich, interactive environment for children.

In 1998, Congress required 50 percent of Head Start teachers nationwide to acquire a minimum of an associate degree by 2008—a goal that Head Start has successfully met.

The Improving Head Start Act sets a new target for teacher qualifications. It requires that by two years after enactment all newly hired Head Start teachers have at least an associate degree or be enrolled in a program leading to an associate degree. Additionally, it would require that half of all Head Start teachers nationwide have a minimum of a baccalaureate degree by September 30, 2013. The bill does not create a requirement for individual programs. This revised requirement would help to make teacher qualifications more consistent with K–12 schools and many state pre-kindergarten programs. Twenty-seven state pre-kindergarten programs, and the District of Columbia, require that all preschool teachers have at least a bachelor's degree, yet only about 38 percent of Head Start teachers have more than a two-year degree. In some States, the difference in the teacher requirements between Head Start and state school readiness programs can be a barrier to collaboration and integration between the two programs.

H.R. 1429 also requires all Head Start grantees to create a professional development plan for all full-time employees who provide direct educational services to children. The Committee believes that this activity will result in high quality professional development that directly benefits the individual instructor, Head Start students, and the overall program.

The Improving Head Start Act provides financial support to achieve higher teacher qualifications. The bill significantly increases the percentage of new dollars that must be spent on quality improvement. In an effort to ensure that Head Start programs are of the highest possible quality, and to ensure that funds are available to assist Head Start reach new requirements for teacher quality, H.R. 1429 requires the Secretary of Health and Human Services to reserve 60 percent of all new Head Start funds for purposes of quality improvement. Not less than 25 percent of that 60 percent must be used to increase teacher salaries and assist programs in recruiting and retaining quality staff. Remaining quality improvement funds would be available to provide ongoing professional developing to teachers, improve the qualifications and skills of educational personnel, ensure the physical environments of Head Start programs are conducive to providing effective program services and are accessible, employ additional staff to reduce the child to teacher ratio in the classroom and family to staff ratio for family services workers, ensure programs have qualified staff that can promote language skills and literacy growth, and increase hours of program operation.

DEVELOPMENTAL SCREENING

Head Start currently requires a timely and systematic approach toward diagnostic screening of participating children in order to identify which children require more formal assessments of their developmental needs and follow-up services. The Head Start Program Performance Standards require all grantees and delegate agencies to perform or obtain linguistically and age appropriate screening procedures to identify concerns regarding a child's devel-

opmental, sensory, behavioral, motor, language, social, cognitive, perceptual, and emotional skills (CFR 1304.20(b)(1)) within 45 days of the child's entry into the program. However, screenings may be conducted only after a program files a written parental authorization for such services. Though the HHS Performance Standards provide important guidance on characteristics of screening tools, no particular strategy, instrument, or technique is required.

Committee Republicans strongly support language in the Improving Head Start Act that reinforces that Head Start program must in every circumstance obtain written parental consent prior to conducting any health related service, including developmental and mental health screenings, and physical examinations.

PROGRAM ACCOUNTABILITY

While the majority of Head Start grantees provide quality services, there are some grantees that are not fulfilling their obligation to ensure that our nation's neediest children enter school with the knowledge they need to succeed. This is evidenced by the approximately 170 Head Start programs that have been terminated by the Department due to concerns over their quality over the past 10 years.

Since January 2003, media accounts in numerous U.S. cities and communities alleged serious financial abuses and irregularities by local individuals and/or entities entrusted with managing local Head Start programs. Other reports involving financial mismanagement suggested that often Head Start grantees have good intentions, yet lack strong fiscal controls and the skills needed to effectively manage complex, multi-million dollar non-profit organizations. The incidents identified in these media reports collectively involve the use of tens of millions in federal Head Start funds that were intended to serve more than 10,000 disadvantaged U.S. children. These reports suggest that an unacceptable share of Head Start funding never reaches the disadvantaged children the money is intended to serve, and is instead lost to financial abuse, mismanagement, impropriety, or outright theft within the Head Start system.

