

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and
referred to the Committee on _____

A BILL

To reauthorize the Head Start Act.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “_____”.

5 **SEC. 2. STATEMENT OF PURPOSE.**

6 Section 636 of the Head Start Act (42 U.S.C. 9831)
7 is amended by inserting “educational instruction in
8 prereading skills, premathematics skills, and language and
9 through” after “low-income children through”.

1 **SEC. 3. DEFINITIONS.**

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

4 (1) in paragraph (2), by inserting “(including a
5 community-based organization)” after “nonprofit”;

6 (2) in paragraph (17), by striking “Mariana Is-
7 lands,” and all that follows and inserting “Mariana
8 Islands.”; and

9 (3) by adding at the end the following:

10 “(18) The term ‘eligible entity’ means an insti-
11 tution of higher education (as defined in section
12 101(a) of the Higher Education Act of 1965 (20
13 U.S.C. 1001(a)) or another entity with expertise in
14 delivering training in early childhood development,
15 family support, or other assistance designed to im-
16 prove the quality of early childhood education pro-
17 grams.

18 “(19) The term ‘homeless child’ means a child
19 described in section 725(2) of the McKinney-Vento
20 Homeless Assistance Act (42 U.S.C. 11434(a)(2)).

21 “(20) The term ‘limited English proficient
22 child’ means ____.”.

1 **SEC. 4. FINANCIAL ASSISTANCE FOR HEAD START PRO-**
2 **GRAMS.**

3 Section 638 of the Head Start Act (42 U.S.C. 9833)
4 is amended by inserting “for a period of 5 years” after
5 “provide financial assistance to such agency”.

6 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

9 **“SEC. 639. AUTHORIZATION OF APPROPRIATIONS.**

10 “(a) IN GENERAL.—There are authorized to be ap-
11 propriated for carrying out the provisions of this sub-
12 chapter such sums as may be necessary for each of fiscal
13 years 2004 through 2009.

14 “(b) SPECIFIC PROGRAMS.—From the amount ap-
15 propriated under subsection (a), the Secretary shall make
16 available to carry out research, demonstration, and evalua-
17 tion activities, including longitudinal studies under section
18 649 not more than \$20,000,000 for fiscal year 2004, and
19 such sums as may be necessary for each of fiscal years
20 2005 through 2009, of which—

21 “(1) not more than \$7,000,000 for each of fis-
22 cal years 2004 through 2009 shall be available to
23 carry out impact studies under section 649(g); and

24 “(2) not more than \$13,000,000 for fiscal year
25 2004, and such sums as may be necessary for fiscal
26 years 2005 through 2009, shall be available to carry

1 out additional research, demonstration, and evalua-
2 tion activities, including longitudinal studies, under
3 section 649.”. **【What about 642A activities?】**

4 **SEC. 6. ALLOTMENT OF FUNDS.**

5 (a) ALLOTMENT.—Section 640(a) of the Head Start
6 Act (42 U.S.C. 9835(a)) is amended—

7 (1) in paragraph (2)—

8 (A) in subparagraph (A), by striking
9 “1998” and inserting “2003”; and

10 (B) by striking subparagraph (C) and in-
11 serting the following:

12 “(C) training and technical assistance activities
13 that are sufficient to meet the needs associated with
14 program expansion and to foster program and man-
15 agement improvement activities as described in sec-
16 tion 648, in an amount for each fiscal year which is
17 equal to ____ percent of the amount appropriated
18 for such fiscal year, of which—

19 **【**“(i) 50 percent shall be made available to
20 local Head Start agencies to comply with the
21 standards described in section 641A(a)(1), and
22 for the uses described in clauses (iii), (iv), and
23 (vii) of paragraph (3)(B);

24 “(ii) 50 percent shall be made available to
25 the Secretary to support a State system of early

1 childhood education training and technical as-
2 sistance and to assist local programs in meeting
3 the standards described in section 641A(a)(1);
4 and

5 “(iii) not less than \$3,000,000 of the
6 amount in clause (ii) appropriated for such fis-
7 cal year shall be made available to carry out ac-
8 tivities described in [section 648(d)(4)];”;
9 (2) in paragraph (3)—

10 (A) in subparagraph (A)—

11 (i) in clause (i)(I), by striking “fiscal
12 year 1999” and all that follows and insert-
13 ing “fiscal years 2004 through 2009; and”;
14 and

15 (ii) by adding at the end the fol-
16 lowing:

17 “(iii) After the reservation of amounts under para-
18 graph (2) (including the amount referred to in [paragraph
19 (2)(C)) and referred to in clause (i)(II)] *[is this reference*
20 *correct?]*, a portion of the remaining funds shall be made
21 available to expand services to underserved populations,
22 such as children receiving services in the Early Head Start
23 program and Head Start programs serving children in mi-
24 grant and seasonal farmworking families.”;

25 (B) in subparagraph (B)—

1 (i) in clause (i), by striking “perform-
2 ance standards” and all that follows and
3 inserting “standards pursuant to section
4 641A(a)(1).”;

5 (ii) by striking clause (ii) and insert-
6 ing the following:

7 “(ii) Ensuring that such programs have ade-
8 quate numbers of qualified staff, and that such staff
9 is furnished adequate training, including training to
10 promote the development of language skills,
11 premathematic skills, and prereading in young chil-
12 dren and in working with limited English proficient
13 children, children referred by child welfare services,
14 and children with disabilities, when appropriate.”;

15 (iii) by striking clause (iii) and insert-
16 ing the following:

17 “(iii) Developing and financing the salary scales
18 and benefits standards under section 644(a) and
19 section 653, in order to ensure that salary levels and
20 benefits are adequate to attract and retain qualified
21 staff for such programs.”;

22 (iv) by striking clause (iv) and insert-
23 ing the following:

24 “(iv) Using salary increases to—

1 “(I) assist with the implementation of
2 quality programs and improve staff qualifica-
3 tions;

4 “(II) ensure that staff can promote the
5 language skills and literacy growth of children
6 and can provide children with a variety of skills
7 that have been identified, through scientifically
8 based reading research, as predictive of later
9 reading achievement; and

10 “(III) encourage the staff to continually
11 improve their skills and expertise by informing
12 the staff of the availability of Federal and State
13 incentive and loan forgiveness programs for
14 professional development.”;

15 (v) in clause (v) by inserting “, in-
16 cluding collaborations to increase program
17 participation by underserved populations of
18 eligible children” before the period; and

19 (vi) by striking clauses (vii) and (viii)
20 and inserting the following:

21 “(vii) Providing assistance to complete postsec-
22 ondary coursework including scholarships, signing
23 bonuses, or other financial incentives, such as dif-
24 ferential and merit pay, to enable Head Start teach-

1 ers to improve competencies and the resulting child
2 outcomes.

3 “(viii) Promoting the regular attendance and
4 stability of highly mobile children, including migrant
5 and seasonal farmworking families (where appro-
6 priate), homeless children, and children in foster
7 care.

8 “(ix) Making such other improvements in the
9 quality of such programs as the Secretary may des-
10 ignate.”;

11 (C) in subparagraph (C)—

12 (i) in clause (i)(I)—

13 【(I) by inserting “providing in-
14 structional services” after “other staff
15 of Head Start agencies”】;

16 (II) by striking the last sentence
17 and inserting “Salary increases, in ex-
18 cess of cost-of-living allowances, pro-
19 vided with such funds shall be subject
20 to the specific standards governing
21 salaries and salary increases estab-
22 lished pursuant to section 644(a).”;

23 (ii) in clause (ii)—

1 (I) in the matter preceding sub-
2 clause (I), by striking “education per-
3 formance” and inserting “outcome”

4 (II) in subclause (I), by inserting
5 “, prereading,” after “language”; and

6 (III) in subclause (IV), by strik-
7 ing “to provide” and all that follows
8 through “Head Start agencies” and
9 inserting “to provide education and
10 training necessary to improve the
11 qualifications of Head Start staff,
12 particularly with respect to assistance
13 to enable more instructors to be fully
14 competent and to meet the degree re-
15 quirements under section
16 648A(a)(2)(A)”;

17 (iii) in clause (iii), by inserting “, lead
18 instructors who meet the qualifications of
19 section 648A(a),” after “ratio”;

20 (iv) in clause (v), by striking “pro-
21 grams, including” and all that follows and
22 inserting “programs.”;

23 (v) by redesignating clause (vi) as
24 clause (viii); and

1 (vi) by inserting after clause (v) the
2 following:

3 “(vi) To conduct outreach to homeless families
4 in an effort to increase the program participation of
5 eligible homeless children.

6 “(vii) To conduct outreach to migrant and sea-
7 sonal farmworking families and families with limited
8 English proficient children.”;

9 (3) in paragraph (4)(A), by striking “1998”
10 and inserting “2003”;

11 (4) in paragraph (5)—

12 (A) by redesignating subparagraphs (E)
13 and (F) as subparagraphs (F) and (G), respec-
14 tively;

15 (B) by striking subparagraphs (B), (C),
16 and (D) and inserting the following:

17 “(B)(i) From the reserved sums, the Secretary shall
18 award a collaboration grant to each State to facilitate col-
19 laboration between Head Start agencies and entities (in-
20 cluding the State) that carry out other activities designed
21 to benefit low-income families and children from birth to
22 school entry.

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

24 “(I) encourage Head Start agencies to collabo-
25 rate with entities involved in State and local plan-

1 ning processes to better meet the needs of low-in-
2 come families and children from birth to school
3 entry;

4 “(II) encourage Head Start agencies to coordi-
5 nate activities with the State agency responsible for
6 administering the State program carried out under
7 the Child Care and Development Block Grant Act of
8 1990 (42 U.S.C. 9858 et seq.) and entities providing
9 resources and referral services in the State to make
10 full-working day and full calendar year services
11 available to children;

12 “(III) promote alignment of Head Start serv-
13 ices with State early learning and school readiness
14 standards;

15 “(IV) promote better linkages between Head
16 Start agencies and other child and family agencies,
17 including agencies that provide health, mental
18 health, or family services, or other child or family
19 supportive services; and

20 “(V) carry out the activities of the State Direc-
21 tor of Head Start Collaboration authorized in sub-
22 paragraph (D).

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

1 “(i) appoint an individual to serve as the State
2 Director of Head Start Collaboration;

3 “(ii) ensure that the State Director of Head
4 Start Collaboration holds a position with sufficient
5 authority and access to ensure that the collaboration
6 described in subparagraph (B) is effective and in-
7 volves a range of State agencies; and

8 “(iii) involve the State Head Start Association
9 in the selection of the Director and involve the Asso-
10 ciation in determinations relating to the ongoing di-
11 rection of the collaboration office.

