

**AMENDMENT TO H.R. 5**

**OFFERED BY M**     .

Redesignate title VIII as title IX.

Redesignate section 801 as section 901.

Insert after title VII the following:

1 **TITLE VIII—PREKINDERGARTEN**  
2 **ACCESS**  
3 **Subtitle A—Access to Voluntary**  
4 **Prekindergarten for Low- and**  
5 **Moderate-Income Families**

6 **SEC. 801. PURPOSES.**

7 The purposes of this subtitle are to—

8 (1) establish a Federal-State partnership to  
9 provide access to high-quality public prekindergarten  
10 programs for all children from low-income and mod-  
11 erate-income families to ensure that they enter kin-  
12 dergarten prepared for success;

13 (2) broaden participation in such programs to  
14 include children from additional middle-class fami-  
15 lies; and

1           (3) promote access to high-quality kindergarten,  
2           and high-quality early childhood education programs  
3           and settings for children.

4 **SEC. 802. DEFINITIONS.**

5           In this subtitle:

6           (1) CHILD WITH A DISABILITY.—The term  
7           “child with a disability” has the meaning given the  
8           term in section 602 of the Individuals with Disabil-  
9           ities Education Act (20 U.S.C. 1401).

10           (2) COMPREHENSIVE EARLY LEARNING ASSESS-  
11           MENT SYSTEM.—The term “comprehensive early  
12           learning assessment system”—

13                   (A) means a coordinated and comprehen-  
14                   sive system of multiple assessments, each of  
15                   which is valid and reliable for its specified pur-  
16                   pose and for the population with which it will  
17                   be used, that—

18                           (i) organizes information about the  
19                           process and context of young children’s  
20                           learning and development to help early  
21                           childhood educators make informed in-  
22                           structional and programmatic decisions;  
23                           and

1 (ii) conforms to the recommendations  
2 of the National Research Council reports  
3 on early childhood; and

4 (B) includes, at a minimum—

5 (i) child screening measures to iden-  
6 tify children who may need follow-up serv-  
7 ices to address developmental, learning, or  
8 health needs in, at a minimum, areas of  
9 physical health, behavioral health, oral  
10 health, child development, vision, and hear-  
11 ing;

12 (ii) child formative assessments;

13 (iii) measures of environmental qual-  
14 ity; and

15 (iv) measures of the quality of adult-  
16 child interactions.

17 (3) DUAL LANGUAGE LEARNER.—The term  
18 “dual language learner” means an individual who is  
19 limited English proficient.

20 (4) EARLY CHILDHOOD EDUCATION PRO-  
21 GRAM.—The term “early childhood education pro-  
22 gram” has the meaning given the term under section  
23 103 of the Higher Education Act of 1965 (20  
24 U.S.C. 1003).

1           (5) ELEMENTARY SCHOOL.—The term “elemen-  
2           tary school” has the meaning given the term in sec-  
3           tion 6101 of the Elementary and Secondary Edu-  
4           cation Act of 1965 (as amended by this Act).

5           (6) ELIGIBILITY DETERMINATION DATE.—The  
6           term “eligibility determination date” means the date  
7           used to determine eligibility for public elementary  
8           school in the community in which the eligible local  
9           entity involved is located.

10          (7) ELIGIBLE LOCAL ENTITY.—The term “eligi-  
11          ble local entity” means—

12                 (A) a local educational agency, including a  
13                 charter school or a charter management organi-  
14                 zation that acts as a local educational agency,  
15                 or an educational service agency in partnership  
16                 with a local educational agency—

17                         (i) that has met the requirement de-  
18                         scribed in section 802(9)(B); or

19                         (ii) whose teachers are in progress of  
20                         meeting such requirement within two  
21                         years;

22                 (B) an entity (including a Head Start pro-  
23                 gram or licensed child care setting) that carries  
24                 out, administers, or supports an early childhood  
25                 education program and—

1 (i) that has met the requirement de-  
2 scribed in section 802(9)(B); or

3 (ii) whose teachers are in progress of  
4 meeting such requirement within two  
5 years; or

6 (C) a consortium of entities described in  
7 subparagraph (A) or (B).

8 (8) FULL-DAY.—The term “full-day” means a  
9 day that is—

10 (A) equivalent to a full school day at the  
11 public elementary schools in a State; and

12 (B) not less than 5 hours a day.