In light of these reports, the Committee Republicans are concerned about the degree to which Head Start grantees are held accountable at both the federal and local levels. We believe the current Head Start monitoring system is not adequate to ensure that programs are consistently delivering the level of high quality services necessary for children to advance in all areas of development. This is confirmed by a March 2005 report published by the Government Accountability Office that evaluated federal financial controls that exist in the Head Start system.

GAO provided a series of recommendations to hold grantees more fiscally accountable for federal Head Start funds. The GAO urged changes that could be made by HHS/ACF to improve the oversight of the Head Start program. These changes include: (1) implementing a comprehensive risk assessment of the Head Start Program; (2) improving the processes used to collect information on program risks; and (3) making greater use of authority to re-compete the grants that are currently awarded to poorly performing grantees (GAO, 2005). We are pleased that the Improving head

Start Act addresses these recommendations and includes several new provisions to ensure greater public disclosure of information and accountability in the use of funds.

INCREASING COMPETITION FOR HEAD START GRANTS

Evidence shows that competition fosters continuous program improvement and high expectations. H.R. 1429 ensures high quality programs continue to provide services in their communities, while providing the Secretary greater authority to replace grantees that are not meeting expectations. In our view, programs that are not proving high quality, comprehensive early education program must not be given a free pass to continue receiving taxpayer funds.

The Improving Head Start Act was crafted to ensure high quality programs continue to provide services in their communities, while programs that are not meeting expectations will be asked to compete for funds. The Secretary will develop and implement a system for application review that integrates the recommendations of an expert panel to determine if a Head Start agency is providing a quality comprehensive early learning program. The Secretary shall base the system of review on annual budget data, triennial Head Start program reviews, annual audits, self-assessments, measurements of classroom quality, and program information reports. Once the system for application evaluation is finalized, the Secretary will use this system to determine which grantees are successfully delivering a high quality comprehensive early education program. Grantees that are determined under such system to be successfully delivering a high quality comprehensive early education program would have their application renewed for a period of five years. Underperforming grantees would be eligible to compete in an open competition for a subsequent Head Start grant.

Competition breeds quality by fostering high expectations. We are concerned about the lack of applicants in current Head Start grant competitions and encourage the Secretary to explore new options and approaches to encourage greater number and diversity of applicants in future Head Start grant competitions. Head Start children deserve to be served by the highest quality program that could be available to them and by increasing the role of competition the Improving Head Start Act will accomplish just that.

LOCAL ACCOUNTABILITY AND PARENTAL INVOLVEMENT

We are pleased that H.R. 1429 maintains the vital role of parents in ensuring the success of Head Start. Committee Republicans support maintaining the policy of shared governance between a parent policy council and a governing body.

To be designated as a Head Start agency, the grantee must establish an independent governing body. Members must include representatives of the local community (including at least one member with significant financial management or accounting experience and one with expertise in early childhood development). Additional members shall be selected for their expertise in education, business administration, community affairs, government, legal affairs, and such other areas of expertise as may contribute to effective governance of the Head Start agency. All members of the board shall re-

ceive training in the management responsibilities and obligations, ethics, and financial literacy and management, and shall adopt practices that assure active, independent and informed governance of the Head Start agency, including independent oversight of the financial and management practices of such agency. It is our intent that all legal and fiduciary responsibilities shall rest with the governing board and it shall take action on the recommendations of the policy council.

A Head Start agency must also designate a parent policy council. The council shall be composed of either parents of children currently enrolled in Head Start or Early Head Start program or were enrolled the previous year or are members of the community served by the Head Start agency. Parent members shall constitute a majority of the member of the policy counsel and shall be elected by parents of currently enrolled children. The policy council shall approve and submit to the governing body decisions about the strategic direction of the program, including long and short-term planning goals and objectives; selection of delegate agencies; recruitment, selection and enrollment priorities; program personnel policies; and other program activities.

The Secretary shall develop policies and procedures describing how Head Start agencies will implement or share decision-making, including a process for resolving any impasse between the two bodies.

