To establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2001

Mrs. MINK of Hawaii introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Comprehensive Early Childhood Education Act of 2001”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short Title; Table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
SEC. 2. FINDINGS.

The Congress makes the following findings—

(1) comprehensive early childhood education programs, including a full range of health and social services, are essential to the achievement of the full potential of the Nation’s children and should be
available as a matter of right to all children whose
parents or legal guardians shall request them re-
gardless of economic, social, and family back-
grounds;

(2) children with special needs must receive full
consideration in planning any early childhood edu-
cation programs and, pending the availability of
such programs for all children, priority must be
given to preschool children with the greatest eco-
nomic and social need;

(3) no mother should be forced to work outside
the home as a condition for availing her children of
early childhood education programs;

(4) comprehensive early childhood education
programs not only provide a means of delivering a
full range of essential services to children, but can
also furnish meaningful employment opportunities
for many individuals, including older persons, par-
ents, young persons, and volunteers;

(5) it is essential that the planning and oper-
ation of such programs be undertaken as a partner-
ship of parents, community, and State and local gov-
ernment with appropriate assistance from the Fed-
eral Government.
SEC. 3. PURPOSE.

It is the purpose of this Act to provide every child with a fair and full opportunity to reach his or her full potential by establishing and expanding comprehensive early childhood education through programs that—

(1) recognize and build upon the experience and success gained through the Head Start program and similar efforts;

(2) furnish early childhood education services for those children who need them most, with special emphasis on preschool programs for economically disadvantaged children, and for children of working mothers and single parent families; and

(3) provide that decisions on the nature of funding of such programs be made at the community level with the direct participation of parents of the children and other individuals and organizations in the community interested in early childhood education;

(4) provide that the development, conduct, and overall direction of programs be determined at the community level; and

(5) promote the universal availability of early childhood education services.
SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For the purpose of carrying out this Act, there is authorized to be appropriated $4,000,000,000 for the fiscal year beginning October 1, 2001, and such sums as may be necessary in each of the succeeding fiscal years through 2006. Any amounts appropriated for such fiscal year which are not obligated at the end of such fiscal year may be obligated in the succeeding fiscal year.

(b) OTHER ACTIVITIES.—For the purpose of providing training, technical assistance, planning, and such other activities as the Secretary deems necessary and appropriate to prepare for the implementation of this Act, there is authorized to be appropriated $100,000,000 for the fiscal year beginning October 1, 2001.

SEC. 5. ALLOCATION OF FUNDS.

(a) The amounts appropriated for carrying out this Act for any fiscal year beginning on or after October 1, 2001, shall be made available in the following manner:

(1) $1,000,000,000 shall be used for the purpose of providing assistance under titles I, II, and IV for early childhood education programs focused upon young children from low-income families.

(2) Not to exceed 10 percent of the remaining amounts so appropriated shall be used for the pur-
pose of carrying out titles II, III, and IV, as the
Secretary deems appropriate; and

(3) The remainder of such amounts shall be
used for the purpose of carrying out title I.

(b) RESERVATIONS.—

(1) IN GENERAL.—From the amount available
for carrying out comprehensive early childhood edu-
cation programs under title I of this Act, the Sec-
etary shall reserve the following:

(A) Not less than that proportion of the
total amount available for carrying out title I as
is equivalent to that proportion which the total
number of children of migrant agricultural
workers bears to the total number of economi-
cally disadvantaged children in the United
States, which shall be apportioned among pro-
grams serving children of migrant agricultural
workers on an equitable basis, and to the extent
practicable in proportion to the relative num-
ers of children served in each such program.

(B) Not less than that proportion of the
total amount available for carrying out title I as
is equivalent to that proportion which the total
number of children on Federal and State Indian
reservations bears to the total number of eco-
nominically disadvantaged children in the United States, which shall be apportioned among programs serving children on Federal and State Indian reservation on an equitable basis, and to the extent practicable in proportion to the relative number of children residing on each such reservation.

(C) Not less than that proportion of the total amount available for carrying out title I as is equivalent to that proportion which the total number of Native Hawaiian children bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among programs serving Native Hawaiian children on an equitable basis, and to the extent practicable in proportion to the relative numbers of children served in each such program.

(D) Not less than 10 percent of the total amount available for carrying out title I, which shall be made available for the purposes of section 101(b)(2)(I) (relating to special activities for children with disabilities).

(E) Not to exceed 5 percent of the total amount available for carrying out title I, which
shall be made available under section 102(f)(3)
(relating to model programs).

(2) REMAINING AMOUNTS.—The remainder of
the amounts available for carrying out title I shall
be allocated by the Secretary on an equitable basis,
and to the extent practicable such funds shall be ap-
portioned in such a manner that—

(A) 50 percent of such remainder shall be
apportioned among the States and localities
within each State in proportion to the relative
numbers of economically disadvantaged children
in each such State and locality, respectively;

(B) 25 percent of such remainder shall be
apportioned among the States and localities
within each State in proportion to the relative
numbers of children who have not attained six
years of age in each such State or locality, re-
spectively;

(C) 25 percent of such remainder shall be
apportioned among the States and localities
within each State in proportion to the relative
numbers of children of working mothers and
single parents in each such State and locality,
respectively.
For the purposes of clauses (A), (B), and (C) of this paragraph, there shall be excluded those children who are counted under clauses (A), (B), and (C) of subsection (b)(1) of this section.