12 “(D) The State Director of Head Start Collaboration,
13 in consultation with the State Advisory Council described
14 in subparagraph (E) shall—

15 “(i) not later than 1 year after the date of en-
16 actment of the **【School Readiness Act of 2003】**,
17 conduct an assessment that—

18 “(I) addresses the needs of Head Start
19 agencies in the State with respect to collabo-
20 rating and coordinating services and imple-
21 menting State early learning and school readi-
22 ness standards to better serve children enrolled
23 in Head Start programs in the State;

24 “(II) shall be updated on an annual basis;
25 and

1 “(III) shall be made available to the gen-
2 eral public within the State;

3 “(ii) assess the availability of high quality pre-
4 kindergarten services for low-income children in the
5 State;

6 “(iii) develop a strategic plan that is based on
7 the assessment described in clause (i) which will—

8 “(I) enhance the collaboration and coordi-
9 nation of Head Start services with other early
10 childhood programs and services (such as child
11 care and services offered by museums), health
12 care, mental health care, welfare, child protec-
13 tive services, education and community service
14 activities, family literacy services, reading readi-
15 ness programs (including library services), serv-
16 ices relating to children with disabilities (includ-
17 ing coordination of services with those State of-
18 ficials who are responsible for administering
19 part C and section 619 of the Individuals with
20 Disabilities Education Act (20 U.S.C. 1431 et
21 seq., 1419), and other early childhood programs
22 and services for homeless children (including
23 coordination of services with the Office of Coor-
24 dinator for Education of Homeless Children
25 and Youths under section 722(d)(3) of the

1 McKinney-Vento Homeless Assistance Act (42
2 U.S.C. 11432(d)(3));

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

7 “(III) assist Head Start agencies to align
8 services with State early learning and school
9 readiness standards and to facilitate collabora-
10 tive efforts to develop local school readiness
11 standards; and

12 “(IV) enable agencies in the State to bet-
13 ter coordinate professional development oppor-
14 tunities for Head Start staff such as—

15 “(aa) assisting 2- and 4-year public
16 and private institutions of higher education
17 to develop articulation agreements;

18 “(bb) awarding grants to institutions
19 of higher education to develop model early
20 childhood education programs, including
21 practica or internships for students to
22 spend time in a Head Start or prekindergarten
23 program;

24 “(cc) working with local Head Start
25 agencies to meet the degree requirements

1 described in section 648A(a)(2)(A), includ-
2 ing providing distance learning opportuni-
3 ties for Head Start staff, where needed to
4 make higher education more accessible to
5 Head Start staff; and

6 “(dd) enable the State Head Start
7 agencies to better coordinate outreach to
8 eligible families;

9 “(iv) promote partnerships between Head Start
10 agencies, State governments, and the private sector
11 to help ensure that preschool children from low-in-
12 come families are receiving comprehensive services to
13 prepare them to enter school ready to learn;

14 “(v) consult with the chief State school officer,
15 local educational agencies, and providers of early
16 childhood education and care in unified planning re-
17 garding early care and education services at both the
18 State and local levels, including collaborative efforts
19 to develop and make improvements in school readi-
20 ness standards;

21 “(vi) promote partnerships (such as the part-
22 nerships involved with the Free to Grow initiative)
23 between Head Start agencies, schools, law enforce-
24 ment, substance abuse, and mental health treatment
25 agencies to strengthen family and community envi-

1 ronments and to reduce the impact on child develop-
2 ment of substance abuse, child abuse, domestic vio-
3 lence, and other high risk behaviors that compromise
4 healthy development;

5 “(vii) promote partnerships between Head Start
6 agencies and other organizations in order to enhance
7 the Head Start curriculum including partnerships to
8 promote inclusion of more books in Head Start
9 classrooms; and

10 “(viii) identify other resources and organiza-
11 tions (both public and private) for the provision of
12 in-kind services to Head Start agencies in the State.

13 “(E)(i) The Governor of the State shall designate or
14 establish a council to serve as the State advisory council
15 on collaboration on early care and education activities for
16 children from birth to school entry (in this subchapter re-
17 ferred to as the ‘State Advisory Council’).

18 “(ii) The Governor may designate an existing entity
19 to serve as the State Advisory Council, if the entity in-
20 cludes representatives described in subclauses (I) through
21 (XXI) of clause (iii).

22 “(iii) Members of the State Advisory Council shall in-
23 clude, to the maximum extent possible—

24 “(I) the State Director of Head Start Collabo-
25 ration;

1 “(II) a representative of the appropriate re-
2 gional office of the Administration for Children and
3 Families;

4 “(III) a representative of the State educational
5 agency and local educational agencies;

6 “(IV) a representative of institutions of higher
7 education;

8 “(V) a representative of the State agency (or
9 agencies) responsible for health and mental health
10 care;

11 “(VI) a representative of the State agency re-
12 sponsible for teacher professional standards, certifi-
13 cation, and licensing;

14 “(VII) a representative of the State agency re-
15 sponsible for child care;

16 “(VIII) early childhood education professionals;

17 “(IX) kindergarten teachers and teachers in
18 grades 1 through 4;

19 “(X) health care professionals;

20 “(XI) child development specialists, including
21 specialists in prenatal, infant, and toddler develop-
22 ment;

23 “(XII) a representative of the State agency that
24 assists children with developmental disabilities;

1 “(XIII) a representative of the State agency re-
2 sponsible for programs under part C of Individuals
3 with Disabilities Education Act (20 U.S.C. 1431 et
4 seq.);

5 “(XIV) a representative of the State Inter-
6 agency Coordinating Councils established under sec-
7 tion 641 of the Individuals with Disabilities Edu-
8 cation Act (20 U.S.C. 1441);

9 “(XV) a representative of the State Head Start
10 Association (where appropriate);

11 “(XVI) a representative of the State network of
12 child care resource and referral agencies;

13 “(XVII) a representative of community-based
14 organizations;

15 “(XVIII) a representative of State and local
16 providers of early childhood education and child
17 care;

18 “(XIX) a representative of migrant, seasonal,
19 and Indian Head Start programs (where appro-
20 priate);

21 “(XX) parents;

22 “(XXI) religious and business leaders;

23 “(XXII) the head of the State library adminis-
24 trative agency;

1 “(XXIII) representatives of State and local or-
2 ganizations and other entities providing professional
3 development to early care and education providers;
4 and

5 “(XXIV) a representative of other entities de-
6 termined to be relevant by the Chief Executive Offi-
7 cer of the State.

8 “(iv)(I) The State Advisory Council shall be respon-
9 sible for, in addition to responsibilities assigned to it by
10 the Chief Executive Officer of the State—

11 “(aa) conducting a periodic statewide needs as-
12 sessment concerning early care and education pro-
13 grams for children from birth to school entry;

14 “(bb) identifying barriers to, and opportunities
15 for, collaboration and coordination between Federal
16 and State child development, child care, and early
17 childhood education programs;

18 “(cc) developing recommendations regarding
19 means of establishing a unified data collection sys-
20 tem for early care and education programs through-
21 out the State;

22 “(dd) developing a statewide professional devel-
23 opment and career ladder plan for early care and
24 education in the State; and

1 “(ee) reviewing and approving the strategic
2 plan, regarding collaborating and coordinating serv-
3 ices to better serve children enrolled in Head Start
4 programs, developed by the State Director of Head
5 Start Collaboration under subparagraph (D)(iii).

6 “(II) The State Advisory Council shall submit a
7 statewide strategic report containing the needs assessment
8 and recommendations described in subclause (I) to the
9 State Director of Head Start Collaboration and the chief
10 executive officer of the State. The State Advisory Council
11 shall hold public hearings and provide an opportunity for
12 public comment on the needs assessment and rec-
13 ommendations described in subclause (I).

14 “(III) After submission of a statewide strategic re-
15 port under subclause (II), the State Advisory Council shall
16 meet periodically to review any implementation of the rec-
17 ommendations in such report and any changes in State
18 and local needs.”; and

19 **[(C) in subparagraph (F)(i)(III), as so re-**
20 designated, by inserting “waiver” after “develop
21 a”; and**]**

22 (5) in paragraph (6)—

23 **[(A) in subparagraph (A), by striking “7.5**
24 percent” and all that follows and inserting “11
25 percent for fiscal year 2005, 13 percent for fis-

1 cal year 2006, 15 percent for fiscal year 2007,
2 17 percent for fiscal year 2008, and 18 percent
3 for fiscal year 2009,】 of the amount appro-
4 priated pursuant to section 639(a) except as
5 provided in subparagraph (B).”【*fiscal year*
6 *2004?*】;

7 (B) in subparagraph (B)(iii)(I), by striking
8 “Labor and Human Resources” and inserting
9 “Health, Education, Labor, and Pensions”; and
10 (C) in subparagraph (C)(i), by striking
11 “require to be”.

12 (b) SERVICE DELIVERY MODELS.—Section 640(f) of
13 the Head Start Act (42 U.S.C. 9835(f)) is amended by
14 inserting “, including models that leverage the existing ca-
15 pacity and capabilities of the delivery system of early
16 childhood education and child care” before the period.

17 (c) ADDITIONAL FUNDS.—Section 640(g)(2) of the
18 Head Start Act (42 U.S.C. 9835(g)(2)) is amended—

19 (1) by striking subparagraph (C) and inserting
20 the following:

21 “(C) the extent to which the applicant has un-
22 dertaken community wide strategic planning and
23 needs assessments involving other community orga-
24 nizations and Federal, State, and local public agen-
25 cies serving children and families (including organi-

1 zations and agencies providing family support serv-
2 ices and protective services to children and families
3 and organizations serving families in whose homes
4 English is not the language customarily spoken),
5 and individuals, organizations, and public entities
6 serving children with disabilities and homeless chil-
7 dren including the local educational agency liaison
8 designated under section 722(g)(1)(J)(ii) of the
9 McKinney-Vento Homeless Assistance Act (42
10 U.S.C. 11432(g)(1)(J)(ii));”;

11 (2) in subparagraph (D), by striking “other
12 local” and inserting “the State and local”;

13 (3) in subparagraph (E), by inserting “would
14 like to but” after “community who”;

15 (4) in subparagraph (G), by inserting “leverage
16 the existing delivery systems of such services and”
17 after “manner that will”; and

18 (5) in subparagraph (H), by inserting “, includ-
19 ing the local educational agency liaison designated
20 under section 722(g)(1)(J)(ii) of the McKinney-
21 Vento Homeless Assistance Act (42 U.S.C.
22 11432(g)(1)(J)(ii)),” after “community involved”;

23 (d) REGULATIONS.—Section 640(i) of the Head Start
24 Act (42 U.S.C. 9835(i)) is amended by inserting “and to
25 ensure the appropriate supervision and background checks

1 of individuals that will be contracted to transport those
2 children” before the period.

3 (e) MIGRANT AND SEASONAL HEAD START PRO-
4 GRAMS.—Section 640(l) of the Head Start Act (42 U.S.C.
5 9835(l)) is amended by adding at the end the following:

6 “(4)(A) For the purposes of subsection (i)(3), the
7 Secretary shall conduct an annual consultation in each af-
8 fected Head Start region, with tribal governments oper-
9 ating Head Start and Early Head Start programs.

10 “(B) The consultations shall be for the purpose
11 of better meeting the needs of American Indian and
12 Alaska Native children and families pertinent to sub-
13 sections (a), (b), and (c) of section 641, taking into
14 consideration funding allocations, distribution for-
15 mulas, and other issues affecting the delivery of
16 Head Start services within tribal communities.

17 “(C) Notification of the consultations shall be
18 published in the Federal Register prior to con-
19 ducting the consultations.

20 “(D) A detailed report of each consultation
21 shall be prepared and made available, on a timely
22 basis, to all tribal governments receiving funds
23 under this subchapter.”.

1 (f) HOMELESS CHILDREN.—Section 640 of the Head
2 Start Act (42 U.S.C. 9835) is amended by adding at the
3 end the following:

4 “(m) ENROLLMENT OF HOMELESS CHILDREN.—The
5 Secretary shall issue regulations to remove barriers to the
6 enrollment and participation of eligible homeless children
7 in Head Start programs. Such regulations shall require
8 Head Start agencies to—

9 “(1) implement policies and procedures to en-
10 sure that eligible homeless children are identified
11 and prioritized for enrollment;

12 “(2) allow homeless children to apply to, enroll
13 in, and attend Head Start programs while required
14 documents, such as proof of residency, immuniza-
15 tion, and other medical records, birth certificates,
16 and other documents, are obtained within a reason-
17 able timeframe; and

18 “(3) coordinate individual Head Start programs
19 with efforts to implement subtitle B of title VII of
20 the McKinney-Vento Homeless Assistance Act (42
21 U.S.C. 11431 et seq.).

22 “(n) RULE OF CONSTRUCTION.—Nothing in this sub-
23 chapter shall be construed to require a State to establish
24 a program of early education for children in the State,
25 to require any child to participate in a program of early

1 education to attend preschool, or to participate in any ini-
2 tial screening prior to participation in such program, ex-
3 cept as provided under section 612(a)(3) of the Individuals
4 with Disabilities Education Act (20 U.S.C. 1412(a)(3))
5 and consistent with section 614(a)(1)(C) of such Act (20
6 U.S.C. 1414(a)(1)(C)).

7 “(o) MATERIALS.—All curricula funded under this
8 subchapter shall be scientifically based and age appro-
9 priate. Parents shall have the ability to inspect, upon re-
10 quest, any curricula [or instructional materials funded
11 under this subchapter].”.

12 **SEC. 7. DESIGNATION OF HEAD START AGENCIES.**

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

15 **“SEC. 641. DESIGNATION OF HEAD START AGENCIES.**

16 “(a)(1) The Secretary is authorized to designate as
17 a Head Start agency any local public or private nonprofit
18 or for-profit agency, within a community, including a com-
19 munity-based organization which—

20 “(A) has power and authority to carry out the
21 purposes of this subchapter and perform the func-
22 tions set forth in section 642 within a community;
23 and

24 “(B) is determined to be capable of planning,
25 conducting, administering, and evaluating, either di-

1 rectly or by other arrangements, a Head Start pro-
2 gram.