13 (9) HIGH-QUALITY PREKINDERGARTEN PRO-  
14 GRAM.—The term “high-quality prekindergarten  
15 program” means a prekindergarten program sup-  
16 ported by an eligible local entity that includes, at a  
17 minimum, the following elements based on nationally  
18 recognized standards:

19 (A) Serves children who—

20 (i) are age 4 or children who are age  
21 3 or 4, by the eligibility determination date  
22 (including children who turn age 5 while  
23 attending the program); or

24 (ii) have attained the legal age for  
25 State-funded prekindergarten.

1 (B) Requires high qualifications for staff,  
2 including that teachers meet the requirements  
3 of 1 of the following clauses:

4 (i) The teacher has a bachelor's de-  
5 gree in early childhood education or a re-  
6 lated field with coursework that dem-  
7 onstrates competence in early childhood  
8 education.

9 (ii) The teacher—

10 (I) has a bachelor's degree in any  
11 field;

12 (II) has demonstrated knowledge  
13 of early childhood education by pass-  
14 ing a State-approved assessment in  
15 early childhood education;

16 (III) while employed as a teacher  
17 in the prekindergarten program, is en-  
18 gaged in on-going professional devel-  
19 opment in early childhood education  
20 for not less than 2 years; and

21 (IV) not more than 3 years after  
22 starting employment as a teacher in  
23 the prekindergarten program, enrolls  
24 in and completes a State-approved ed-  
25 ucator preparation program in which

1 the teacher receives training and sup-  
2 port in early childhood education.

3 (iii) The teacher has bachelor's degree  
4 with a credential, license, or endorsement  
5 that demonstrates competence in early  
6 childhood education.

7 (C) Maintains an evidence-based maximum  
8 class size.

9 (D) Maintains an evidence-based child to  
10 instructional staff ratio.

11 (E) Offers a full-day program.

12 (F) Provides developmentally appropriate  
13 learning environments and evidence-based cur-  
14 ricula that are aligned with the State's early  
15 learning and development standards described  
16 in section 805(1).

17 (G) Offers instructional staff salaries com-  
18 parable to kindergarten through grade 12  
19 teaching staff.

20 (H) Provides for ongoing monitoring and  
21 program evaluation to ensure continuous im-  
22 provement.

23 (I) Offers accessible comprehensive services  
24 for children that include, at a minimum—

1 (i) screenings for vision, dental, hear-  
2 ing, health (including mental health), and  
3 development (including early literacy and  
4 math skill development) and referrals, and  
5 assistance obtaining services, when appro-  
6 priate;

7 (ii) family engagement opportunities  
8 that take into account home language,  
9 such as parent conferences (including par-  
10 ent input about their child's development)  
11 and support services, such as parent edu-  
12 cation, home visiting, and family literacy  
13 services;

14 (iii) nutrition services, including nutri-  
15 tious meals and snack options aligned with  
16 requirements set by the most recent Child  
17 and Adult Care Food Program guidelines  
18 promulgated by the Department of Agri-  
19 culture as well as regular, age-appropriate,  
20 nutrition education for children and their  
21 families;

22 (iv) programs coordinated with local  
23 educational agencies and entities providing  
24 programs authorized under section 619  
25 and part C of the Individuals with Disabil-

1                   ities Education Act (20 U.S.C. 1419 and  
2                   1431 et seq.);

3                   (v) physical activity programs aligned  
4                   with evidence-based guidelines, such as  
5                   those recommended by the Institute of  
6                   Medicine, and which take into account and  
7                   accommodate children with disabilities;

8                   (vi) additional support services, as ap-  
9                   propriate, based on the findings of the  
10                  needs analysis as described in section 810;  
11                  and

12                  (vii) on-site coordination, to the max-  
13                  imum extent feasible.

14                  (J) Provides high-quality professional de-  
15                  velopment for all staff, including regular in-  
16                  classroom observation for teachers and teacher  
17                  assistants by individuals trained in such obser-  
18                  vation and which may include evidence-based  
19                  coaching.

20                  (K) Meets the education performance  
21                  standards in effect under section 641A(a)(1)(B)  
22                  of the Head Start Act (42 U.S.C.  
23                  9836a(a)(1)(B)).

24                  (L) Maintains evidence-based health and  
25                  safety standards.