(3) Determination.—In determining the numbers of children for purposes of allocating and apportioning funds under this section, the Secretary shall use the most recent satisfactory data available.

(e) Special Grants.—Not to exceed 5 percent of the total funds apportioned for use within a State pursuant to subsection (b)(2) may be made available for grants to the State to carry out the provisions of section 106 of this Act.

(d) Federal Register.—As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by this section.

TITLE I—COMPREHENSIVE EARLY CHILDHOOD EDUCATION PROGRAMS

SEC. 101. PROGRAM AUTHORIZED.

(a) In General.—The Secretary of Education shall provide financial assistance for carrying out early childhood education programs under this part to prime sponsors and to other public and private nonprofit agencies
and organizations pursuant to plans and applications approved in accordance with the provisions of this title.

(b) USE OF FUNDS.—Funds available for this part may be used (in accordance with approved applications) for the following services and activities—

(1) planning and developing early childhood education programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

(2) establishing, maintaining, and operating early childhood education program, which include—

(A) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

(B) food and nutritional services;

(C) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

(D) programs designed (i) to meet the special needs of minority groups, Native Americans, Alaskan Natives and Native Hawaiians,
and migrant children with particular emphasis on the needs of children with limited English proficiency for the development of skills in English and another language spoken in the home, and (ii) to meet the needs of all children to understand the history and cultural backgrounds of the ethnic groups which belong to their communities and the role of members of such ethnic groups in the history and cultural development of the Nation and of the region in which they reside;

(E) full-day, year-round program of daily activities designed to develop fully each child’s potential;

(F) other specially designed health, social, and educational programs (including after school, summer, weekend, vacation, and overnight programs);

(G) medical, dental, psychological, educational, and other appropriate diagnosis, identification, and treatment of visual, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child education and development programs, in-
including programs for preschool and other children who are emotionally disturbed;

(H) prenatal and other medical services to expectant mothers who cannot afford such services, designed to help reduce malnutrition, infant and maternal mortality, and the incidence of mental retardation and other disabling conditions, and postpartum and other medical services (including family planning information) to such recent mothers;

(I) incorporation within early childhood education programs of special activities designed to identify and ameliorate physical, mental, and emotional disabilities and special learning disabilities;

(J) preservice and inservice education and other training for professional and paraprofessional personnel;

(K) dissemination of information in the functional language of those to be served to assure that parents are well informed of early childhood education programs available to them and may participate in such programs;

(L) services, including in-home services, and training in the fundamentals of child devel-
opment, for parents, older family members functioning in the capacity of parents, youth, and prospective parents;

(M) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three), in cooperation with local educational agencies, including—

(i) the use of former assistant Head Start teachers or similar early childhood education teachers as instructional aides (in addition to those employed by the schools involved) working closely with classroom teachers in the kindergarten and such early primary grades in which are enrolled children they taught in Head Start or other early childhood programs;

(ii) providing for full participation of parents of the children involved in program planning, implementation, and decision-making; and

(iii) for career development opportunities and advancement through continuing education and training for instructional
aides involved (including teaching salaries, educational stipends for tuition, books, and tutoring, career counseling, arrangements for academic credit for independent study, fieldwork based on their teaching assignments, and preservice and inservice training) and for the classroom teachers and principals involved; and

(N) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this part; and

(3) staff and other administrative expenses of early childhood education councils established and operated in accordance with this title.

SEC. 102. PRIME SPONSORS OF EARLY CHILDHOOD DEVELOPMENT PROGRAMS.

(a) Prime Sponsorship.—In accordance with the provisions of this section, a State, locality, combination of localities, Indian tribe on a Federal or State reservation, or public or private nonprofit agency or organization, meeting the requirements of this Act may be designated by the Secretary as prime sponsor for the purpose of entering into arrangements to carry out early childhood education programs under this part, upon the approval by the
Secretary of a prime sponsorship plan, which includes provisions—

(1) describing the prime sponsorship area to be served;

(2) setting forth satisfactory provisions of establishing and maintaining an Early Childhood Education Council which meets the requirements of section 103 of this Act;

(3) providing that the Early Childhood Education Council shall be responsible for developing and preparing a comprehensive early childhood education plan for each fiscal year and any modification thereof;

(4) setting forth arrangements under which the Early Childhood Education Council will be responsible for planning, supervising, coordinating, monitoring, and evaluating early childhood education programs in the prime sponsorship area;

(5) providing adequate assurances that staff and other administrative expenses for the Early Childhood Education Council under subsection (b) paragraph (3) of section 101 will not exceed 5 percent of the total cost of comprehensive early childhood education programs administered by the prime sponsor unless such percentage limitation is in-
creased to give special consideration to initial costs in the first operations year or to other special needs, in accordance with regulations which the Secretary shall prescribe; and

(6) providing assurances, to the extent necessary to carry out comprehensive early childhood education programs in the area to be served, of the capacity to provide, or to enter into arrangements with appropriate State, local or other agencies for linkages to provide—

(A) coordination with educational agencies and providers of educational services;

(B) health (including family planning) and mental health services;

(C) nutrition services; and

(D) training of professional and para-professional personnel.