3 “(2) In order to be designated as a Head Start agen-
4 cy, an entity described in paragraph (1) shall establish
5 goals for improving the school readiness of children par-
6 ticipating in a program under this subchapter, including
7 goals for meeting the requirements described in section
8 641A and shall establish results-based school readiness
9 goals that are aligned with requirements for local public
10 schools. **【Note: What sort of requirements?】**

11 “(3) In order to receive a grant subsequent to the
12 initial grant provided following the date of enactment of
13 the School Readiness Act of 2003, an entity described in
14 paragraph (1) shall demonstrate that it has met or is mak-
15 ing meaningful progress toward meeting the goals de-
16 scribed in paragraph (2).

17 “(4) Meaningful progress in meeting such goals shall
18 be measured, in part (but not primarily or solely) on the
19 basis of the results of child assessments.

20 “(b) For purposes of this subchapter, a community
21 may be a city, county, or multicity or multicounty unit
22 within a State, an Indian reservation (including Indians
23 in any off-reservation area designated by an appropriate
24 tribal government in consultation with the Secretary), or
25 a neighborhood or other area (irrespective of boundaries

1 or political subdivisions) which provides a suitable organi-
2 zational base and possesses the commonality of interest
3 needed to operate a Head Start program.

4 “(c) In administering the provisions of this section,
5 the Secretary shall, in consultation with the chief executive
6 officer of the State involved, give priority in the designa-
7 tion and redesignation of Head Start agencies to any high
8 performing eligible entity or delegate agency that—

9 “(1) meets or exceeds the program and finan-
10 cial management requirements, standards described
11 in section [641A(a)(1)], or other requirements es-
12 tablished by the Secretary;

13 “(2) has no unresolved programmatic defi-
14 ciencies and has not been cited with substantial defi-
15 ciencies during the last triennial review; and

16 “(3) can demonstrate, through agreements such
17 as memorandums of understanding, active collabora-
18 tion with the State in the provision of services to
19 children (such as the provision of extended day serv-
20 ices), education, professional development and train-
21 ing for staff, and other types of cooperative endeav-
22 ors.

23 “(d) If no entity in a community is entitled to the
24 priority specified in subsection (c), then the Secretary
25 shall, after conducting an open competition, designate a

1 Head Start agency from among qualified applicants in
2 such community.

3 “(e) In selecting from among qualified applicants for
4 designation as a Head Start agency, the Secretary shall
5 consider the effectiveness of each such applicant to provide
6 Head Start services, based on—

7 “(1) any past performance of such applicant in
8 providing services comparable to Head Start serv-
9 ices, including how effectively such applicant pro-
10 vided such comparable services;

11 “(2) the plan of such applicant to provide com-
12 prehensive health, nutritional, education, social, and
13 other services needed to aid participating children in
14 attaining their full potential and to prepare children
15 to succeed in school;

16 “(3) the capacity of such applicant to serve eli-
17 gible children with scientifically based programs that
18 promote school readiness of children participating in
19 the program;

20 “(4) the plan of such applicant to meet stand-
21 ards set forth in section 641A(a)(1), with particular
22 attention to the standards set forth in subpara-
23 graphs (A) and (B) of such section;

1 “(5) the plan of such applicant to coordinate
2 the Head Start program it proposes to carry out
3 with other preschool programs, including—

4 “(A) the Early Reading First and Even
5 Start programs under subparts 2 and 3 of part
6 B of title I of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 6371 et seq.,
8 6381 et seq.);

9 “(B) programs under part C and section
10 619 of the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1431 et seq., 1419);

12 “(C) State prekindergarten programs;

13 “(D) child care programs;

14 “(E) the educational programs such chil-
15 dren will enter at the age of compulsory school
16 attendance; and

17 “(F) reading readiness programs such as
18 those conducted by public and school libraries;

19 “(6) the plan of such applicant to coordinate
20 the Head Start program it proposes to carry out
21 with public and private entities, including libraries,
22 who are willing to commit resources to assist the
23 Head Start program meet its program needs;

24 “(7) the plan of such applicant—

1 “(A) to seek the involvement of parents of
2 participating children in activities (at home and
3 in the center involved where practicable) de-
4 signed to help such parents become full part-
5 ners in the education of their children;

6 “(B) to afford such parents the oppor-
7 tunity to participate in the development, con-
8 duct, and overall performance of the program
9 at the local level;

10 “(C) to offer (directly or through referral
11 to local entities, such as entities carrying out
12 Even Start programs under subpart 3 of part
13 B of title I of the Elementary and Secondary
14 Education Act of 1965 (20 U.S.C. 6381 et
15 seq.), public and school libraries, and family
16 support programs) to such parents—

17 “(i) family literacy services; and

18 “(ii) parenting skills training;

19 “(D) to offer to parents of participating
20 children substance abuse counseling (either di-
21 rectly or through referral to local entities), in-
22 cluding information on the effect of drug expo-
23 sure on infants and fetal alcohol syndrome;

1 “(E) at the option of such applicant, to
2 offer (directly or through referral to local enti-
3 ties) to such parents—

4 “(i) training in basic child develop-
5 ment;

6 “(ii) assistance in developing commu-
7 nication skills;

8 “(iii) opportunities for parents to
9 share experiences with other parents; or

10 “(iv) any other activity designed to
11 help such parents become full partners in
12 the education of their children;

13 “(F) to provide, with respect to each par-
14 ticipating family, a family needs assessment
15 that includes consultation with such parents
16 about the benefits of parent involvement and
17 about the activities described in subparagraphs
18 (C), (D), and (E) in which such parents may
19 choose to become involved (taking into consider-
20 ation their specific family needs, work sched-
21 ules, and other responsibilities);

22 【“(G) to extend outreach to fathers, in ap-
23 propriate cases, in order to strengthen the role
24 of fathers in families, in the education of their
25 young children, and in Head Start programs,

1 by working directly with fathers and father-fig-
2 ures through activities such as—

3 “(i) in appropriate cases, including fa-
4 thers in home visits and providing opportu-
5 nities for direct father-child interactions;
6 and

7 “(ii) targeting increased male partici-
8 pation in the conduct of the program;】

9 “(8) the ability of such applicant to carry out
10 the plans described in paragraphs (2), (3), and (4);

11 “(9) other factors related to the requirements
12 of this subchapter;

13 “(10) the plan of such applicant to meet the
14 needs of limited English proficient children and their
15 families, including needs related to the acquisition of
16 the English language;

17 “(11) the plan of such applicant to meet the
18 needs of children with disabilities;

19 “(12) the plan of such applicant who chooses to
20 assist younger siblings of children who will partici-
21 pate in the proposed Head Start program to obtain
22 health services from other sources;

23 “(13) the plan of such applicant to collaborate
24 with other entities carrying out early childhood edu-

1 cation and child care programs in the community;
2 and
3 “(14) the plan of such applicant to meet the
4 needs of homeless children and children in foster
5 care.”.

6 **SEC. 8. QUALITY STANDARDS; MONITORING OF HEAD**
7 **START AGENCIES AND PROGRAMS.**

8 Section 641A of the Head Start Act (42 U.S.C.
9 9836a) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (a)(1)(A) by striking
12 “642(d)” and inserting “642(c)”;

13 (B) by striking paragraph (1)(B)(ii) and
14 inserting the following:

15 “(ii) additional educational outcome stand-
16 ards based in part on recommendations of the
17 National Academy of Science panel described in
18 section 649(h), to ensure that the curriculum
19 includes, and that the children participating in
20 the program, at a minimum, make meaningful
21 progress in developing and demonstrating—

22 “(I) language skills related to listen-
23 ing, understanding, speaking, and commu-
24 nicating, including—

1 “(aa) understanding and use of a
2 diverse vocabulary (including knowing
3 the names of colors) and knowledge of
4 how to use oral language to commu-
5 nicate for various purposes;

6 “(bb) narrative abilities used, for
7 example, to comprehend, tell, and re-
8 spond to a story, or to comprehend in-
9 structions;

10 “(cc) ability to detect and
11 produce sounds of the language the
12 child speaks or is learning; and

13 “(dd) clarity of pronunciation
14 and speaking in syntactically and
15 grammatically correct sentences;

16 “(II) prereading knowledge and skills,
17 including—

18 “(aa) alphabet knowledge includ-
19 ing knowing the letter names and as-
20 sociating them with their shapes and
21 sounds in the language the child
22 speaks or is learning;

23 “(bb) phonological awareness and
24 processes that support reading, for ex-
25 ample rhyming, recognizing speech

1 sounds and separate syllables in spo-
2 ken words, and putting speech sounds
3 together to make words;

4 “(cc) knowledge, interest in, and
5 appreciation of books, reading, and
6 writing (either alone or with others),
7 and knowledge that books have parts
8 such as front, back, and title page;

9 “(dd) early writing, including the
10 ability to write one’s own name and
11 other words and phrases; and

12 “(ee) print awareness and con-
13 cepts including recognizing different
14 forms of print and understanding the
15 association between spoken and writ-
16 ten words;

17 “(III) premathematics knowledge and
18 skills, including—

19 “(aa) number recognition;

20 “(bb) early number concepts and
21 operations, including counting, simple
22 adding and subtracting, and knowl-
23 edge of quantitative relationships such
24 as part versus whole and comparison
25 of numbers of objects;

1 “(cc) early space and location
2 concepts including recognizing shapes,
3 classification, seriation, and under-
4 standing directionality; and

5 “(dd) early pattern skills and
6 measurement, including recognizing
7 and extending simple patterns and
8 measuring length, weight, and time;

9 “(IV) scientific abilities, including—

10 “(aa) building awareness about
11 scientific skills and methods, such as
12 gathering, describing and recording
13 information, making observations, and
14 making explanations and predictions;
15 and

16 “(bb) expanding scientific knowl-
17 edge of the environment, time, tem-
18 perature, and cause and effect rela-
19 tionships;

20 “(V) general cognitive abilities related
21 to academic achievement and child develop-
22 ment, including—

23 “(aa) reasoning, planning, and
24 problem-solving skills;

1 “(bb) ability to engage, sustain
2 attention, and persist on challenging
3 tasks;

4 “(cc) intellectual curiosity, initia-
5 tive, and task engagement; and

6 “(dd) motivation to achieve and
7 master concepts and skills;

8 “(VI) social and emotional develop-
9 ment related to early learning and school
10 success, including developing—

11 “(aa) the ability to develop social
12 relationships, demonstrate cooperative
13 behaviors, and relate to teachers and
14 peers in positive and respectful ways;

15 “(bb) an understanding of the
16 consequences of actions, following
17 rules, and appropriately expressing
18 feelings;

19 “(cc) a sense of self, such as self-
20 awareness, independence, and con-
21 fidence;

22 “(dd) the ability to control nega-
23 tive behaviors with teachers and peers
24 that include impulsiveness, aggression,
25 and noncompliance; and

1 “(ee) knowledge of civic society
2 and surrounding communities;

3 “(VII) physical development, including
4 developing—

5 “(aa) fine motor skills, such as
6 strength, manual dexterity, and hand-
7 eye coordination; and

8 “(bb) gross motor skills, such as
9 balance and coordinated movements;
10 and

11 “(VIII) in the case of limited English
12 proficient children, progress toward acqui-
13 sition of the English language while mak-
14 ing meaningful progress in attaining the
15 knowledge and skills described in sub-
16 clauses (I) through (VII);” and
17 (C) in paragraph (2)—

18 (i) in subparagraph (B)—

19 (I) in clause (i), by striking “the
20 date of enactment of this section” and
21 inserting “October 27, 1998”;

22 (II) in clause (ii), by striking
23 “the date of enactment of this Act”
24 and inserting “October 27, 1998”;

1 (III) in clause (vi), by striking “;
2 and” and inserting a semicolon;

3 (IV) in clause (vii) by striking
4 “public schools” and inserting
5 “schools which children will be attend-
6 ing”;

7 (V) by adding at the end the fol-
8 lowing:

9 “(viii) the unique challenges faced by
10 individual programs, including those pro-
11 grams that are seasonal or short term and
12 those programs that serve rural popu-
13 lations; and”; and

14 (ii) in subparagraph (C)(ii), by strik-
15 ing “the date of enactment of the Coats
16 Human Services Reauthorization Act of
17 1998” and inserting “October 27, 1998”;

18 (iii) by adding at the end the fol-
19 lowing:

20 “(D) consult with Indian tribes, American
21 Indian and Alaska Native experts in early child-
22 hood development, linguists, and the National
23 Indian Head Start Directors Association in the
24 review and promulgation of program standards,
25 performance measures, and education perform-

1 ance measures for language acquisition and
2 school readiness.”;

3 (2) in subsection (b)—

4 (A) in paragraph (2)—

5 (i) by striking the paragraph heading
6 and inserting the following:

7 “(2) CHARACTERISTICS AND USE OF MEAS-
8 URES.—”;

9 (ii) in subparagraph (B), by striking
10 “, not later than July 1, 1999; and” and
11 inserting a semicolon;

12 (iii) by striking the flush matter fol-
13 lowing subparagraph (C); and

14 (iv) by adding at the end the fol-
15 lowing:

16 “(D) **【**measure characteristics that are
17 strongly predictive (as determined on a sci-
18 entific basis)**】** of a child’s school readiness and
19 later performance in school;

20 “(E) be appropriate for the population
21 served; and

22 “(F) be reviewed not less than every 4
23 years, based on advances in the science of early
24 childhood development.