IMPROVING COORDINATION, COLLABORATION, AND INTEGRATION

We believe it is critically important to ensure continuity between Head Start and other early childhood programs that exist with increasing frequency in States and local communities in order to ensure that all children have the necessary knowledge to enter school ready to learn. We support efforts in the Improving Head Start Act to increase local and State integration of early childhood education by requiring Head Start agencies and local providers of State pre-kindergarten to enter into ongoing partnerships to create an efficient and effective system of early childhood and school readiness services in each State; and authorizing State Early Learning Councils to advance the development of a coordinated early childhood services delivery system in each State.

H.R. 1429 requires Head Start grantees to enter into a memorandum of understanding (MOU) with providers, such as LEAs, of State pre-kindergarten programs in their service area in order to better align their activities. Specifically, Head Start grantees, LEAs, and providers of State pre-kindergarten programs are required to coordinate: educational activities, curricula, and instruction aligned to State early learning standards; public information dissemination and access to programs for families; selection priorities for eligible children to be served by programs; service delivery areas; staff training, including opportunities for joint staff training on topics such as academic content standards and instructional methods; program technical assistance; provision of additional services to meet the child care needs of working parents; planning and parent education for smooth transitions to kindergarten; provision and use of facilities, transportation, and other program elements;

and other elements mutually agreed to by the parties to such memorandum.

H.R. 1429 also attempts to improve the integration of Head Start with other early education services by authorizing funds for establishing or expanding State Early Learning Councils to advance the development of a coordinated delivery system for early childhood services within a State, These State Early Learning Councils will bring together Head Start, State pre-kindergarten programs, State child care programs and the schools that will one day serve the children enrolled in Head Start and other preschool programs.

EARLY HEAD START

Neuroscience suggests that the ages of birth to three is the most critical period for a child's brain growth. It is during this period that children acquire the ability to think, speak, learn, and reason. Disparities in children's cognitive and social abilities become evident well before they enter Head Start or pre-kindergarten programs at age four. Early Head Start minimizes these disparities and helps to establish the foundation needed for children to enter school ready to learn.

We are encouraged by the positive effects of Early Head Start on child development and parent self-sufficiency, as documented in the evaluation mandated by Congress and completed in 2002. The strong and careful implementation effort from Early Head Start's inception, supported by a national and regional training and technical assistance system with expertise in infant and toddler development contributed to these positive outcomes.

Currently, 10 percent of Head Start funds are allocated specifically for funding the Early Head Start program. Since infants and toddlers have needs different than three and four year olds, operating Early Head Start programs requires different environments and staff trained with the needed expertise in infant and toddler development. Seven hundred Early Head Start programs serve over 71,000 low-income families with infants and toddlers.

H.R. 1429 increases the current set-aside for the program to 20 percent over the course of the authorization, as long as the increase does not diminish funds available for the current Head Start program. The bill also allows current Head Start funds to be converted to Early Head Start programs as long as Early Head Start program requirements are met and the conversion appropriately addresses community needs.

COMMITTEE CONSIDERATION OF H.R. 1429

PROTECTING CONFIDENTIALITY

Head Start programs are currently required to measure children's progress in key aspects of development, including language development, literacy, mathematics, science, creative arts, social and emotional development, approaches toward learning, and physical health and development. Programs are required to evaluate each child's progress three times per year and use the results to help make decisions about staff training, mentoring and supervision; needed improvements in curriculum; reallocation of program

resources; and plans for transitions of children from Head Start into elementary schools.

Committee Republicans believe that monitoring children's growth and development throughout the Head Start year can be very helpful to continuous improvement in program quality. But in order for these assessments to provide teachers with useful information that can serve as a basis for teaching decisions, it is important that the self-assessment methods in the areas of emergent literacy and mathematics be research-based, developmentally appropriate, and culturally and linguistically responsive. The Committee believes it is important that these assessments be tied to children's daily activities in order to better support educational instruction and decisions about teaching and curricula. The National Academy of Sciences is conducting a study on Developmental Outcomes and Assessments for Young Children. The Secretary will use this study to guide Head Start agencies in the use of scientifically-based measures to support classroom instructional practices and program evaluation.