(b) LOCAL APPROVAL.—The Secretary shall approve a prime sponsorship plan submitted by a locality which is a city, country, or other unit of general local government, if the Secretary determines that the plan so submitted meets the requirements of subsection (a) and includes adequate provisions for carrying out comprehensive early childhood education programs in area of such locality. In the event that an area under the jurisdiction of
a unit of general local government, a city, county, or other
unit of local government, includes any common geo-
graphical area with that covered by another such unit of
general local government, the Secretary shall designate to
serve such area the unit of general local government which
the Secretary determines has the capability of more effec-
tively carrying out the purposes of this title with respect
to such area and which has submitted a plan which meets
the requirements of this section and includes adequate
provisions for carrying out comprehensive early childhood
education programs in such area.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—In the event that the Sec-
retary determines that a locality fails to meet the re-
quirements for designation as a prime sponsor under
subsection (b) for the reason that it lacks the capa-
bility of meeting the requirements of paragraph (5)
(concerning the limitation in administrative expenses
for Early Childhood Education Councils) or para-
graph (6) (concerning the capacity to provide or to
enter into arrangements for linkages to provide serv-
ices related to early childhood education) of sub-
section (a), the Secretary shall take steps to encour-
age the submission of a prime sponsorship plan, cov-
ering the area of such locality, by a combination of
localities which are adjoining and possess a sufficient commonality of interest.

(2) MEETING REQUIREMENTS.—The Secretary shall approve a prime sponsorship plan submitted by a combination of localities if the Secretary determines that the plan so submitted meets the requirements of subsection (a) and includes adequate provisions for carrying out comprehensive early childhood education programs in the area covered by the combination of such localities.

(d) APPROVAL OF PLAN.—The Secretary shall approve a prime sponsorship plan submitted by an Indian tribe on a Federal or State reservation if the Secretary determines that the plan so submitted meets the requirements of subsection (a) and includes adequate provisions for carrying out comprehensive early childhood education programs in the area to be served.

(e) APPROVAL FOR SPECIAL CIRCUMSTANCES.—In the event that the Secretary determines, with respect to the area of a particular locality, that a prime sponsorship plan meeting the requirements of this section has not been submitted by a locality or combination of localities covering such areas, or by an Indian tribe on a Federal or State reservation, or in the event that prime sponsorship designation has been withdrawn in accordance with sub-
section (h), the Secretary may, with respect to the impending fiscal year when no such prime sponsorship designation will be in effect, approve a plan submitted by the State which meets the requirements of subsection (a) and includes adequate provisions for carrying out comprehensive early childhood education programs in each such area.

(f) AGENCY APPROVAL.—The Secretary may approve a prime sponsorship plan submitted by a public or private nonprofit agency, including but not limited to a community action agency, single purpose Head Start agency, community development corporation, parent cooperative, organization of migrant agricultural workers, organization of Native Americans, Alaskan Natives or Native Hawaiians, employer organizations, or public or private educational agency or institution if the Secretary determines that the plan so submitted meets the requirements of subsection (a) of this section and includes—

(1) provisions setting forth arrangements for serving children in a neighborhood or other area possessing a commonality of interest in the area of any locality with respect to which there is not prime sponsorship designation in effect, or with respect to any portion of an area where the prime sponsor is found not to be satisfactorily implementing early childhood education program which adequately
meets the purposes of this part, or for making available special services, in accordance with criteria established by the Secretary, designed to meet the needs of economically disadvantaged or preschool children;

(2) arrangements for providing comprehensive early childhood education programs on a full-day year-round; or

(3) arrangements for carrying out model programs especially designed to be responsive to the needs of economically disadvantaged, minority groups, or limited English proficient preschool children.

(g) COMMENTS AND RECOMMENDATIONS.—The Governor of the State shall in accordance with regulations which the Secretary shall prescribe, be given a reasonable opportunity to review and offer recommendations to any applicant submitting a plan for prime sponsorship designation under this section, and to submit comments to the Secretary with respect to any plan so submitted.

(h) DISAPPROVAL.—A prime sponsorship plan submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations prescribed by the Secretary, has provided—
(1) written notice of intention to disapprove such plan, including a statement of the reasons,

(2) a reasonable time in which to submit corrective amendments to such plan or undertake other necessary corrective action, and

(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

(i) Appeals.—

(1) In general.—If any party is dissatisfied with the Secretary’s final action under subsection (h) with respect to the disapproval of its plan submitted under this section or the withdrawal of its prime sponsorship designation, such party may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which the Secretary based his/her action, as provided in section 2112 of title 28, United States Code.

(2) Court judgment.—The court shall have jurisdiction to affirm the action of the Secretary or
to set it aside, in whole or in part. The judgment of
the court shall be subject to review by the Supreme
Court of the United States upon certiorari or certifi-
cation as provided in section 1254 of title 28, United
States Code.

SEC. 103. EARLY CHILDHOOD EDUCATION COUNCILS.

(a) MEMBERSHIP.—Each prime sponsor designed
under section 102 shall establish and maintain an Early
Childhood Education Council consisting of not less than
ten members comprised as follows:

(1) PARENTS.—Not less than half of the mem-
ers of such Council shall be parents of children
served in early childhood education programs under
this Act.

(2) REMAINING MEMBERS.—The remaining
members of such Council shall be appointed by the
chief executive officer or officers of the prime spon-
sor to represent the public, but—

(A) not less than half of such members
shall be persons who are broadly representative
of the general public, including government
agencies, public and private agencies and orga-
nizations in such field as economic opportunity,
health, education, welfare, employment and
training, business or financial organizations or
institutions, labor unions, and employers, and
who are approved by the parent members de-
scribed in paragraph (1); and

(B) the remaining members the number of
which shall be either equal to or one less than
the number of members appointed under clause
(A), shall be persons who are particularly
skilled by virtue of training or experience in
early childhood education, child development,
child health, child welfare, or other child serv-
ices, except that the Secretary may waive the
requirements of this clause (B) to the extent
that the Secretary determines, in accordance
with regulations prescribed by the Secretary,
that such person are not available to the area
to be served.