1 The performance measures shall include the per-
2 formance standards described in subparagraphs (A)
3 and (B) of subsection (a)(1).”;

4 (B) in paragraph (3)—

5 (i) in subparagraph (A), by striking “;
6 and” and inserting a semicolon;

7 (ii) in subparagraph (B), by striking
8 the period and inserting “; and”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(C) to enable Head Start agencies to indi-
12 vidualize programs of instruction to better meet
13 the needs of the child involved.”;

14 (C) by striking paragraph (4) and insert-
15 ing the following:

16 “(4) EDUCATIONAL MEASURES.—Results-based
17 outcome measures shall be designed for the purpose
18 of promoting the competencies, of children partici-
19 pating in Head Start programs specified in sub-
20 section (a)(1)(B)(ii), that **are strongly predictive**
21 **(as determined on a scientific basis)** of a child’s
22 school readiness and later performance in school.”;
23 and

24 (D) by striking paragraph (5) and insert-
25 ing the following:

1 “(5) ADDITIONAL LOCAL RESULTS-BASED PER-
2 FORMANCE MEASURES.—Head Start agencies may
3 establish and implement additional local results-
4 based educational measures and goals.”;

5 (3) in subsection (c)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A), by striking
8 “such agency” and inserting “Head Start
9 center”;

10 (ii) by striking subparagraph (C) and
11 inserting the following:

12 “(C) Unannounced site inspections of
13 Head Start centers, as appropriate.”;

14 (iii) by redesignating subparagraph
15 (D) as subparagraph (E); and

16 (iv) by inserting after subparagraph
17 (C) the following:

18 “(D) Followup reviews including—

19 “(i) prompt return visits to agencies
20 and programs that fail to meet 1 or more
21 of the performance measures developed by
22 the Secretary under subsection (b); and

23 “(ii) a review of programs cited with
24 substantial deficiencies not later than 6

1 months after the date of such citation.”;

2 and

3 (B) by striking paragraph (2) and insert-
4 ing the following:

5 “(2) CONDUCT OF REVIEWS.—The Secretary
6 shall ensure that reviews described in subparagraphs
7 (A) and (B) of paragraph (1)—

8 “(A) that incorporate a monitoring visit,
9 may incorporate the visit without prior notice of
10 the visit to the local agency or program or with
11 such limited prior notice as is necessary to en-
12 sure the participation of parents and key staff
13 members;

14 【“(B) are conducted by review teams that
15 shall include individuals 【including employees
16 of the Department of Health and Human Serv-
17 ices】 who are knowledgeable about Head Start
18 and other early childhood education programs
19 and, to the maximum extent practicable, the di-
20 verse (including linguistic and cultural) needs of
21 eligible children (including children with disabil-
22 ities) and limited English proficient children
23 and their families】;

24 “(C) include as part of the reviews of the
25 programs, a review and assessment of program

1 effectiveness, as measured in accordance with
2 the results-based performance measures devel-
3 oped by the Secretary pursuant to subsection
4 (b) and with the standards established pursuant
5 to subparagraphs (A) and (B) of subsection
6 (a)(1);

7 “(D) seek information from the commu-
8 nities and States where Head Start programs
9 exist about innovative or effective collaborative
10 efforts, barriers to collaboration, and the efforts
11 of the Head Start agencies and programs to
12 collaborate with the entities carrying out early
13 childhood education and child care programs in
14 the community;

15 “(E) include as part of the reviews of the
16 programs, a review and assessment of whether
17 a program is in conformity with the income eli-
18 gibility requirements under section 645 and
19 regulations promulgated under such section;

20 “(F) include as part of the reviews of the
21 programs, a review and assessment of whether
22 programs have adequately addressed the popu-
23 lation and community needs (including popu-
24 lations of limited English proficient children

1 and children of migrant and seasonal
2 farmworking families); and

3 “(G) include as part of the reviews of the
4 programs, a review and assessment of child out-
5 comes and performance as it relates to State,
6 local, and agency determined school readiness
7 goals.”;

8 (4) in subsection (d)—

9 (A) in paragraph (1)(A), by inserting “and
10 identify the technical assistance to be provided
11 consistent with paragraph (3)” after “cor-
12 rected”;

13 (B) in paragraph (2)—

14 (i) in subparagraph (A)—

15 (I) in the matter preceding clause

16 (i)—

17 (aa) by striking the subpara-
18 graph heading and inserting the
19 following:

20 “(A) AGENCY AND PROGRAM RESPONSIBIL-
21 ITIES.—”;

22 (bb) by striking “a Head
23 Start agency that is the subject”
24 and inserting “or in the case of
25 a Head Start program, in order

1 to continue to receive funds from
2 such agency, a Head Start agen-
3 cy, or a Head Start program that
4 is the subject”; and

5 (II) in clause (i), by striking the
6 matter preceding subclause (I) and in-
7 serting the following:

8 “(i) develop in a timely manner a
9 quality improvement plan which shall be
10 subject to the approval of the Secretary, or
11 in the case of a program, the sponsoring
12 agency, and which shall specify—”; and

13 (ii) in subparagraph (B)—

14 (I) by inserting “or from a Head
15 Start program” after “receiving from
16 a Head Start agency”; and

17 (II) by inserting “, or the spon-
18 soring agency, as appropriate, shall”
19 after “the Secretary shall”; and

20 (C) in paragraph (3), by inserting “and
21 programs” after “assistance to Head Start
22 agencies”;

23 (5) in subsection (e), by striking the last sen-
24 tence and inserting “Such information shall be made
25 available to all parents with children receiving assist-

1 ance under this subchapter in an understandable
2 and uniform format, and to the extent practicable,
3 provided in a language that the parents can under-
4 stand. Such information shall be made widely avail-
5 able through public means such as distribution
6 through public agencies, and, at a minimum, by
7 posting such information on the Internet imme-
8 diately upon publication.”; and

9 (6) by adding at the end the following:

10 “(f) REDUCTION OF GRANTS AND REDISTRIBUTION
11 OF FUNDS IN CASES OF UNDER-ENROLLMENT.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) ACTUAL ENROLLMENT.—The term
14 ‘actual enrollment’ means, with respect to the
15 program of a Head Start agency, the actual
16 number of children enrolled in such program
17 and reported by the agency (as required in
18 paragraph (2)(A)) in a given month.

19 “(B) FUNDED ENROLLMENT.—The term
20 ‘funded enrollment’ means, with respect to the
21 program of a Head Start agency in a fiscal
22 year, the number of children which the agency
23 is funded to serve during such fiscal year, as in-
24 dicated on the grant award.

1 “(C) BASE GRANT.—The term ‘base grant’
2 means, with respect to a Head Start agency for
3 a fiscal year, that portion of the grant
4 derived—

5 “(i) from amounts reserved for use in
6 accordance with section 640(a)(2)(A), for a
7 Head Start agencies administering an In-
8 dian or migrant and seasonal Head Start
9 program;

10 “(ii) from amounts reserved for pay-
11 ments under section 640(a)(2)(B); or

12 “(iii) from amounts allotted among
13 States under section 640(a)(4).

14 “(2) ENROLLMENT REPORTING REQUIREMENT
15 FOR CURRENT FISCAL YEAR.—Each Head Start pro-
16 gram shall report on a monthly basis to the Sec-
17 retary and the relevant Head Start agency—

18 “(A) the actual enrollment in such pro-
19 gram; and

20 “(B) if such actual enrollment is less than
21 the funded enrollment, any apparent reason for
22 such enrollment shortfall.

23 “(3) SECRETARIAL REVIEW AND PLAN.—The
24 Secretary shall—

1 “(A) on a semiannual basis, determine
2 which Head Start agencies are operating with
3 an actual enrollment that is less than the fund-
4 ed enrollment based on not less than 4 consecu-
5 tive months of data;

6 “(B) for each Head Start agency with less
7 than 95 percent enrollment, develop, in collabo-
8 ration with such agency, a plan and timetable
9 for reducing or eliminating under-enrollment
10 taking into consideration—

11 “(i) the quality and extent of the out-
12 reach, recruitment, and community needs
13 assessment conducted by such agency;

14 “(ii) changing demographics, mobility
15 of populations, and the identification of
16 new underserved low-income populations;

17 “(iii) facilities-related issues that may
18 impact enrollment;

19 “(iv) the ability to provide full-day
20 programs, where needed, through Head
21 Start funds or through collaboration with
22 other preschool, child care, and other fund-
23 ing sources (where available);

24 “(v) the availability and use by fami-
25 lies of other preschool and child care op-

1 tions (including parental care) in the local
2 catchment area; and

3 “(vi) agency management procedures
4 that may impact enrollment; and

5 “(C) provide timely and ongoing technical
6 assistance to an agency described in subpara-
7 graph (B) for the purpose of implementing the
8 plan described in such subparagraph.

9 “(4) IMPLEMENTATION.—Upon receipt of the
10 technical assistance described in paragraph (3)(C), a
11 Head Start agency shall immediately implement the
12 plan described in paragraph (3)(B).

13 “(5) SECRETARIAL ACTION FOR CONTINUED
14 UNDER-ENROLLMENT.—If 1 year after the date of
15 implementation of the plan described in paragraph
16 (3)(B) the Head Start agency continues to operate
17 at less than full enrollment, the Secretary shall,
18 where determined appropriate, continue to provide
19 technical assistance to such agency.

20 “(6) SECRETARIAL REVIEW AND ADJUSTMENT
21 FOR CHRONIC UNDER-ENROLLMENT.—

22 “(A) IN GENERAL.—If, after carrying out
23 the activities described in paragraphs (3), (4),
24 and (5) for 18 months, a Head Start agency is
25 still operating with an actual enrollment that is

1 less than 95 percent of such agency’s funded
2 enrollment, the Secretary may—

3 “(i) designate such agency as chron-
4 ically under-enrolled; and

5 “(ii) recapture, withhold, or reduce
6 the base grant by a percentage equal to
7 the percentage difference between funded
8 and actual enrollment for the most recent
9 year in which the agency is determined to
10 be under-enrolled under paragraph (2)(B).

11 “(B) WAIVER OR LIMITATION OF REDUC-
12 TIONS.—If the Secretary, after the implementa-
13 tion of the plan described in paragraph (3)(B),
14 finds that—

15 “(i) the causes of the enrollment
16 shortfall, or a portion of it, are beyond the
17 agency’s control (such as serving signifi-
18 cant numbers of migrant or seasonal farm-
19 worker, homeless, foster, or other highly
20 mobile children);

21 “(ii) the shortfall can reasonably be
22 expected to be temporary; or

23 “(iii) the number of slots allotted to
24 the agency is small enough that under-en-

1 rollment does not constitute a significant
2 shortfall,
3 the Secretary may, as appropriate, waive or re-
4 duce the percentage reductions otherwise re-
5 quired by subparagraph (A).