1 (M) Maintains disciplinary policies that do  
2 not include expulsion or an extended suspension  
3 of participating children, and that include pro-  
4 viding appropriate early educational services for  
5 participating children who are suspended for a  
6 short period of time.

7 (10) GOVERNOR.—The term “Governor” means  
8 the chief executive officer of a State.

9 (11) HOMELESS CHILD.—The term “homeless  
10 child” means a child or youth described in section  
11 725(2) of the McKinney-Vento Homeless Assistance  
12 Act (42 U.S.C. 11434a(2)).

13 (12) INSTITUTION OF HIGHER EDUCATION.—  
14 The term “institution of higher education” has the  
15 meaning given the term in section 102 of the Higher  
16 Education Act of 1965 (20 U.S.C. 1002).

17 (13) INDIAN TRIBE; TRIBAL ORGANIZATION.—  
18 The terms “Indian tribe” and “tribal organization”  
19 have the meanings given the terms in 658P of the  
20 Child Care and Development Block Grant of 1990  
21 (42 U.S.C. 9858n).

22 (14) LIMITED ENGLISH PROFICIENT.—The  
23 term “limited English proficient” has the meaning  
24 given the term in section 637 of the Head Start Act  
25 (42 U.S.C. 9832).

1           (15) LOCAL EDUCATIONAL AGENCY; STATE  
2 EDUCATIONAL AGENCY; EDUCATIONAL SERVICE  
3 AGENCY.—The terms “local educational agency”,  
4 “State educational agency”, and “educational service  
5 agency” have the meanings given the terms in sec-  
6 tion 6101 of the Elementary and Secondary Edu-  
7 cation Act of 1965 (as amended by this Act).

8           (16) MIGRANT OR SEASONAL AGRICULTURAL  
9 LABOR.—The term “migrant or seasonal agricultural  
10 labor” refers to an individual who is engaged in ag-  
11 ricultural labor, including those who have changed  
12 their residence from one geographic location to an-  
13 other in the proceeding 36 months.

14           (17) MIGRATORY CHILD.—The term “migratory  
15 child” has the meaning given the term in section  
16 1139 of the Elementary and Secondary Education  
17 Act of 1965 (as amended by this Act).

18           (18) OUTLYING AREA.—The term “outlying  
19 area” means each of the United States Virgin Is-  
20 lands, Guam, American Samoa, the Commonwealth  
21 of the Northern Mariana Islands, and the Republic  
22 of Palau.

23           (19) POVERTY LINE.—The term “poverty line”  
24 means the official poverty line (as defined by the Of-  
25 fice of Management and Budget)—

1 (A) adjusted to reflect the percentage  
2 change in the Consumer Price Index for All  
3 Urban Consumers published by the Bureau of  
4 Labor Statistics of the Department of Labor  
5 for the most recent 12-month period or other  
6 interval for which the data are available; and

7 (B) applicable to a family of the size in-  
8 volved.

9 (20) SECONDARY SCHOOL.—The term “sec-  
10 ondary school” has the meaning given the term in  
11 section 6101 of the Elementary and Secondary Edu-  
12 cation Act of 1965 (as amended by this Act).

13 (21) SECRETARY.—The term “Secretary”  
14 means the Secretary of Education.

15 (22) STATE.—Except as otherwise provided in  
16 this subtitle, the term “State” means each of the 50  
17 States, the District of Columbia, the Commonwealth  
18 of Puerto Rico, and each of the outlying areas.

19 (23) STATE ADVISORY COUNCIL ON EARLY  
20 CHILDHOOD EDUCATION AND CARE.—The term  
21 “State Advisory Council on Early Childhood Edu-  
22 cation and Care” means the State Advisory Council  
23 on Early Childhood Education and Care established  
24 under section 642B(b) of the Head Start Act (42  
25 U.S.C. 9837b(b)).

1 **SEC. 803. PROGRAM AUTHORIZATION.**

2 From amounts made available to carry out this sub-  
3 title, the Secretary, in consultation with the Secretary of  
4 Health and Human Services, shall award grants to States  
5 to implement high-quality prekindergarten programs, con-  
6 sistent with the purposes of this subtitle described in sec-  
7 tion 801. For each fiscal year, the funds provided under  
8 a grant by a State shall equal the allotment determined  
9 for the State under section 804.