While we support these changes, we are concerned about confidentiality of participant records. To address these concerns, Congresswoman Virginia Foxx (R–NC) offered an amendment, accepted by voice vote, to require the Secretary, through regulation, to ensure the confidentiality of any personally identifiable data, information and records collected or maintained by the Secretary and any Head Start agency. Such regulations shall provide the policies, protections and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act (the Family Educational Rights and Privacy Act [FERPA]). In addition, the amendment ensures that, as measures are revised, the Secretary does not develop a nationwide database of personally identifiable information on children participating in measures under the Head Start program.

The amendment also reaffirms the Head Start program's commitment to parental involvement and oversight by ensuring parents have access to information or records regarding their children and protects the confidentiality of such records. These regulations would need to provide protections and rights equivalent to those provided a parent, student, or educational agency under FERPA. Under FERPA, educational agencies and institutions that receive federal funds must provide parents with access to the educational records of their children within a reasonable time. In addition, FERPA prohibits such agencies from having a policy or practice of releasing the educational records of a student without the written consent of his or her parents. Certain exceptions exist for research-related requests.

FAITH-BASED INITIATIVE

Congressman Luis Fortuño (R–PR) offered an amendment during Committee consideration to protect the rights of religious organizations to hire on a religious basis when they take part in the Head Start program. In addition, the amendment would have protected the governance of such organizations and ensured religious organizations are not discriminated against on the basis of their religious character. The current Head Start act requires faith-based organi-

zations to compromise their identity to compete for federal funds. The amendment was defeated 19–26 in Committee, with all Democrats opposing the amendment and Republicans supporting it.

Faith-based organizations such as churches, synagogues, and other faith-based charities, are a central part of the fabric of communities across America. Many of these organizations provide assistance and services to the neediest members of society, offering a helping hand to the least fortunate among us. Many faith-based organizations make a vital contribution to Federal assistance programs.

Recognizing these contributions, President Bush signed an Executive Order on Equal Protection of the Laws for Faith-based and Community Organizations in December 2002. That Executive Order recognizes that the Nation's social service capacity will benefit if all eligible organizations, including faith-based and other community organizations, are able to compete on an equal footing for Federal financial assistance used to support social service programs, like Head Start. This amendment would have codified current practice, as outlined in the President's Executive Order. Similar language already is part of the Community Services Block Grant law and welfare reform law, both of which received bipartisan support.

Head Start already has a proud history of inclusion of faith-based organizations. Approximately 5 percent of Head Start programs are operated by faith-based organizations. Mr. Fortuño's amendment would have ensured that, as new grantees are selected, religious organizations can compete on equal footing with public or private entities without requiring religious organizations to eliminate their religious character in order to participate.

The amendment would have allowed faith-based organizations that participate in the Head Start program to use their facilities to provide services supported with Federal financial assistance, without removing or altering religious art, icons, or other symbols from these facilities. In addition, a faith-based organization that applies for or participates in Head Start could retain its governance structure, which may include having religious terms in its organization's name, selecting its board members on a religious basis, and including religious references in its organization's mission statements and other chartering or governing documents.

Constitutional protections are included. The amendment states that implementation must be consistent with the First Amendment constitutional law. The amendment prohibits funds from being used for worship, instruction or proselytization in keeping with Constitutional requirements. This amendment would not permit religious organizations to refuse to assist individuals on the basis of religion, a religious belief or refusal to participate in a religious practice. The nondiscrimination language of the current Head Start statute prevents discrimination in the provision of service on the basis of race, creed, color, national origin, sex, political affiliation, or beliefs.

Through regulations adopted July 16, 2004, the Department of Health and Human Services clarified these protections and required that any organizations that receive direct financial assistance from the Department (such as being a Head Start grantee)

may not engage in inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded by the Department. While an organization may conduct such activities, the activities must be offered separately, in time or location, from the programs or services funded by the Department, and participation must be voluntary for program beneficiaries. [45 CFR Part 87, Section 87.1(c)] Additionally, these organizations may not, in providing services, discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief [45 CFR Part 87, Section 87.1(e)]

The amendment also would have made Head Start consistent with the legislation governing other major social service programs by extending the Title VII hiring protections to faith-based organizations participating in Head Start.