6 “(C) PROCEDURAL REQUIREMENTS; EF-
7 FECTIVE DATE.—The actions by the Secretary
8 under this paragraph with respect to a Head
9 Start agency shall take effect 1 day after the
10 date on which—

11 “(i) the time allowed for appeal under
12 【section 646(a)(3)?-*wrong cite?*】 expires
13 without an appeal by the agency; or

14 “(ii) the action is upheld in an admin-
15 istrative hearing under section 646.

16 “(7) REDISTRIBUTION OF FUNDS.—

17 “(A) GRANTS.—

18 “(i) IN GENERAL.—The Secretary
19 shall use amounts recovered through re-
20 ductions under paragraph (3) in a fiscal
21 year to redirect funds, in accordance with
22 subparagraph (B), to other Head Start
23 agencies within the State that demonstrate
24 that they will use such additional amounts

1 to increase enrollment in their Head Start
2 programs in such fiscal year.

3 “(ii) SPECIAL RULE.—If there is no
4 agency located in a State that meets the
5 requirements of clause (i) and subpara-
6 graph (B), the Secretary shall use amounts
7 described in clause (i) to redirect funds to
8 Head Start agencies located in other
9 States that otherwise meet the require-
10 ments of this paragraph.

11 “(B) ELIGIBILITY FOR REDISTRIBUTED
12 FUNDS.—

13 “(i) AGENCIES SERVING SPECIAL POP-
14 ULATIONS.—Amounts recovered from a
15 Head Start agency administering an In-
16 dian Head Start program or a migrant and
17 seasonal Head Start program, whose base
18 grant is derived from amounts specified in
19 paragraph (1)(C)(i) shall be awarded to 1
20 or more agencies administering Head Start
21 programs serving the same special popu-
22 lation.

23 “(ii) OTHER AGENCIES.—Amounts re-
24 covered from a Head Start agency whose
25 base grant is derived from amounts speci-

1 fied in clause (ii) or (iii) of paragraph
2 (1)(C) shall be awarded to 1 or more agen-
3 cies administering Head Start programs in
4 the same State or jurisdiction.

5 “(C) ADJUSTMENT TO FUNDED ENROLL-
6 MENT.—The Secretary shall adjust as necessary
7 the funded enrollment indicated in the grant
8 award of a Head Start agency receiving redis-
9 tributed amounts under this paragraph.”.

10 **SEC. 9. CENTERS OF EXCELLENCE.**

11 The Head Start Act is amended by inserting after
12 section 641A (42 U.S.C. 9836a) the following:

13 **“SEC. 641B. CENTERS OF EXCELLENCE IN EARLY CHILD-**
14 **HOOD.**

15 “(a) DEFINITIONS.—In this section, the term ‘center
16 of excellence’ means a Center of Excellence in Early Child-
17 hood designated under subsection (b).

18 “(b) DESIGNATION AND BONUS GRANTS.—The Sec-
19 retary shall establish a program under which the Secretary
20 shall—

21 “(1) designate not more than 200 exemplary
22 Head Start agencies (including Early Head Start
23 agencies) as Centers of Excellence in Early Child-
24 hood; and

1 “(2) make bonus grants to the centers of excel-
2 lence to carry out the activities described in sub-
3 section (d).

4 “(c) APPLICATION AND DESIGNATION.—

5 “(1) APPLICATION.—

6 “(A) IN GENERAL.—To be eligible to re-
7 ceive designation as a center of excellence under
8 subsection (b), a Head Start agency in a State
9 shall be nominated by the Governor of the State
10 and shall submit an application to the Secretary
11 at such time, in such manner, and containing
12 such information as the Secretary may require.

13 “(B) CONTENTS.—At a minimum, the ap-
14 plication shall include—

15 “(i) evidence that the Head Start pro-
16 gram carried out by the agency has signifi-
17 cantly improved the school readiness of,
18 and enhanced academic outcomes for, chil-
19 dren who have participated in the program;

20 “(ii) evidence that the program meets
21 or exceeds Head Start standards and per-
22 formance measures described in sub-
23 sections (a) and (b) of section 641A, as
24 evidenced by successful completion of pro-
25 grammatic and monitoring reviews, and

1 has no citations for substantial deficiencies
2 with respect to the standards and meas-
3 ures;

4 “(iii) evidence that the program is
5 making meaningful progress towards at-
6 taining the goals described in section
7 648A; **【Note: Where in section 648A?】**

8 “(iv) evidence demonstrating the ex-
9 istence of a collaborative partnership be-
10 tween the Head Start agency and the
11 State;

12 “(v) a nomination letter from the
13 Governor, demonstrating the agency’s abil-
14 ity to carry out the coordination, transi-
15 tion, and training services of the program
16 to be carried out under the bonus grant in-
17 volved, including coordination of activities
18 with State and local agencies that provide
19 early childhood services to children and
20 families in the community served by the
21 agency; and

22 “(vi) information demonstrating the
23 existence of, or the agency’s plan to estab-
24 lish, a local council for excellence in early
25 childhood, which shall include representa-

1 tives of all the institutions, agencies, and
2 groups involved in the work of the center
3 for, and the local provision of services to,
4 eligible children and other at-risk children,
5 and their families.

6 “(2) SELECTION.—In selecting agencies to des-
7 ignate as centers of excellence under subsection (b),
8 the Secretary shall designate not less than 1 from
9 each of the 50 States and the District of Columbia.

10 “(3) TERM OF DESIGNATION.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), the Secretary shall designate a Head
13 Start agency as a center of excellence for a 5-
14 year term. During the period of that designa-
15 tion, subject to the availability of appropria-
16 tions, the agency shall be eligible to receive a
17 bonus grant under subsection (b).

18 “(B) REVOCATION.—The Secretary may
19 revoke an agency’s designation under subsection
20 (b) if the Secretary determines that the agency
21 is not demonstrating adequate performance.

22 “(4) AMOUNT OF BONUS GRANT.—The Sec-
23 retary shall base the amount of funding provided
24 through a bonus grant made under subsection (b) to
25 a center of excellence relative to the number of chil-

1 dren served at the center of excellence. The Sec-
2 retary shall, subject to the availability of funding,
3 make such a bonus grant in an amount of not less
4 than \$100,000 per year.

5 “(d) USE OF FUNDS.—

6 “(1) ACTIVITIES.—A center of excellence that
7 receives a bonus grant under subsection (b) may use
8 the funds made available through the bonus grant—

9 “(A) to provide Head Start services to ad-
10 ditional eligible children;

11 “(B) to better meet the needs of working
12 families in the community served by the center
13 by serving more children in Early Head Start
14 programs or in full-working-day, full calendar
15 year Head Start programs;

16 “(C) to model and disseminate best prac-
17 tices for achieving early academic success, in-
18 cluding achieving school readiness and devel-
19 oping preliteracy and prenumeracy skills for at-
20 risk children, and to provide seamless service
21 delivery for eligible children and their families;

22 “(D) to coordinate early childhood and so-
23 cial services available in the community served
24 by the center for at-risk children (prenatal
25 through age 8) and their families, including

1 services provided by child care providers, health
2 care providers, and providers of income-based
3 financial assistance, and other State and local
4 services;

5 “(E) to provide training and cross training
6 for Head Start teachers and staff, and to de-
7 velop agency leaders;

8 “(F) to provide effective transitions be-
9 tween Head Start programs and elementary
10 school, to facilitate ongoing communication be-
11 tween Head Start and elementary school teach-
12 ers concerning children receiving Head Start
13 services, and to provide training and technical
14 assistance to providers who are public elemen-
15 tary school teachers and other staff of local
16 educational agencies, child care providers, fam-
17 ily service providers, and other providers of
18 early childhood services, to help the providers
19 described in this subparagraph increase their
20 ability to work with low-income, at-risk children
21 and their families; and

22 “(G) to carry out other activities deter-
23 mined by the center to improve the overall qual-
24 ity of the Head Start program carried out by

1 the agency and the program carried out under
2 the bonus grant involved.

3 “(2) INVOLVEMENT OF OTHER HEAD START
4 AGENCIES AND PROVIDERS.—Not later than the sec-
5 ond year for which the center receives a bonus grant
6 under subsection (b), the center, in carrying out ac-
7 tivities under this subsection, shall work with the
8 center’s delegate agencies, several additional Head
9 Start agencies, and other providers of early child-
10 hood services in the community involved, to encour-
11 age the agencies and providers described in this sen-
12 tence to carry out model programs. The center shall
13 establish the local council described in subsection
14 (c)(1)(B)(vi).

15 “(e) RESEARCH AND REPORTS.—

16 “(1) RESEARCH.—The Secretary shall make a
17 grant to an independent organization to conduct re-
18 search on the ability of the centers of excellence to
19 improve the school readiness of children receiving
20 Head Start services, and to positively impact school
21 results in the earliest grades. The organization shall
22 also conduct research to measure the success of the
23 centers of excellence at encouraging the center’s del-
24 egate agencies, additional Head Start agencies, and
25 other providers of early childhood services in the

1 communities involved to meet measurable improve-
2 ment goals, particularly in the area of school readi-
3 ness.

4 “(2) REPORT.—Not later than 48 months after
5 the date of enactment of this section, the organiza-
6 tion shall prepare and submit to the Secretary and
7 Congress a report containing the results of the re-
8 search described in paragraph (1).

9 “[(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated for fiscal year 2004 and
11 each subsequent fiscal year—

12 “(1) \$90,000,000 to make bonus grants to cen-
13 ters of excellence under subsection (b) to carry out
14 activities described in subsection (d);

15 “(2) \$2,500,000 to pay for the administrative
16 costs of the Secretary in carrying out this section,
17 including the cost of a conference of centers of excel-
18 lence; and

19 “(3) \$2,000,000 for research activities de-
20 scribed in subsection (e).”.

21 **SEC. 10. POWERS AND FUNCTIONS OF HEAD START AGEN-**
22 **CIES.**

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

1 **“SEC. 642. POWERS AND FUNCTIONS OF HEAD START AGEN-**
2 **CIES.**

3 “(a) IN GENERAL.—In order to be designated as a
4 Head Start agency under this subchapter, an agency shall
5 have authority under its charter or applicable law to re-
6 ceive and administer funds under this subchapter, funds
7 and contributions from private or local public sources
8 which may be used in support of a Head Start program,
9 and funds under any Federal or State assistance program
10 pursuant to which a public or private nonprofit or for-
11 profit agency (as the case may be) organized in accordance
12 with this subchapter, could act as grantee, contractor, or
13 sponsor of projects appropriate for inclusion in a Head
14 Start program. Such an agency shall also be empowered
15 to transfer funds so received, and to delegate powers to
16 other agencies, subject to the powers of its governing
17 board and its overall program responsibilities. The power
18 to transfer funds and delegate powers shall include the
19 power to make transfers and delegations covering compo-
20 nent projects in all cases where this will contribute to effi-
21 ciency and effectiveness or otherwise further program ob-
22 jectives.