10 **SEC. 804. ALLOTMENTS AND RESERVATIONS OF FUNDS.**

11 (a) RESERVATION.—From the amount made avail-  
12 able each fiscal year to carry out this subtitle, the Sec-  
13 retary shall—

14 (1) reserve not less than 1 percent and not  
15 more than 2 percent for payments to Indian tribes  
16 and tribal organizations;

17 (2) reserve  $\frac{1}{2}$  of 1 percent for the outlying  
18 areas to be distributed among the outlying areas on  
19 the basis of their relative need, as determined by the  
20 Secretary in accordance with the purposes of this  
21 subtitle;

22 (3) reserve  $\frac{1}{2}$  of 1 percent for eligible local en-  
23 tities that serve children in families who are engaged  
24 in migrant or seasonal agricultural labor; and

25 (4) reserve not more than 1 percent or  
26 \$30,000,000, whichever amount is less, for national

1 activities, including administration, technical assist-  
2 ance, and evaluation.

3 (b) ALLOTMENTS.—

4 (1) IN GENERAL.—From the amount made  
5 available each fiscal year to carry out this subtitle  
6 and not reserved under subsection (a), the Secretary  
7 shall make allotments to States in accordance with  
8 paragraph (2) that have submitted an approved ap-  
9 plication.

10 (2) ALLOTMENT AMOUNT.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B), the Secretary shall allot the amount  
13 made available under paragraph (1) for a fiscal  
14 year among the States in proportion to the  
15 number of children who are age 4 who reside  
16 within the State and are from families with in-  
17 comes at or below 200 percent of the poverty  
18 line for the most recent year for which satisfac-  
19 tory data are available, compared to the num-  
20 ber of such children who reside in all such  
21 States for that fiscal year.

22 (B) MINIMUM ALLOTMENT AMOUNT.—No  
23 State receiving an allotment under subpara-  
24 graph (A) may receive less than  $\frac{1}{2}$  of 1 percent

1 of the total amount allotted under such sub-  
2 paragraph.

3 (3) REALLOTMENT AND CARRY OVER.—

4 (A) IN GENERAL.—If one or more States  
5 do not receive an allotment under this sub-  
6 section for any fiscal year, the Secretary may  
7 use the amount of the allotment for that State  
8 or States, in such amounts as the Secretary de-  
9 termines appropriate, for either or both of the  
10 following:

11 (i) To increase the allotments of  
12 States with approved applications for the  
13 fiscal year, consistent with subparagraph  
14 (B).

15 (ii) To carry over the funds to the  
16 next fiscal year.

17 (B) REALLOTMENT.—In increasing allot-  
18 ments under subparagraph (A)(i), the Secretary  
19 shall allot to each State with an approved appli-  
20 cation an amount that bears the same relation-  
21 ship to the total amount to be allotted under  
22 subparagraph (A)(i), as the amount the State  
23 received under paragraph (2) for that fiscal  
24 year bears to the amount that all States re-  
25 ceived under paragraph (2) for that fiscal year.

1           (4) STATE.—For purposes of this subsection,  
2           the term “State” means each of the 50 States, the  
3           District of Columbia, and the Commonwealth of  
4           Puerto Rico.

5           (c) FLEXIBILITY.—The Secretary may make minimal  
6           adjustments to allotments under this subsection, which  
7           shall neither lead to a significant increase or decrease in  
8           a State’s allotment determined under subsection (b), based  
9           on a set of factors, such as the level of program participa-  
10          tion and the estimated cost of the activities specified in  
11          the State plan under section 806(a)(2).

12          **SEC. 805. STATE ELIGIBILITY CRITERIA.**

13          A State is eligible to receive a grant under this sub-  
14          title if the State demonstrates to the Secretary that the  
15          State—

16                (1) has established or will establish early learn-  
17                ing and development standards that describe what  
18                children from birth to kindergarten entry should  
19                know and be able to do, are universally designed and  
20                developmentally, culturally, and linguistically appro-  
21                priate, are aligned with the State’s challenging aca-  
22                demic content standards and challenging student  
23                academic achievement standards, as adopted under  
24                section 1111(b)(1) of the Elementary and Secondary  
25                Education Act of 1965 (as amended by this Act),

1 and cover all of the essential domains of school read-  
2 iness, which address—