(b) PROCEDURES.—In accordance with procedures
with the Secretary shall establish pursuant to regulations,
each prime sponsor designed under section 102 shall pro-
vide, with respect to the Early Childhood Education Coun-
cil established and maintained by such prime sponsor,
that—

(1) the parent members described in paragraph
(1) of subsection (a) of this section shall be chosen
by the membership of Head Start policy committees
where they exist, and, at the earliest practicable
time, by project policy committees established pursu-
ant to section 105(a)(2) of this Act;

(2) not less than one-fourth of the total mem-
bership of such Council shall be persons broadly rep-
resentative of the economically disadvantaged;

(3) the terms of office and any other policies
and procedures of an organizational nature, includ-
ing nomination and election procedures, are appro-
priate in accordance with the purposes of this Act;

(4) such Council shall have responsibility for
approving basic goals, policies, actions, and proce-
dures for the prime sponsor, including policies with
respect to planning, general supervision and over-
sight, overall coordination, personnel, budgeting,
funding of projects, and monitoring and evaluation
of projects; and

(5) such Council shall, upon its own initiatives
or upon request of a project applicant or any other
party in interest, conduct public hearings before act-
ing upon applications for financial assistance sub-
mitted by project applicants under this Act.
SEC. 104. COMPREHENSIVE EARLY CHILDHOOD EDUCATION PLANS.

(a) Assistance.—Financial assistance under this part may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 102 only pursuant to a comprehensive early childhood education plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this part. Any such plan shall set forth a comprehensive program providing early childhood education services in the prime sponsorship area which—

(1) identifies all early childhood education needs and goals within the area and describes the purposes for which the financial assistance will be used;

(2) meets the needs of children in the prime sponsorship area, to the extent that available funds can be reasonably expected to have an effective impact, including infant care and before and after school programs for children in school with priority to children who have not attained six years of age;

(3) gives priority to meeting the special needs of economically disadvantaged children by providing that not less than 65 percent of the total cost of programs receiving financial assistance under section
4(b) shall be for early childhood education programs for economically disadvantaged children;

(4) gives priority thereafter to providing early childhood education programs and services to children of single parents and working mothers not covered under paragraph (3);

(5) provides procedures for the approval of project applications submitted in accordance with section 105;

(6) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination where appropriate meet the needs for early childhood education services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

(7) provides that, to the extent feasible, each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;
(8) provides comprehensive services (A) to meet the special needs of minority group children of migrant agricultural workers with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home, and (B) to meet the need of all children to understand the history and cultural background of minority groups which belong to the communities and the role of members of such minority groups in the history and cultural development of the Nation and the region in which they reside;

(9) provides equitably for the early childhood education needs of children from each minority group or significant segment of the economically disadvantaged residing within the area covered;

(10) provides, to the extent possible, for coordination of early childhood education programs so as to keep family units intact or in close proximity during the day;

(11) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed
of the activities of the Early Childhood Education
Council and of delegate agencies;

(12) provides that, to the extent possible, unem-
ployed or low-income persons residing in commu-
nities served by such projects will receive jobs pro-
viding career ladder opportunities, including in-home
and part-time jobs, and opportunities for training in
programs assisted under title II of this Act;

(13) assures that procedures and mechanisms
for coordination have been developed in cooperation
with preschool program administrators and adminis-
trators of local educational agencies and non-public
schools, at the local level, to provide continuity be-
tween programs for preschool and elementary school
children and to coordinate programs conducted
under this part and programs conducted pursuant to
the Head Start Act (42 U.S.C. 9831–9852) and the
Elementary and Secondary Education Act of 1965,
as amended;

(14) establishes arrangements in the area
served for the coordination of programs conducted
under the auspices of or with the support of busi-
ness or financial institutions or organizations, indus-
try, labor, employee and labor-management organi-
zations, and other community groups;
(15) contains any arrangements for the delegation, under the supervision of the Early Childhood Education Council, to any public or private non-profit agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this title, or for any planning or evaluation services to be made available with respect to programs under this title; and

(16) contains plans for regularly conducting surveys and analyses of needs for early childhood education programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall require by regulation.

(b) PLAN AND PLAN MODIFICATIONS.—No comprehensive early childhood education plan or modification thereof submitted by a prime sponsorship under this section shall be approved by the Secretary unless the Secretary determines, in accordance with regulations prescribed by the Secretary, that—

(1) each community action agency or single purpose Head Start agency in the area to be served previously responsible for the administration of pro-
grams under this part or under the Head Start Act
(42 U.S.C. 9831–9852) has had an opportunity to
submit comments to the prime sponsor and to the
Secretary;
(2) the local educational agency for the area to
be served, and other appropriate educational and
training agencies and institutions, have had an op-
portunity to submit comments to the prime sponsor
and to the Secretary; and
(3) the Governor of the State has had an op-
portunity to submit comments to the prime sponsor
and to the Secretary.
(c) DISAPPROVAL.—A comprehensive early childhood
education plan submitted under this section may be dis-
approved or a prior approval withdrawn only if the Sec-
retary, in accordance with regulations prescribed by the
Secretary, had provided—
(1) written notice of intention to disapprove
such plan, including a statement of the reasons,
(2) reasonable time to submit corrective amend-
ments to such plan or undertake for a public hearing
upon which basis an appeal to the Secretary may be
taken as of right.
(d) JOINT SUBMISSIONS.—In order to contribute to
the effective administration of this Act, the Secretary shall
establish appropriate procedures to permit prime sponsors
to submit jointly a single comprehensive early childhood
education plan for the areas served by such prime spon-
sors.