When faith-based groups hire employees on a religious basis, they are exercising their civil liberties. The Civil Rights Act made clear when faith-based groups hire employees on a religious basis, it is an exercise of the group's civil liberties and does not constitute "discrimination" under Federal law. Under Section 702(a) of Title VII of the Civil Rights Act of 1964, as amended in 1972 (42 U.S.C. § 2000e–1(a)):

> This subchapter *shall not apply* to an employer with respect to the employment of aliens outside any State, or *to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion* to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. (emphasis added).

This language explicitly allows faith-based organizations to hire on a religious basis, and any Federal legislation governing Federal social service funds should continue to protect the rights of religious organizations to hire on a religious basis when they take part in Federal social service efforts.

President Bill Clinton signed four laws that explicitly allow religious organizations to retain their right to staff on a religious basis when they receive federal funds, including the Substance Abuse and Mental Health Services Administration Act; the Community Services Block Grant Act of 1998; the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the welfare reform law); and the Community Renewal Tax Relief Act of 2000. In *Corporation of the Presiding Bishop* v. *Amos,* a unanimous Supreme Court upheld the freedom to hire those who share the religious organization's beliefs.

The Fortuño amendment reflects the exact sentiment as did those four laws: that the faith and values that motivate Americans to serve their neighbors should not be held against them. An intolerant attitude that forces faith-based groups to give up who they are because they want to assist their community has no place in this Congress or this country.

STATE DEMONSTRATION

Congressman Tom Price (R–GA) offered an amendment to H.R. 1429 to require the Secretary to allow States to participate in a

limited demonstration project by which no more than eight States—who are currently matching 50 percent of the federal commitment with State and local money in an early childhood education program—could voluntarily apply for and receive the option of coordinating Head Start programs with their own early childhood education programs. In order to participate, States would have been required to contribute an additional five percent match, and have standards for education and comprehensive services at least as extensive as those currently found in Head Start. The demonstration would be limited to States with a demonstrated investment in early childhood education and an established, pre-existing preschool system. Participating States would be barred from making funding cuts to early childhood education programs as a condition of their participation. In addition, a "hold harmless" provision was included guaranteeing funding for Head Start centers in participating States for at least the first three years of implementation of the demonstration project.

The amendment is similar to a provision that was included in the House-passed reauthorization bill considered in 2003. The amendment was defeated in Committee.

We believe that the Committee missed an opportunity to make significant reform in the Head Start program by failing to allow this demonstration program. The State Demonstration Program would have provided an important opportunity for 8 States with a proven and effective system of early childhood education to leverage their experience and improve the school readiness of children in their State.

For years, experts in early childhood education and child development have been calling for a seamless system of early childhood education that integrates the existing patchwork of programs that includes Head Start, Title I pre-kindergarten, child care, and State pre-kindergarten. When Head Start began in 1965, State pre-kindergarten programs did not exist. State investment in pre-kindergarten initiatives has increased significantly in the past ten years as Governors and the public have recognized the importance of early education in preparing children for school. The emergence of State pre-K programs has lead to the duplication of services and inconsistent standards for program quality within States. Some States have developed innovative programs and made significant investments so that high-quality early education experiences are available for young children, especially those most at risk of school failure. Since the passage of the No Child Left Behind Act, Governors have an even greater stake in ensuring the school readiness of children. Governors are held accountable for the results of children beginning at the end of the third grade.

Governors have experience. They currently oversee K–12 education; childcare programs operating under the Child Care and Development Block Grant; Title I and State-run preschool; and a variety of other social services programs, including Temporary Assistance to Needy Families and Medicaid that are utilized by Head Start families. However, because States have no authority over the Head Start program, coordination can be challenging and occurs only if individual grantees within a State agree to work with these other players within the larger State system.

Under the current patchwork system, States face many barriers to developing a Statewide school readiness curriculum for all prekindergarten programs that is aligned with their Statewide standards for K–12 education. The State Demonstration Program would have provided eligible States with the opportunity to improve coordination of services and operate programs more efficiently, thereby increasing their ability to serve more children. The experiences of these States would have provided valuable information about how States with advanced early childhood education systems are able to innovate and improve results for children. We are disappointed that this demonstration was not given a chance and that this information will not be learned.

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