3 (A) physical well-being and motor develop-  
4 ment;

5 (B) social and emotional development;

6 (C) approaches to learning, including cre-  
7 ative arts expression;

8 (D) developmentally appropriate oral and  
9 written language and literacy development; and

10 (E) cognition and general knowledge, in-  
11 cluding early mathematics and early scientific  
12 development;

13 (2) has the ability or will develop the ability to  
14 link prekindergarten data with its elementary school  
15 and secondary school data for the purpose of col-  
16 lecting longitudinal information for all children par-  
17 ticipating in the State's high-quality prekindergarten  
18 program and any other Federally-funded early child-  
19 hood program that will remain with the child  
20 through the child's public education through grade  
21 12;

22 (3) offers State-funded kindergarten for chil-  
23 dren who are eligible children for that service in the  
24 State; and

1           (4) has established a State Advisory Council on  
2           Early Childhood Education and Care.

3 **SEC. 806. STATE APPLICATIONS.**

4           (a) IN GENERAL.—To receive a grant under this sub-  
5 title, the Governor of a State, in consultation with the In-  
6 dian tribes and tribal organizations in the State, if any,  
7 shall submit an application to the Secretary at such time,  
8 in such manner, and containing such information as the  
9 Secretary may reasonably require. At a minimum, each  
10 such application shall include—

11           (1) an assurance that the State—

12                   (A) will coordinate with and continue to  
13 participate in the programs authorized under  
14 section 619 and part C of the Individuals with  
15 Disabilities Education Act (20 U.S.C. 1419 and  
16 1431 et seq.), the Child Care and Development  
17 Block Grant Act of 1990 (42 U.S.C. 9858 et  
18 seq.), and the maternal, infant, and early child-  
19 hood home visiting programs funded under sec-  
20 tion 511 of the Social Security Act (42 U.S.C.  
21 711) for the duration of the grant;

22                   (B) will designate a State-level entity (such  
23 as an agency or joint interagency office), se-  
24 lected by the Governor, for the administration  
25 of the grant, which shall coordinate and consult

1 with the State educational agency if the entity  
2 is not the State educational agency; and

3 (C) will establish, or certify the existence  
4 of, program standards for all State prekinde-  
5 garten programs consistent with the definition  
6 of a high-quality prekindergarten program  
7 under section 802;

8 (2) a description of the State's plan to—

9 (A) use funds received under this subtitle  
10 and the State's matching funds to provide high-  
11 quality prekindergarten programs, in accord-  
12 ance with section 807(d), with open enrollment  
13 for all children in the State who—

14 (i) are described in section 802(9)(A);

15 and

16 (ii) are from families with incomes at  
17 or below 200 percent of the poverty line;

18 (B) develop or enhance a system for moni-  
19 toring eligible local entities that are receiving  
20 funds under this subtitle for compliance with  
21 quality standards developed by the State and to  
22 provide program improvement support, which  
23 may be accomplished through the use of a  
24 State-developed system for quality rating and  
25 improvement;

1 (C) if applicable, expand participation in  
2 the State's high-quality prekindergarten pro-  
3 grams to children from families with incomes  
4 above 200 percent of the poverty line;

5 (D) carry out the State's comprehensive  
6 early learning assessment system, or how the  
7 State plans to develop such a system, ensuring  
8 that any assessments are culturally, develop-  
9 mentally, and age-appropriate and consistent  
10 with the recommendations from the study on  
11 Developmental Outcomes and Assessments for  
12 Young Children by the National Academy of  
13 Sciences, consistent with section 649(j) of the  
14 Head Start Act (42 U.S.C. 9844);

15 (E) develop, implement, and make publicly  
16 available the performance measures and targets  
17 described in section 809;

18 (F) increase the number of teachers with  
19 bachelor's degrees in early childhood education,  
20 or with bachelor's degrees in another closely re-  
21 lated field and specialized training and dem-  
22 onstrated competency in early childhood edu-  
23 cation, including how institutions of higher edu-  
24 cation will support increasing the number of  
25 teachers with such degrees and training, includ-

1           ing through the use of assessments of prior  
2           learning, knowledge, and skills to facilitate and  
3           expedite attainment of such degrees;