SEC. 105. PROJECT APPLICATIONS.
(a) Assistance To Project Applicant.—Financial assistance under this Act may be provided to a project applicant for any fiscal year only pursuant to a project application which is submitted by a public or private agen-
cy and which provides that—

(1) funds will be provided for carrying out any early childhood education program under this part only to a qualified public or private agency or organ-
ization, including but not limited to a community action agency, single purpose Head Start agency, community development corporation, parent coopera-
tive, organization of migrant agricultural workers, organization of Native Americans, Alaskan Natives, and Native Hawaiians, private organization inter-
ested in early childhood education, employer or busi-
ness organization, labor union, employee or labor management organization, or public or private edu-
cational agency or institution;
(2) project policy committees shall be established and maintained, consisting of not less than ten members, composed so that—

(A) not less than half of the members of each such committee shall be parents of children served in such projects, and

(B) the remaining members of such committee shall be comprised—

(i) of persons who are representative of the community and who shall be approved by the parent members, and

(ii) of persons, the number of which shall be not less than one-third nor more than one-half of the number of members appointed under clause (i), who are particularly skilled by virtue of training or experience in early childhood education, child health, child welfare, or other child services, except that the Secretary may waive the requirement of this clause (ii) to the extent that he/she determines, in accordance with regulations prescribed by the Secretary, that such persons are not available to the area to be served;
(3) provision will be made for direct participation of such policy committees in the development and preparation of project applications under this part;

(4) adequate provision will be made for training and other administrative expenses of such policy committee (including necessary expenses to enable low-income members to participate in council or committee meetings);

(5) project policy committees shall have responsibility for approving basic goals, policies, actions, and procedures for the project applicant, including policies with respect to planning, overall conduct, personnel, budgeting, location of centers and facilities, and direction and evaluation of projects;

(6) programs assisted under this title will provide for such comprehensive health, nutritional, education, social, and other services, as are necessary for the full cognitive, emotional and physical development of each participating child;

(7) adequate provision will be made for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities.
(8)(A) no charge for services provided under an early childhood education program will be made with respect to any child who is economically disadvantaged, except to the extent that payment will be made by a third party (including a public agency) which is authorized or required to pay for such services; and

(B) such charges will be made with respect to a child who is not economically disadvantaged in accordance with an appropriate fee schedule which shall be established by the Secretary by regulation and which is based upon the ability of the family to pay for such services, including the extent to which any third party (including a public agency) is authorized or required to make payments for such services;

(9) children will in no case be excluded from the programs operated pursuant to this part because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in non-public schools when they attain school age;

(10) program will, to the extent appropriate, employ paraprofessional aides and volunteers, especially parents, older children, students, older per-
sons, and persons preparing for careers in early
childhood education programs;

(11) there are assurances satisfactory to the
Secretary that the non-Federal share requirements
will be met; and

(12) provisions will be made for such fiscal con-
trol and fund accounting procedures as the Sec-
retary shall prescribe to assure proper disbursement
of and accounting for Federal funds.

(b) PROJECT APPLICATION APPROVAL.—A project
application submitted in accordance with subsection (a) of
this section may be approved by the Secretary if deter-
mined that it meets the purpose of this title.

SEC. 106. SPECIAL GRANTS TO STATES.

Upon application submitted by any State, the Sec-
retary is authorized to provide financial assistance for use
by such State for carrying out activities for the purposes
of—

(1) identifying early childhood education goals
and needs within the State;

(2) assisting in the establishing of Early Child-
hood Education Councils and strengthening the ca-
pability of such Councils to effectively plan, super-
vise, coordinate, monitor, and evaluate early child-
hood education programs;
(3) encouraging the cooperation and participation of State agencies in providing early childhood education and related services, including health, family planning, mental health, nutrition, and family, social and rehabilitative services where requested by appropriate prime sponsors in the development and implementation of comprehensive early childhood education plans;

(4) encouraging the full utilization of resources and facilities for early childhood education programs within the State;

(5) disseminating the results of research on early childhood education programs;

(6) conducting programs for the exchange of personnel involved in early childhood education programs within the State;

(7) assisting public and private nonprofit agencies and organizations in the acquisition or improvement of facilities for early childhood education programs;

(8) assessing State and local licensing codes as they relate to early childhood education programs within the State; and

(9) developing information useful in reviewing prime sponsorship plans under section 102(g) and of
Comprehensive Early Childhood Education Plans under section 104(b)(3).

SEC. 107. ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION.

(a) CONSTRUCTION.—Applications for financial assistance for projects, including construction, may be approved only if the Secretary determines that construction of such facilities is essential to the provision of adequate early childhood education services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

(b) RECOVERY OF FUNDS.—If any facility assisted under this title shall cease to be used for the purpose for which it was constructed, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so. Such value shall be determined by agreement of the parties or by action brought in the United States
district court for the district in which the facility is situated.