23 “(b) ADDITIONAL REQUIREMENTS.—In order to be
24 designated as a Head Start Agency under this subchapter,
25 a Head Start agency shall also—

1 “(1) establish a program with all standards set
2 forth in section 641A(a)(1), with particular atten-
3 tion to the standards set forth in subparagraphs (A)
4 and (B) of such section;

5 “(2) demonstrate the capacity to serve eligible
6 children with scientifically based curricula and other
7 interventions and support services that help promote
8 the school readiness of children participating in the
9 program;

10 “(3) establish effective procedures and provide
11 for the regular assessment of Head Start children,
12 including observational and direct formal assess-
13 ment, where appropriate;

14 “(4) seek the involvement of parents, area resi-
15 dents, and local business in the design and imple-
16 mentation of the program;

17 “(5) provide for the regular participation of
18 parents and area residents in the implementation of
19 such programs;

20 “(6) provide technical and other support needed
21 to enable such parents and area residents to secure,
22 on their own behalf, available assistance from public
23 and private sources;

24 “(7) establish effective procedures to facilitate
25 the involvement of parents of participating children

1 in activities designed to help such parents become
2 full partners in the education of their children, and
3 to afford such parents the opportunity to participate
4 in the development, conduct, and overall perform-
5 ance of the program at the local level;

6 “(8) conduct outreach to schools in which Head
7 Start children will enroll, local educational agencies,
8 the local business community, community-based or-
9 ganizations, faith-based organizations, museums,
10 and libraries to generate support and leverage the
11 resources of the entire local community in order to
12 improve school readiness;

13 “(9) offer (directly or through referral to local
14 entities, such as entities carrying out Even Start
15 programs under part B of chapter 1 of title I of the
16 Elementary and Secondary Education Act of 1965
17 (20 U.S.C. 2741 et seq.)), to parents of partici-
18 pating children, family literacy services, and par-
19 enting skills training;

20 “(10) offer to parents of participating children
21 substance abuse counseling (either directly or
22 through referral to local entities), if needed, includ-
23 ing information on drug-exposed infants and fetal al-
24 cohol syndrome;

1 “(11) at the option of such agency, offer (di-
2 rectly or through referral to local entities), to such
3 parents—

4 “(A) training in basic child development
5 and cognition;

6 “(B) assistance in developing literacy and
7 communication skills;

8 “(C) opportunities to share experiences
9 with other parents (including parent mentor re-
10 lationships);

11 “(D) regular in-home visitation; or

12 “(E) any other activity designed to help
13 such parents become full partners in the edu-
14 cation of their children;

15 “(12) provide, with respect to each partici-
16 pating family, a family needs assessment that in-
17 cludes consultation with such parents about the ben-
18 efits of parent involvement and about the activities
19 described in this section in which such parents may
20 choose to be involved (taking into consideration their
21 specific family needs, work schedules, and other re-
22 sponsibilities);

23 “(13) consider providing services to assist
24 younger siblings of children participating in its Head

1 Start program to obtain health services from other
2 sources;

3 “(14) perform community outreach to encour-
4 age individuals previously unaffiliated with Head
5 Start programs to participate in its Head Start pro-
6 gram as volunteers; and

7 “(15)(A) inform custodial parents in single-par-
8 ent families that participate in programs, activities,
9 or services carried out or provided under this sub-
10 chapter about the availability of child support serv-
11 ices for purposes of establishing paternity and ac-
12 quiring child support; and

13 “(B) refer eligible parents to the child support
14 offices of State and local governments.

15 “(c) PROGRESS.—

16 “(1) IN GENERAL.—Each Head Start agency
17 shall take steps to ensure, to the maximum extent
18 possible, that children maintain the developmental
19 and educational gains achieved in Head Start pro-
20 grams and build upon such gains in further school-
21 ing.

22 “(2) COORDINATION.—

23 “(A) LOCAL EDUCATIONAL AGENCY.—In
24 communities where both public prekindergarten
25 programs and Head Start programs operate, a

1 Head Start agency shall coordinate with the
2 local educational agency or other public agency
3 responsible for the operation of the prekindergarten
4 program and providers of prekindergarten,
5 including for outreach to identify eligible
6 children.

7 “(B) ELEMENTARY SCHOOLS.—Head Start
8 staff shall, with the permission of the parents
9 of children enrolled in Head Start programs,
10 regularly communicate with the elementary
11 schools such children will be attending to—

12 “(i) share information about such
13 children;

14 “(ii) get advice and support from the
15 teachers in such elementary schools regarding
16 reaching strategies and options;
17 and

18 “(iii) ensure a smooth transition to elementary
19 school for such children.

20 “(C) OTHER PROGRAMS.—The head of
21 each Head Start agency shall coordinate and
22 collaborate with the State agency responsible
23 for administering the State program carried out
24 under the Child Care and Development Block
25 Grant Act of 1990 (42 U.S.C. 9858 et seq.),

1 and other early childhood education and devel-
2 opment programs, programs under subtitle B of
3 title VII of the McKinney-Vento Homeless As-
4 sistance Act (42 U.S.C. 11431 et seq.), Even
5 Start programs under subpart 3 of part B of
6 title I of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 6381 et seq.),
8 and programs under part C and section 619 of
9 the Individuals with Disabilities Education Act
10 (20 U.S.C 1431 et seq., 1419), serving the chil-
11 dren and families served by the Head Start
12 agency.

13 “(3) COLLABORATION.—A Head Start agency
14 shall take steps to coordinate with the local edu-
15 cational agency serving the community involved and
16 with schools in which children participating in a
17 Head Start program operated by such agency will
18 enroll following such program, including—

19 “(A) collaborating on the shared use of
20 transportation and facilities;

21 “(B) collaborating to reduce the duplica-
22 tion of services while increasing the program
23 participation of underserved populations of eli-
24 gible children; and

1 “(C) exchanging information on the provi-
2 sion of noneducational services to such children.

3 “(4) PARENTAL INVOLVEMENT.—In order to
4 promote the continued involvement of the parents of
5 children that participate in Head Start programs in
6 the education of their children upon transition to
7 school, the Head Start agency shall—

8 “(A) provide training to the parents—

9 “(i) to inform the parents about their
10 rights and responsibilities concerning the
11 education of their children; and

12 “(ii) to enable the parents to under-
13 stand and work with schools in order to
14 communicate with teachers and other
15 school personnel, to support the school
16 work of their children, and to participate
17 as appropriate in decisions relating to the
18 education of their children; and

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

23 “(5) EVALUATION AND DISSEMINATION.—The
24 Secretary, in cooperation with the Secretary of Edu-
25 cation, shall—

1 “(A) evaluate the effectiveness of the
2 projects and activities funded under section
3 642A;

4 “(B) disseminate to Head Start agencies
5 information (including information from the
6 evaluation required by subparagraph (A)) on ef-
7 fective policies and activities relating to the
8 transition of children from Head Start pro-
9 grams to public schools; and

10 “(C) provide technical assistance to such
11 agencies to promote and assist such agencies to
12 adopt and implement such effective policies and
13 activities.

14 “(d) ASSESSMENT.—Head Start agencies shall adopt,
15 in consultation with experts in child development and with
16 classroom teachers, an assessment to be used when hiring
17 or evaluating any classroom teacher in a center-based
18 Head Start program. Such assessment shall measure
19 whether such teacher has mastered the functions described
20 in section 648A(a)(1) and attained a level of literacy ap-
21 propriate to implement Head Start curricula.

22 “(e) FUNDED ENROLLMENT; WAITING LIST.—Each
23 Head Start agency is expected to meet 100 percent of its
24 funded enrollment and maintain an active waiting list at

1 all times with ongoing outreach to the community and ac-
2 tivities to identify underserved populations.”.

3 **SEC. 11. HEAD START TRANSITION.**

4 Section 642A of the Head Start Act (42 U.S.C.
5 9837a) is amended to read as follows:

6 **“SEC. 642A. HEAD START TRANSITION AND ALIGNMENT**
7 **WITH K-12 EDUCATION.**

8 Each Head Start agency shall take steps to coordi-
9 nate with the local educational agency serving the commu-
10 nity involved and with schools in which children partici-
11 pating in a Head Start program operated by such agency
12 will enroll following such program, including—

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

17 “(2) establishing ongoing channels of commu-
18 nication between Head Start staff and their counter-
19 parts in the schools (including teachers, social work-
20 ers, health staff, and local educational agency liai-
21 sons designated under section 722(g)(1)(J)(ii) of the
22 McKinney-Vento Homeless Assistance Act (42
23 U.S.C. 11432(g)(1)(J)(ii))) to facilitate coordination
24 of programs;

1 “(3) developing continuity of developmentally
2 appropriate curricula and practice between Head
3 Start and local education agencies to ensure an ef-
4 fective transition and appropriate shared expecta-
5 tions for children’s learning and development as they
6 make the transition to school;

7 “(4) conducting meetings involving parents,
8 kindergarten or elementary school teachers, and
9 Head Start program teachers to discuss the edu-
10 cational, developmental, and other needs of indi-
11 vidual children;

12 “(5) organizing and participating in joint train-
13 ing, including transition-related training of school
14 staff and Head Start staff;

15 “(6) developing and implementing a family out-
16 reach and support program in cooperation with enti-
17 ties carrying out parental involvement efforts under
18 title I of the Elementary and Secondary Education
19 Act of 1965 (20 U.S.C. 6301 et seq.) and family
20 outreach and support efforts under subtitle B of title
21 VII of the McKinney-Vento Homeless Assistance Act
22 (42 U.S.C. 11431 et seq.) taking into consideration
23 the language needs of limited English proficient
24 families;

1 “(7) assisting families, administrators, and
2 teachers in enhancing educational and developmental
3 continuity and continuity of parental involvement in
4 activities between Head Start services and elemen-
5 tary school classes;

6 “(8) linking the services provided in such Head
7 Start program with the education services, including
8 language, literacy, and numeracy, provided by such
9 local educational agency;

10 “(9) helping parents understand the importance
11 of parental involvement in a child’s academic success
12 while teaching them strategies for maintaining pa-
13 rental involvement as their child moves from Head
14 Start to elementary school;

15 “(10) developing and implementing a system to
16 increase program participation of underserved popu-
17 lations of eligible children, including children with
18 disabilities and limited English proficient children;
19 and

20 “(11) coordinating and collaborating in the de-
21 velopment of the Head Start curriculum to ensure
22 that it is aligned with State Early Learning Stand-
23 ards with regard to cognitive, social, emotional, and
24 physical competencies that children entering kinder-
25 garten are expected to demonstrate.”.

1 **SEC. 12. SUBMISSION OF PLANS TO GOVERNORS.**

2 Section 643 of the Head Start Act (42 U.S.C. 9838)

3 is amended—

4 (1) in the first sentence, by inserting “for ap-
5 proval” after “submitted to the chief executive offi-
6 cer of the State”; and

7 (2) in the last sentence, by inserting “to Indian
8 and migrant and seasonal Head Start programs or”
9 after “other assistance”.

10 **SEC. 13. PARTICIPATION IN HEAD START PROGRAMS.**

11 Section 645(a) of the Head Start Act (42 U.S.C.
12 9840(a)) is amended—

13 (1) in paragraph (1)(B)(i)—

14 (A) by inserting “not to exceed 10 percent
15 of the total enrollment,” [before “participa-
16 tion”]; and

17 (B) by inserting “including children re-
18 ferred by child welfare services and children in
19 foster care” after “subparagraph (A)”; and

20 (2) by adding at the end the following:

21 “(3)(A) In this paragraph:

22 “(i) The term ‘dependent’ has the meaning
23 given the term in paragraphs (2)(A) and (4)(A)(i) of
24 section 401(a) of title 37, United States Code.

25 “(ii) The terms ‘member’ and ‘uniformed serv-
26 ices’ have the meanings given the terms in para-

1 graphs (23) and (3), respectively, of section 101 of
2 title 37, United States Code.

3 “(B) The amount of basic allowance provided under
4 section 403 of title 37, United States Code, on behalf of
5 the member for housing that is acquired or constructed
6 under the alternative authority for the acquisition and im-
7 provement of military housing under subchapter IV of
8 chapter 169 of title 10, United States Code, or any other
9 related provision of law, shall not be considered to be in-
10 come for purposes of determining the eligibility of a de-
11 pendent of such individual for programs funded under this
12 subchapter.”.