4                   (G) coordinate and integrate the activities  
5           funded under this subtitle with Federal, State,  
6           and local services and programs that support  
7           early childhood education and care, including  
8           programs supported under this subtitle, the El-  
9           ementary and Secondary Education Act of 1965  
10          (as amended by this Act), the Individuals with  
11          Disabilities Education Act (20 U.S.C. 1400 et  
12          seq.), the Head Start Act (42 U.S.C. 9831 et  
13          seq.), the Community Services Block Grant Act  
14          (42 U.S.C. 9901 et seq.), the Child Care and  
15          Development Block Grant Act of 1990 (42  
16          U.S.C. 9858 et seq.), the temporary assistance  
17          for needy families program under part A of title  
18          IV of the Social Security Act (42 U.S.C. 601 et  
19          seq.), the State incentive grant program under  
20          section 14006 of the American Recovery and  
21          Reinvestment Act of 2009 (Public Law 111–5),  
22          Federally funded early literacy programs, the  
23          maternal, infant, and early childhood home vis-  
24          iting programs funded under section 511 of the  
25          Social Security Act (42 U.S.C. 711), health im-

1           provements to child care funded under title  
2           XIX of the Social Security Act (42 U.S.C. 1396  
3           et seq.), the program under subtitle B of title  
4           VII of the McKinney-Vento Homeless Assist-  
5           ance Act (42 U.S.S. 11431 et seq.), the Invest-  
6           ing In Innovation program under section 14007  
7           of the American Recovery and Reinvestment  
8           Act of 2009 (Public Law 111–5), programs au-  
9           thorized under part E of title IV of the Social  
10          Security Act (42 U.S.C. 670 et seq.), the Fos-  
11          tering Connections to Success and Increasing  
12          Adoptions Act of 2008 (Public Law 110–351),  
13          and any other Federal, State, or local early  
14          childhood education programs used in the  
15          State;

16                 (H) award subgrants to eligible local enti-  
17                 ties, and in awarding such subgrants, facilitate  
18                 a delivery system of high-quality prekind-  
19                 ergarten programs that includes diverse pro-  
20                 viders, such as providers in community-based,  
21                 public school, and private settings, and consider  
22                 the system’s impact on options for families;

23                 (I) in the case of a State that does not  
24                 have a funding mechanism for subgranting  
25                 funds to implement high-quality prekind-

1           garten, use objective criteria in awarding sub-  
2           grants to eligible local entities that will imple-  
3           ment high-quality prekindergarten programs,  
4           including actions the State will take to ensure  
5           that eligible local entities will coordinate with  
6           local educational agencies or other early learn-  
7           ing providers, as appropriate, to carry out ac-  
8           tivities to provide children served under this  
9           subtitle with a successful transition from pre-  
10          school into kindergarten, which activities shall  
11          include—

12                   (i) aligning curricular objectives and  
13                   instruction;

14                   (ii) providing staff professional devel-  
15                   opment, including opportunities for joint-  
16                   professional development on early learning  
17                   and kindergarten through grade 3 stand-  
18                   ards, assessments, and curricula;

19                   (iii) coordinating family engagement  
20                   and support services; and

21                   (iv) encouraging the shared use of fa-  
22                   cilities and transportation, as appropriate;

23                   (J) use the State early learning and devel-  
24                   opment standards described in section 805(1)  
25                   to address the needs of dual language learners,

1 including by incorporating benchmarks related  
2 to English language development;

3 (K) identify barriers, and propose solutions  
4 to overcome such barriers, which may include  
5 seeking assistance under section 816, in the  
6 State to effectively use and integrate Federal,  
7 State, and local public funds and private funds  
8 for early childhood education that are available  
9 to the State on the date on which the applica-  
10 tion is submitted;

11 (L) support articulation agreements (as  
12 defined in section 486A of the Higher Edu-  
13 cation Act of 1965 (20 U.S.C. 1093a)) between  
14 public 2-year and public 4-year institutions of  
15 higher education and other credit-bearing pro-  
16 fessional development in the State for early  
17 childhood teacher preparation programs and  
18 closely related fields;

19 (M) ensure that the higher education pro-  
20 grams in the State have the capacity to prepare  
21 a workforce to provide high-quality prekind-  
22 garten programs;

23 (N) support workforce development, in-  
24 cluding State and local policies that support  
25 prekindergarten instructional staff's ability to