(c) **Davis-Bacon Application.**—All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5).

(d) **Grants.**—Any Federal assistance for construction shall be in the form of grants, and shall not be paid to other than public or private nonprofit agencies and organizations. Not more than 15 percent of the total financial assistance provided to a prime sponsor under this part shall be used for construction of facilities.

**Sec. 108. Use of Public Facilities for Child Development Programs.**

(a) **Report.**—The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months after enactment of this title report to the Congress with respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations,
through appropriate arrangements, for use as facilities for
early childhood education programs under this title during
times and periods when not utilized fully for their usual
purposes, together with his/her recommendations (including recommendations for changes in legislation) or pro-
posed actions for such use.

(b) REVIEW.—The Secretary may require, as a condi-
tion to the receipt of assistance under this title, that any
prime sponsor under this title agree to conduct a review
and provide the Secretary with a report as to the extent
to which facilities owned or leased by such prime sponsor,
or by other agencies in the prime sponsorship area, could
be made available, through appropriate arrangements, for
use as facilities for early childhood education programs
under this title, during times and periods when not utilized
for their usual purposes, together with the prime sponsor’s
proposed actions for such use.

SEC. 109. PAYMENTS.

(a) FEDERAL SHARE.—In accordance with this sec-
tion, the Secretary shall pay from the applicable allocation
or apportionment under section 4 the Federal share of the
costs of programs, services, and activities, in accordance
with plans or applications which have been approved as
provided in this part.

(b) PAYMENT.—
(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall pay an amount not in excess of 90 percent of the cost of carrying out programs, services, and activities under this part. The Secretary may, in accordance with such regulations prescribed by the Secretary, approve assistance in excess of such percentage if the Secretary determines that such action is required to provide adequately for the early childhood education needs of economically disadvantaged children.

(2) CHILDREN OF MIGRANT AGRICULTURAL WORKERS.—The Secretary shall pay an amount equal to 100 percent of the costs of providing early childhood education programs for children of migrant agricultural workers and their families under this title.

(3) INDIAN CHILDREN.—The Secretary shall pay an amount equal to 100 percent of the costs of providing early childhood education programs for children on Federal or State Indian reservations under this title.

(4) NATIVE HAWAIIAN CHILDREN.—The Secretary shall pay an amount equal to 100 percent of the costs of providing early childhood education programs for Native Hawaiian children under this title.
(c) Non-Federal Share.—The non-Federal share of the costs of programs, services, and activities assisted under this part may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that area used for program purposes), reasonably evaluated, and employee and employer contributions.

(d) Fees.—Fees collected for services pursuant to section 105(a)(8) shall be deemed financial assistance for purposes of section 104(a)(3).

(e) Express Amounts.—If, with respect to any fiscal year, a prime sponsor or project applicant provides non-Federal contributions for any program, service, or activity exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this part.

(f) No Reduction of Funds.—No State or locality shall reduce its expenditures for early childhood education or child care programs by reason of assistance under this part.
TITLE II—TRAINING, TECHNICAL
ASSISTANCE, PLANNING, AND
EVALUATION

SEC. 201. PRESERVICE AND INSERVICE TRAINING.
The Secretary is authorized to make payments to provide financial assistance to enable individuals employed or preparing for employment in early childhood education program assisted under this Act, including volunteers, to participate in programs of preservice or inservice training for professional and nonprofessional personnel, to be conducted by any agency carrying out an early childhood education program, or any institution of higher education, including a community college, or by any combination thereof.

SEC. 202. TECHNICAL ASSISTANCE AND PLANNING.
The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this title on a continuing basis to assist them in planning, developing, and carrying out early childhood education programs.

SEC. 203. EVALUATION.
(a) EVALUATION.—The Secretary shall make an evaluation of Federal involvement in early childhood education activities and services, which shall include—
(1) enumeration and description of all Federal activities which affect early childhood education;

(2) analysis of expenditures of Federal funds for such activities and services;

(3) determination of the effectiveness of such activities and services;

(4) the extent to which preschool, minority group, and economically disadvantaged children and their parents have participated in programs under this title; and

(5) such recommendations to Congress as the Secretary may deem appropriate.

(b) REPORT.—The results of the evaluation required by subsection (a) of this section shall be reported to Congress not later than two years after enactment of this title.

(e) EVALUATION.—The Secretary shall establish such procedures as may be necessary to conduct an annual evaluation of Federal involvement in early childhood education programs, and shall report the results of each such evaluation to Congress.

(d) AVAILABILITY OF INFORMATION.—Prime sponsors and project applicants assisted under this Act and departments and agencies of the Federal Government shall, upon request by the Secretary, make available, consistent with other provisions of law, such information as
the Secretary determines is necessary for purposes of making the evaluation required under subsection (c) of this section.

(e) Contracts.—The Secretary may enter into contracts with public or private agencies, organizations, or individuals to carry out the provisions of this section.

(f) Reservation.—The Secretary shall reserve for the purposes of this section not less than 1 percent, and may reserve for such purposes not more than 2 percent, of the amounts available under paragraphs (2) and (3) of section 5(a) of this Act for any fiscal year.

SEC. 204. FEDERAL STANDARDS FOR EARLY CHILDHOOD EDUCATION SERVICES.

(a) Program Standards.—The Secretary shall, after consultation with other Federal agencies and with the Committee established pursuant to subsection (c) of this section, promulgate a common set of program standards which shall be applicable to all programs providing early childhood education services with Federal assistance under this Act, to be known as the Federal Standards for Early Childhood Education. If the Secretary disapproves the Committee’s recommendations, the Secretary shall state the reasons therefor.