13 **SEC. 14. EARLY HEAD START PROGRAMS.**

14 Section 645A of the Head Start Act (42 U.S.C.
15 9840a) is amended—

16 (1) by striking the section heading and insert-
17 ing the following:

18 **“SEC. 645A. EARLY HEAD START PROGRAMS.”;**

19 (2) in subsection (b)—

20 (A) in paragraph (4), by striking “provide
21 services to parents to support their role as par-
22 ents” and inserting “provide optional services
23 to parents to support their role as parents (in-
24 cluding parenting skills training and training in
25 basic child development)”;

1 (B) in paragraph (5)—

2 (i) by inserting “(including home-
3 based services)” after “with services”; and

4 (ii) by inserting “, and family support
5 services” after “health services”;

6 (C) by redesignating paragraphs (7), (8),
7 and (9) as paragraphs (9), (10), and (11), re-
8 spectively;

9 (D) by inserting after paragraph (6) the
10 following:

11 “(7) develop and implement a systematic proce-
12 dure for transitioning children and parents from an
13 Early Head Start program into a Head Start pro-
14 gram or another local early childhood education pro-
15 gram;

16 “(8) establish channels of communication be-
17 tween staff of Early Head Start programs and staff
18 of Head Start programs or other local early child-
19 hood education programs, to facilitate the coordina-
20 tion of programs;”;

21 (E) in paragraph (10), as so redesignated,
22 by inserting “and the agencies responsible for
23 administering section 106 of the Child Abuse
24 Prevention and Treatment Act (42 U.S.C.
25 5106a)” after “(20 U.S.C. 1400 et seq.)”;

1 (3) in subsection (d)—

2 (A) in paragraph (1), by inserting “includ-
3 ing tribal governments and migrant and sea-
4 sonal Head Start programs” after “sub-
5 chapter”; and

6 (B) in paragraph (2), by inserting “, in-
7 cluding community-based organizations,” after
8 “private entities”;

9 (4) in subsection (g)(2)(B), by striking clause
10 (iv) and inserting the following:

11 “(iv) providing professional develop-
12 ment and personnel enhancement
13 activities【, including the provision of funds
14 to recipients of grants under subsection
15 (a), relating to—】

16 “(I) effective methods of con-
17 ducting parent education, home vis-
18 iting, and promoting quality early
19 childhood development;

20 “(II) recruiting and retaining
21 qualified staff; and

22 “(III) increasing program partici-
23 pation for underserved populations of
24 eligible children.”;

25 (5) by adding at the end the following:

1 “(h) STAFF QUALIFICATIONS AND DEVELOPMENT.—

2 “(1) CENTER-BASED STAFF.—The Secretary
3 shall ensure that, not later than September 30,
4 2009, all teachers providing direct services to Early
5 Head Start children and families in Early Head
6 Start centers have a minimum of a **【CDA】** or an
7 **【AA】** and have been trained in early childhood de-
8 velopment.

9 “(2) HOME VISITOR STAFF.—

10 “(A) STANDARDS.—In order to further en-
11 hance the quality of home visiting services pro-
12 vided to families of children participating in
13 home-based, center-based, or combination pro-
14 gram options, the Secretary shall establish
15 training and qualification standards for home
16 visitor staff in Early Head Start programs.

17 “(B) CONTENTS.—The standards for
18 training, qualifications, and the conduct of
19 home visits shall include—

20 “(i) structured child-focused home vis-
21 iting that promotes the parents’s ability to
22 support the child’s cognitive, social, emo-
23 tional, and physical development;

1 “(ii) effective strengths-based parent
2 education, including methods to encourage
3 parents as their child’s first teacher;

4 “(iii) early childhood development
5 with respect to children age 0 through 3;

6 “(iv) methods to help parents promote
7 emergent literacy in their children age 0
8 through 3;

9 “(v) health, vision, hearing, and devel-
10 opmental screenings;

11 “(vi) strategies for helping families
12 coping with crisis; and

13 “(vii) the relationship of health and
14 well-being of pregnant women to prenatal
15 and early child development.”.

16 **SEC. 15. RECORDS AND AUDITS.**

17 (a) **RECIPIENTS.**—Section 647(a) of the Head Start
18 Act (42 U.S.C. 9842(a)) is amended by striking “Each
19 recipient of” and inserting “Each Head Start agency,
20 **【Head Start Center, or Early Head Start Center】** receiv-
21 ing”.

22 (b) **ACCOUNTING.**—Section 647 of the Head Start
23 Act (42 U.S.C. 9842) is amended by adding at the end
24 the following:

1 “(c) Each Head Start agency, [Head Start Center,
2 or Early Head Start Center] receiving receiving financial
3 assistance under this subchapter shall maintain and sub-
4 mit to the Secretary annually, a complete accounting of
5 its administrative expenses, including expenses for salaries
6 and compensation incurred pursuant to section 644(a)(1)
7 and provide such additional documentation as the Sec-
8 retary may require.”.

9 **SEC. 16. TECHNICAL ASSISTANCE AND TRAINING.**

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

12 (1) in subsection (a)(2), by striking “(b) and
13 (c)” and inserting “(b), (c), and (d)”;

14 (2) by redesignating subsections (b) through (e)
15 as subsections (c) through (f), respectively;

16 (3) by inserting after subsection (a) the fol-
17 lowing:

18 “(b) The Secretary shall make available funds set
19 aside in section 640(a)(2)(C)(ii) to eligible entities within
20 each State to support a State-based system for delivering
21 training and technical assistance that improves the capac-
22 ity of Head Start programs within a State to deliver serv-
23 ices in accordance with the Head Start standards in sec-
24 tion 641A(a)(1), with particular attention to the stand-

ards set forth in subparagraphs (A) and (B) of such section. The Secretary shall—

“(1) ensure eligible entities within a State are chosen by the Secretary, in consultation with the State Collaboration Board described in section 640(a)(5)(C)(i), through a competitive bid process;

“(2) ensure that existing agencies with demonstrated expertise in providing high quality training and technical assistance to improve the delivery of Head Start services, including the State Head Start Association, State agencies, migrant and seasonal Head Start programs operating in the State, and other entities currently providing training and technical assistance in early education, be included in the planning and coordination of the State system of training and technical assistance; and

“(3) encourage States to supplement the funds authorized in section 640(a)(2)(C)(ii) with Federal, State, or local funds other than Head Start funds, to expand activities beyond Head Start agencies to include other providers of other early childhood services within a State.”;

(4) in subsection (d), as so redesignated—

(A) in paragraph (2), by inserting “and for activities described in section 1221(b)(3) of the

1 Elementary and Secondary Education Act of
2 1965 (20 U.S.C. 6371 et seq.)” after “children
3 with disabilities”;

4 (B) in paragraph (5), by inserting “includ-
5 ing the needs of homeless children and their
6 families” after “needs assessment”;

7 (C) in paragraph (10) by striking “; and”
8 and inserting a semicolon;

9 (D) in paragraph (11) by striking the pe-
10 riod and inserting “; and”; and

11 (E) by adding at the end the following:

12 “(12) assist Head Start agencies and programs
13 in increasing the program participation of eligible
14 homeless children.”;

15 (5) in subsection (e), as so redesignated, by in-
16 serting “including community-based organizations,”
17 after “nonprofit entities”;

18 (6) in subsection (f), as so redesignated, by
19 striking “the English language” and inserting
20 “English language training for personnel providing
21 services to children determined to be abused or ne-
22 glected and training for personnel providing services
23 to children referred by or receiving child welfare
24 services”; and

25 (7) by adding at the end the following:

1 “(g) The Secretary shall provide, either directly or
2 through grants or other arrangements, funds for training
3 of Head Start personnel in addressing the unique needs
4 of migrant and seasonal farmworking families, families
5 with limited English proficiency, and homeless families.

6 “(h) The majority of funds expended under this sec-
7 tion shall be used to provide high quality, sustained, inten-
8 sive, and classroom-focused training and technical assist-
9 ance in order to have a positive and lasting impact on
10 classroom instruction. Funds shall be used to carry out
11 activities related to 1 or more of the following:

12 “(1) Education and early childhood develop-
13 ment.

14 “(2) Child health, nutrition, and safety.

15 “(3) Family and community partnerships.

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

18 “(i) Funds used under this section for training shall
19 be used for needs identified annually by a grant applicant
20 or delegate agency in their program improvement plan, ex-
21 cept that funds shall not be used for long-distance travel
22 expenses for training activities—

23 “(1) available locally or regionally; or

24 “(2) substantially similar to locally or regionally
25 available training activities.”.

1 **SEC. 17. STAFF QUALIFICATION AND DEVELOPMENT.**

2 Section 648A of the Head Start Act (42 U.S.C.
3 9843a) is amended—

4 (1) in subsection (a)—

5 (A) by striking paragraph (2) and insert-
6 ing the following:

7 “(2) DEGREE REQUIREMENTS.—

8 “(A) IN GENERAL.—The Secretary shall
9 ensure that—

10 “(i) not later than September 30,
11 2009, all Head Start teachers in center-
12 based programs have at least—

13 “(I)(aa) an associate degree (or
14 equivalent coursework) relating to
15 early childhood; or

16 “(bb) an associate degree in a re-
17 lated educational area and, to the ex-
18 tent practicable, coursework relating
19 to early childhood; and

20 “(II) demonstrated teaching com-
21 petencies as determined by the pro-
22 gram director (including, at a min-
23 imum, an appropriate level of literacy,
24 a demonstrated capacity to be highly
25 engaged with children, and an ability

1 to effectively implement an early
2 childhood curriculum); and

3 “(ii) not later than September 30,
4 2007, all Head Start curriculum specialists
5 and education coordinators in center-based
6 programs have—

7 “(I) the capacity to offer assist-
8 ance to other teachers in the imple-
9 mentation and adaptation of curricula
10 to the group and individual needs of
11 the class; and

12 “(II)(aa) a baccalaureate or ad-
13 vanced degree in early childhood; or

14 “(bb) a baccalaureate or ad-
15 vanced degree and coursework equiva-
16 lent to a major in early childhood.

17 “(iii) not later than September 30,
18 2007, all Head Start teaching assistants in
19 center-based programs have—

20 “(I) at least a **【CDA】**;

21 “(II) enrolled in a program lead-
22 ing to an associate or baccalaureate
23 degree; or

1 “(III) enrolled in a **【CDA】** pro-
2 gram to be completed within 1 year;
3 and

4 【“(iv) not later than September 30,
5 2007, 25 percent of all Head Start teach-
6 ers, and by September 30, 2010, 50 per-
7 cent of all Head Start teachers in each
8 center-based program, have a bacca-
9 laureate degree in early childhood or a re-
10 lated educational area (or equivalent
11 coursework), and demonstrated teaching
12 competencies (as determined by the pro-
13 gram director) (including, at a minimum,
14 an appropriate level of literacy, a dem-
15 onstrated capacity to be highly engaged
16 with children, and a demonstrated ability
17 to effectively implement an early childhood
18 curriculum).】

19 “(B) PROGRESS.—

20 “(i) REPORT.—The Secretary shall—

21 “(I) require Head Start agencies
22 to—

23 “(aa) demonstrate con-
24 tinuing progress each year to

1 reach the result described in sub-
2 paragraph (A);

3 “(bb) submit to the Sec-
4 retary a report indicating the
5 number and percentage of class-
6 room instructors with child devel-
7 opment associate credentials and
8 associate, baccalaureate, or ad-
9 vanced degree; and

10 “(II) compile and submit all pro-
11 gram reports described in subclause
12 (I)(aa) to the Committee on Edu-
13 cation and the Workforce of the
14 House of Representatives and the
15 Committee on Health, Education,
16 Labor, and Pensions of the Senate.

17 “(C) SERVICE REQUIREMENTS.—The Sec-
18 retary shall establish requirements to ensure
19 that, in order to enable Head Start agencies to
20 comply with the requirements of subparagraph
21 (A), individuals who receive financial assistance
22 under this subchapter to pursue a degree de-
23 scribed in subparagraph (A) shall—

1 “(i) teach or work in a Head Start
2 program for a minimum of 3 years after
3 obtaining a degree; or

4 “(ii) repay the total or prorated
5 amount of the financial assistance received
6 based on the length of service completed
7 after receiving the degree.”; and

8 (B) by striking paragraphs (3) and (4) and
9 inserting the following:

10 “(3) WAIVER.—

11 “(A) IN GENERAL.—On request, the Sec-
12 retary may grant a waiver of the postsecondary
13 degree requirements of paragraph (2) for 1 or
14 more Head Start agencies, either individually,
15 statewide, or throughout a region, that can
16 demonstrate—

17 “(i) continuing aggressive statewide
18 and national efforts have been unsuccessful
19 at recruiting an individual to serve as a
20 Head Start teacher or curriculum spe-
21 cialist who meets the requirements of para-
22 graph (2)(A);

23 “(ii) limited access to degree pro-
24 grams (including quality distance learning

1 programs), due to the remote location of
2 the program; or

3 “(iii) that current Head Start staff is
4 enrolled in a program that—

5 “(I) grants the required degree;
6 and

7 “(II) will be completed within 1
8 year.

9 “(B) LIMITATION.—In the case of an
10 agency that receives a waiver under subpara-
11 graph (A), current Head Start teachers who
12 have not met the degree requirements of para-
13 graph (2) but are otherwise highly qualified and
14 competent shall be directly and appropriately
15 supervised by a teacher who has met or exceed-
16 ed the requirements of this subchapter.