(b) Committee Appointments.—The Secretary shall, within sixty days after enactment of this title, ap-
point a Special Committee on Federal Standards for Early Childhood Education, which shall included parents of children enrolled in early childhood education programs, representatives of public and private agencies administering early childhood education programs, and organization specialists, and others interested in the development of children. Not less than one-half of the membership of the Committee shall consist of parents of children participating in programs conducted under title I of this Act. Such Committee shall participate in the development of Federal Standards for Early Childhood Education and modifications thereof as provided in subsection (a).

SEC. 205. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR FACILITIES.

(a) UNIFORM MINIMUM CODE.—The Secretary shall, within sixty days after enactment of this bill appoint a special committee to develop a uniform minimum code for facilities, to be used in licensing early childhood education facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Early Childhood Education.

(b) MEMBERSHIP.—The special committee appointed under this section shall include parents of children participating in child development programs and representatives
of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering early childhood education programs, and national agencies or organizations interested in the development of children. Not less than one-third of the membership of the committee shall consist of parents of children enrolled in such programs.

(e) **Public Hearings.**—Within one year after its appointment, the special committee shall complete a proposed uniform minimum code for facilities and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for approval.

(d) **Promulgation of Standards.**—After considering the recommendations submitted by the special committee in accordance with subsection (c), the Secretary shall promulgate standards which shall be applicable to all facilities receiving Federal financial assistance under this Act or in which programs receiving Federal financial assistance under this Act are operated. If the Secretary disapproves the committee’s recommendations, the Secretary shall state the reasons therefor. The Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from
time to time modify the uniform code for facilities in ac-
cordance with procedures set forth in this section.

TITLE III—MODEL FEDERAL GOVERNMENT EARLY CHILD-
HOOD EDUCATION PROGRAMS

SEC. 301. PROGRAM AUTHORIZED.

(a) MODEL PROGRAMS.—The Secretary is authorized to provide financial assistance for the purpose of estab-
lishing and operating model early childhood education pro-
grams (including the lease, rental, or construction of nec-
essary facilities and the acquisition of necessary equip-
ment and supplies) for the children of civilian employees of the Federal Government.

(b) AGENCY COMMITTEE.—Civilian employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to partici-
pate in a program eligible for assistance under this part shall—

(1) designate or create for such purpose an agency committee, the membership of which shall be broadly representative of the working parents inter-
ested in utilizing these services who are employed by the agency or agencies; and
(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

(A) provides that the early childhood education program shall be administered under the direction of the agency committee;

(B) provides that the program will meet the Federal Standards for Early Childhood Education approved pursuant to section 204 and the uniform minimum code for facilities approved pursuant to section 205.

(C) provides a means of determining priority of eligibility among parents wishing to use the service program;

(D) provides for a scale of fees based upon the parents' financial status; and

(E) provides for competent management, staffing, and facilities for such program.

(c) OFFICIAL PLAN APPROVAL.—The Secretary shall not make payments under this section unless the Secretary has received approval of the plan from the official in charge of the agency whose employees will be served by the early childhood education program.
SEC. 302. PAYMENTS.

(a) IN GENERAL.—Not more than 80 percent of the total cost of the early childhood education program under this part shall be paid from Federal funds available under this title.

(b) PUBLIC OR PRIVATE FUNDS.—The share of the total cost not available under paragraph (a) may be provided through public or private funds and may be in the form of cash, goods, services, or facilities (or portions thereof that are used for program purposes), reasonable evaluated, fees collected from parents, and union and employer contributions.

(c) EXCESS AMOUNTS.—If, with respect to any fiscal year, a program under this part provides contributions exceeding its requirements under this section, such excess may be used to meet the requirements of such contributions for the subsequent fiscal year.

TITLE IV—RESEARCH AND DEMONSTRATIONS

SEC. 401. DECLARATION OF PURPOSES.

The purposes of this part are to focus national research efforts to attain a fuller understanding of the process of early child development and the effects of organized programs upon these processes; to develop effective programs for research into child development; and to assure that the result of research and development efforts are re-
flected in the conduct of programs affecting children through the improvement and expansion of early childhood education and related programs.

4 SEC. 402. RESEARCH AND DEMONSTRATION PROJECTS.

(a) RESEARCH AND DEMONSTRATION PROJECTS.—

In order to further the purposes of this part, the Secretary shall carry out a program of research and demonstration projects, which shall include but not be limited to—

(1) research to determine the nature of child development processes and the impact of various influences upon them, to develop techniques to measure and evaluate child development, to develop standards to evaluate professional and paraprofessional early childhood education personnel, to determine how early childhood development and education and related programs conducted in either home or institutional settings affect child development processes;

(2) research to test alternative methods of providing early childhood education and related services, and to develop and test innovative approaches to achieve maximum development of children and programs for training adolescent youth in child development;
(3) evaluation of research findings and the development of these findings and the effective application thereof; and

(4) dissemination and application of research and development efforts and demonstration projects to early childhood education and related programs, using regional demonstration centers and advisory services where feasible.

(b) AUTHORITY.—In order to carry out the program provided for in subsection (a), the Secretary is authorized to make grants to or enter into contracts or other arrangements with public or private nonprofit agencies (including other Government agencies), organizations, and institutions, and to enter into contracts with private agencies, organizations, institutions, and individuals.

SEC. 403. COORDINATION OF RESEARCH.

(a) FUND TRANSFERS.—Funds available to any Federal department or agency for the purposes stated in section 401 or the activities stated in section 402(a) shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Secretary for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Secretary for the purpose for which the transfer was made.
(b) COORDINATION.—The Secretary shall coordinate all early childhood education research, training, and development efforts conducted with the Federal Government and, to the extent feasible, by other agencies, organizations, and individuals.

(c) ANNUAL MEETINGS.—Representatives from the National Institute for Early Childhood Development, the Federal agencies administering the Social Security Act and the Elementary and Secondary Education Act, the Department of Health and Human Services Administration for Children and Families, the Department of Labor, and other appropriate agencies, shall meet at least annually and at such more frequent times as they may deem necessary, in order to assure coordination of child development and early childhood education and related activities under their respective jurisdictions and to carry out the provisions of this title so as to assure—

(1) maximum utilization of available resources through the prevention of duplication of activities;

(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the achievement of the purposes of this title; and
(3) recommendation of priorities for federally funded research and development activities related to the purposes of this title and those stated in section 3.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITIONS.

As used in this Act, the term—

(1) “children” means individuals who have not attained the age of 8;

(2) “children with disabilities” any such child as defined in section 602 of the Individuals With Disabilities Education Act;

(3) “early childhood education programs” means programs provided on a full-day basis which provide the educational, nutritional, social, medical, psychological, and physical services needed for young children to attain their full potential;

(4) “economically disadvantaged children” means any child of a family having an annual income below the lower living standards budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;
(5) “institution of higher education” means any such institution as defined in section 1201 of the Higher Education Act of 1965.

(6) “limited English proficiency” means such individual as defined in section 7003(a) of the Bilingual Education Act.

(7) “local educational agency” means any such agency as defined in section 1471 of the Elementary and Secondary Education Act of 1965;

(8) “locality” means any city or other municipality or any county or other political subdivision of a State having general governmental powers, or any combination thereof;

(9) “minority group” means persons who are African-American, Native American, Alaskan Native, Native Hawaiian, Hispanic American, Asian American, Pacific Island American, Arab Americans, Persian Americans and, as determined by the Secretary, or children who are from environments in which a dominant language is other than English.

(10) “parent” means any person who has day-to-day parental responsibility for any child;

(11) “program” includes any program, service, or activity, which is conducted full or part-time, day or night, in early childhood education facilities, in
schools, in neighborhood centers, or in homes, or which provides early childhood education for children whose parents are working or receiving education or training;

(12) “Secretary” means the Secretary of Edu-

cation;

(13) “single parent” means any person who has sole day-to-day responsibility for any child;

(14) “State” means each of the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Is-

lands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau); and

(15) “working mother” means any mother who requires child care services under this Act in order to undertake or continue full or part-time work, training, or education outside the home.

SEC. 502. NUTRITION SERVICES.

In accordance with the purposes of this Act, the Sec-

cretary of Education shall establish procedures to assure that adequate nutrition services will be provided in early childhood education programs under this Act. Such serv-

ices shall make use of the Special Food Services Program
for children as defined under the National School Lunch Act of 1946 and the Child Nutrition Act of 1966 to the fullest extent appropriate and consistent with the provisions of such Acts.

SEC. 503. SPECIAL PROVISIONS.

(a) General Authority.—The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this title, including necessary adjustments in payments on account of overpayment or underpayment. Subject to the provisions of section 504, the Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this title or any term or condition of assistance under this title.

(b) Regulations.—The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.
(c) Prohibition on Discrimination.—The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, sexual orientation, political affiliation, or beliefs.

(d) Prohibition on Political Activities.—The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities.

(e) Prohibition on Sectarian Instruction.—The Secretary shall not provide financial assistance for any program under this Act unless the Secretary determines that no funds will be used for, and no person will be employed under the program on, the construction, operation, or maintenance of so much of any facility as is for use for sectarian instruction or as a place for religious worship.
(f) Prohibition on Medical or Psychological Examination.—A child participating in a program assisted under this Act shall not be required to undergo medical or psychological examination (except to the extent related to learning ability), or treatment, if the child’s parent or guardian objects thereto.

SEC. 504. WITHHOLDING OF GRANTS.

Whenever the Secretary, after reasonable notice and opportunity for a hearing to any prime sponsor or project applicant, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of any such prime sponsor approved under section 104;

(2) that there has been a failure to comply substantially with any requirement set forth in the application of any such project applicant approved pursuant section 105; or

(3) that in the operation of any program or project carried out by any such prime sponsor or project applicant under this Act there is a failure to comply substantially with any applicable provision of this Act or regulation promulgated thereunder; the Secretary shall notify such prime sponsor or project applicant of his/her findings and that no further
payments may be made to such sponsor or applicant under this Act until the Secretary is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected. The Secretary may authorize the continuation of payments with respect to any project assisted under this Act which is being carried out pursuant to such plan or application and which is not involved in the non-compliance.

SEC. 505. PUBLIC INFORMATION.

(a) Public Access.—Applications for designation as prime sponsors, comprehensive early childhood education plans, project applications, and all written material pertaining thereto shall be made readily available without charge on the public by the prime sponsor, the applicant, and the Secretary.

(b) No Experimentation.—The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.
(c) CONSTRUCTION.—Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to the moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.