17 “(C) DURATION.—The Secretary may not
18 grant a waiver under subparagraph (A) for a
19 period that exceeds 1 year.”;

20 (2) in subsection (d)(3)(C) by inserting “or cen-
21 ter” after “any agency”;

22 (3) by adding at the end the following:

23 “(f) PROFESSIONAL DEVELOPMENT PLANS.—Every
24 Head Start agency and program shall create, in consulta-
25 tion with **[all employees]**, a professional development plan

1 for all employees who provide direct services to children,
2 including a plan for classroom teachers and curriculum
3 specialists to meet the requirements set forth in section
4 **【648A(a)】**’.

5 **SEC. 18. TRIBAL COLLEGES AND UNIVERSITIES HEAD**
6 **START PARTNERSHIP.**

7 The Head Start Act (42 U.S.C. 9831 et seq.) is
8 amended by inserting after section 648A the following:

9 **“SEC. 648B. TRIBAL COLLEGE OR UNIVERSITY-HEAD START**
10 **PARTNERSHIP PROGRAM.**

11 “(a) PURPOSE.—The purpose of this section is to
12 promote social competencies and school readiness in In-
13 dian children.

14 “(b) TRIBAL COLLEGE OR UNIVERSITY-HEAD START
15 PARTNERSHIP PROGRAM.—

16 “(1) GRANTS.—The Secretary is authorized to
17 award grants, of not less than 5 years duration, to
18 Tribal Colleges and Universities to—

19 “(A) implement education programs that
20 include tribal culture and language and increase
21 the number of associate, baccalaureate, and
22 graduate degrees in early childhood education
23 and related fields that are earned by Indian
24 Head Start agency staff members, parents of

1 children served by such an agency, and mem-
2 bers of the tribal community involved;

3 “(B) develop and implement the programs
4 under subparagraph (A) in technology-mediated
5 formats; and

6 “(C) provide technology literacy programs
7 for Indian Head Start agency staff members
8 and children and families of children served by
9 such an agency.

10 “(2) STAFFING.—The Secretary shall ensure
11 that the American Indian Programs Branch of the
12 Head Start Bureau of the Department of Health
13 and Human Services shall have staffing sufficient to
14 administer the programs under this section and to
15 provide appropriate technical assistance to Tribal
16 Colleges and Universities receiving grants under this
17 section.

18 “(c) APPLICATION.—Each Tribal College or Univer-
19 sity desiring a grant under this section shall submit an
20 application to the Secretary, at such time, in such manner,
21 and containing such information as the Secretary may re-
22 quire, including a certification that the Tribal College or
23 University has established a partnership with 1 or more
24 Indian Head Start agencies for the purpose of conducting
25 the activities described in subsection (b).

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section,
3 \$10,000,000 for fiscal year 2004 and such sums as may
4 be necessary for each of fiscal years 2005 through 2008.

5 “(e) DEFINITIONS.—In this section:

6 “(1) INSTITUTION OF HIGHER EDUCATION.—
7 The term ‘institution of higher education’ has the
8 meaning given such term in section 101(a) of the
9 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

10 “(2) TRIBAL COLLEGE OR UNIVERSITY.—The
11 term ‘Tribal College or University’—

12 “(A) has the meaning given such term in
13 section 316 of the Higher Education Act of
14 1965 (20 U.S.C. 1059c); and

15 “(B) means an institution determined to
16 be accredited or a candidate for accreditation
17 by a nationally recognized accrediting agency or
18 association.”.

19 **SEC. 19. RESEARCH, DEMONSTRATIONS, AND EVALUATION.**

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

22 (1) in subsection (a)(1)(B), by inserting “and
23 children determined to be abused or neglected” after
24 “children with disabilities”;

25 (2) in subsection (g)—

1 (A) in paragraph (1)(A)—

2 (i) by striking clause (i); and

3 (ii) by redesignating clauses (ii) and

4 (iii) as clauses (i) and (ii), respectively;

5 and

6 (B) in paragraph (7)(C)—

7 (i) in clause (i)—

8 (I) by striking “2001” and in-
9 serting “2005”; and

10 (II) by striking “1999” and in-
11 serting “**【2003】**”*【Are you sure of the*
12 *date, here?】*; and

13 (III) by striking “2003” and in-
14 serting “2006”;

15 (ii) in clause (ii), by striking “Labor
16 and Human Resources” and inserting
17 “Health, Education, Labor, and Pen-
18 sions”; and

19 (3) by striking subsection (h) and inserting the
20 following:

21 “(h) NAS STUDY.—

22 “(1) IN GENERAL.—From funds made available
23 under **【section 640(a)(2)(C)(iii)】***【Incorrect cite】*,
24 the Secretary shall enter into a contract with the
25 Board on Children, Youth, and Families of the Na-

1 tional Research Council and the Institute of Medi-
2 cine of the National Academies to establish an inde-
3 pendent panel of experts to review and synthesize re-
4 search and theories in the social, behavioral, and bi-
5 ological sciences **【regarding early childhood】**, and
6 make recommendations on early childhood pedagogy
7 with regard to each of the following:

8 “(A) Age and developmentally appropriate
9 Head Start academic requirements and out-
10 comes, including the standards described in sec-
11 tion 641A(a)(1)(B)(ii) **【*Language is vague.***
12 **What do you mean here?】**.

13 “(B) Differences in the type, length, mix,
14 and intensity of services that are necessary to
15 ensure that children from challenging family or
16 social backgrounds (including low-income chil-
17 dren, children of color, children with disabil-
18 ities, and limited English proficient children)
19 enter kindergarten ready to succeed.

20 “(C) Appropriate assessments of young
21 children for the purposes of improving instruc-
22 tion, services, and program quality, including—

23 “(i) formal and systematic observa-
24 tional assessments in a child’s natural en-
25 vironment;

1 “(ii) assessments of children’s devel-
2 opment through parent and provider inter-
3 views;

4 “(iii) assessments of appropriate ac-
5 commodations for children with disabilities;
6 and

7 “(iv) appropriate assessments for chil-
8 dren with disabilities, limited English pro-
9 ficient children, and children from different
10 cultural backgrounds.

11 “(D) Identification of existing, or rec-
12 ommendations for the development of, scientif-
13 ically based, reliable assessments that are capa-
14 ble of measuring child outcomes on all domains
15 important to school readiness.

16 “(2) COMPOSITION.—

17 “(A) IN GENERAL.—The panel described
18 in paragraph (1) shall consist of multiple ex-
19 perts in each of the following areas:

20 “(i) Child development (including cog-
21 nitive, social, emotional, and physical de-
22 velopment) and child education (including
23 approaches to learning).

1 “(ii) Professional development, includ-
2 ing preparation of individuals who teach
3 young children.

4 “(iii) Assessments of young children
5 (including children with disabilities and
6 limited English proficient children), includ-
7 ing screening, diagnostic, and classroom-
8 based instructional assessments.

9 “(B) REPRESENTATIVES.—The panel de-
10 scribed in paragraph (1) shall include, to the
11 extent practicable, representatives of—

12 “(i) the Centers for Disease Control
13 and Prevention;

14 “(ii) the National Institute of Mental
15 Health;

16 “(iii) the National Institute of Child
17 Health and Human Development;

18 “(iv) the National Association for the
19 Education of Young Children;

20 “(v) the National Center for Learning
21 Disabilities;

22 “(vi) the American Academy of Pedi-
23 atrics;

24 “(vii) the Institute of Education
25 Sciences of the Department of Education;

1 “(viii) the General Accounting Office;
2 and

3 “(ix) other entities with noted experts
4 in the fields of early care and early child-
5 hood education.

6 “(3) TIMING.—

7 “(A) ESTABLISHMENT.—Not later than 90
8 days after the date of enactment of the [School
9 Readiness Act of 2003], the Board on Chil-
10 dren, Youth, and Families of the National Re-
11 search Council and the Institute of Medicine of
12 the National Academies shall establish the
13 panel described in paragraphs (1) and (2).

14 “(B) RECOMMENDATIONS.—Not later than
15 18 months after the panel described in para-
16 graphs (1) and (2) is established, the panel
17 shall complete the recommendations described
18 in paragraph (1).

19 “(4) APPLICATION OF PANEL REPORT.—The
20 Secretary shall use the results of the review and rec-
21 ommendations described in paragraph (1) as guide-
22 lines to develop, inform, and revise, where
23 appropriate—

24 “(A) the Head Start education perform-
25 ance measures and standards; and

1 “(B) the assessments utilized in the Head
2 Start program.”.

3 **SEC. 20. REPORTS.**

4 Section 650(a) of the Head Start Act (42 U.S.C.
5 9846(a)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “Labor and Human Resources” and insert-
8 ing “Health, Education, Labor, and Pensions”; and
9 (2) in paragraph (8), by inserting “homeless-
10 ness,” after “ethnic background,”.

11 **SEC. 21. COMPARABILITY OF WAGES.**

12 Section 653 of the Head Start Act (42 U.S.C. 9848
13 et seq.) is amended—

14 (1) by striking “The Secretary shall take” and
15 inserting “(a) The Secretary shall take”;

16 (2) in the first sentence of subsection (a), by
17 striking “or (2)” and inserting “(2) in excess of the
18 salary of the Secretary, in the case of an individual
19 compensated with funds awarded under this sub-
20 chapter or the Community Services Block Grant Act;
21 or (3)”; andand

22 (3) by adding at the end the following:

23 “(b) If in any fiscal year the restriction described in
24 subsection (a) is violated, the Secretary shall withhold
25 from the base grant of the Head Start agency involved

1 (as defined in section 641A(f)(1)) for the next fiscal year,
2 an amount equal to the aggregate amount by which the
3 salary that resulted in the violation exceeded the salary
4 of the Secretary.”.

5 **SEC. 22. LIMITATION WITH RESPECT TO CERTAIN UNLAW-**
6 **FUL ACTIVITIES.**

7 Section 655 of the Head Start Act (42 U.S.C. 9850
8 et seq.) is amended by inserting “or in” after “assigned
9 by”.

10 **SEC. 23. POLITICAL ACTIVITIES.**

11 Section 656(b) of the Head Start Act (42 U.S.C.
12 9851(b)) is amended to read as follows:

13 “(b) RESTRICTIONS.—

14 “(1) IN GENERAL.—Programs assisted under
15 this subchapter and any individual employed by, or
16 assigned to, a program, during the hours in which
17 such individual is working on behalf of such pro-
18 gram, shall not engage in—

19 “(A) any partisan or nonpartisan political
20 activity or any other political activity associated
21 with a candidate, or contending faction or
22 group, in an election for public or party office;

23 “(B) any activity to provide voters or pro-
24 spective voters with transportation to the polls

1 or similar assistance in connection with any
2 such election; or

3 “(C) any voter registration activity.

4 “(2) RULES AND REGULATIONS.—The Sec-
5 retary, after consultation with the Office of Per-
6 sonnel Management, may issue rules and regulations
7 to provide for the enforcement of this section, which
8 may include provisions for summary suspension of
9 assistance or other action necessary to permit en-
10 forcement on an emergency basis.”.

11 **SEC. 24. PARENTAL CONSENT REQUIREMENT FOR HEALTH**
12 **SERVICES.**

13 The Head Start Act (42 U.S.C. 9831 et seq.) is
14 amended by adding at the end the following new section:

15 **“SEC. 657A. PARENTAL CONSENT REQUIREMENT FOR NON-**
16 **EMERGENCY INTRUSIVE PHYSICAL EXAMINA-**
17 **TIONS.**

18 “(a) IN GENERAL.—A Head Start agency shall ob-
19 tain written parental consent before administration of, or
20 referral for, any health care service provided or arranged
21 to be provided, including any nonemergency intrusive
22 physical examination of a child in connection with partici-
23 pation in a program under this subchapter.

1 “(b) DEFINITION.—The term ‘nonemergency intru-
2 sive physical examination’ means, with respect to a child,
3 a physical examination that—

4 “(1) is not immediately necessary to protect the
5 health or safety of the child involved or the health
6 or safety of another individual; and

7 “(2) requires incision or is otherwise invasive,
8 or involves exposure of private body parts.

9 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to prohibit agencies from using es-
11 tablished methods for handling cases of suspected or
12 known child abuse and neglect that are in compliance with
13 applicable Federal, State, or tribal law.”.