1           earn a degree, certification, or other specializa-  
2           tions or qualifications, including policies on  
3           leave, substitutes, and child care services, in-  
4           cluding non-traditional hour child care;

5           (O) hold eligible local entities accountable  
6           for use of funds;

7           (P) ensure that the State's early learning  
8           and development standards are integrated into  
9           the instructional and programmatic practices of  
10          high-quality prekindergarten programs and re-  
11          lated programs and services, such as those pro-  
12          vided to children under section 619 and part C  
13          of the Individuals with Disabilities Education  
14          Act (20 U.S.C. 1419 and 1431 et seq);

15          (Q) increase the number of children in the  
16          State who are enrolled in high-quality kinder-  
17          garten programs and carry out a strategy to  
18          implement such a plan;

19          (R) coordinate the State's activities sup-  
20          ported by grants under this subtitle with activi-  
21          ties in State plans required under the Elemen-  
22          tary and Secondary Education Act of 1965 (as  
23          amended by this Act), the Individuals with Dis-  
24          abilities Education Act (20 U.S.C. 1400 et  
25          seq.), the Head Start Act (42 U.S.C. 9831 et

1 seq.), the Child Care and Development Block  
2 Grant Act of 1990 (42 U.S.C. 9858 et seq.),  
3 and the Adult Education and Family Literacy  
4 Act (20 U.S.C. 9201 et seq.);

5 (S) encourage eligible local entities to co-  
6 ordinate with community-based learning re-  
7 sources, such as libraries, arts and arts edu-  
8 cation programs, appropriate media programs,  
9 family literacy programs, public parks and  
10 recreation programs, museums, nutrition edu-  
11 cation programs, and programs supported by  
12 the Corporation for National and Community  
13 Service;

14 (T) work with eligible local entities, in con-  
15 sultation with elementary school principals, to  
16 ensure that high-quality prekindergarten pro-  
17 grams have sufficient and appropriate facilities  
18 to meet the needs of children eligible for pre-  
19 kindergarten;

20 (U) support local early childhood coordi-  
21 nating entities, such as local early childhood  
22 councils, if applicable, and help such entities to  
23 coordinate early childhood education programs  
24 with high-quality prekindergarten programs to

1 ensure effective and efficient delivery of early  
2 childhood education program services;

3 (V) support shared services administering  
4 entities, if applicable;

5 (W) ensure that the provision of high-quality  
6 prekindergarten programs will not lead to a  
7 diminution in the quality or supply of services  
8 for infants and toddlers or disrupt the care of  
9 infants and toddlers in the geographic area  
10 served by the eligible local entity, which may in-  
11 clude demonstrating that the State will direct  
12 funds to provide high-quality early childhood  
13 education and care to infants and toddlers in  
14 accordance with section 807(d); and

15 (X) ensure that all high-quality prekindergarten  
16 programs the State supports under this  
17 Act will conduct criminal history background  
18 checks that meet the requirements of section  
19 6547 on employees and applicants for employ-  
20 ment with unsupervised access to children; and

21 (3) an inventory of the State's higher education  
22 programs that prepare individuals for work in a  
23 high-quality prekindergarten program, including—

24 (A) certification programs;

25 (B) associate degree programs;

- 1 (C) baccalaureate degree programs  
2 (D) masters degree programs; and  
3 (E) other programs that lead to a speciali-  
4 zation in early childhood education, or a related  
5 field.

6 (b) DEVELOPMENT OF APPLICATION.—In developing  
7 an application for a grant under this subtitle, a State shall  
8 consult with the State Advisory Council on Early Child-  
9 hood Education and Care and incorporate such Council's  
10 recommendations, where applicable.

11 (c) CONSTRUCTION.—Nothing in this section shall be  
12 construed to alter or otherwise affect the rights, remedies,  
13 and procedures afforded school employees, local edu-  
14 cational agency employees, and the employees of early  
15 childhood education programs under Federal, State, or  
16 local laws (including applicable regulations or court or-  
17 ders) or under the terms of collective bargaining agree-  
18 ments, memoranda of understanding, or other agreements  
19 between such employees and their employers.

20 **SEC. 807. STATE USE OF FUNDS.**

21 (a) RESERVATION FOR QUALITY IMPROVEMENT AC-  
22 TIVITIES.—

23 (1) IN GENERAL.—A State that receives a  
24 grant under this subtitle may reserve for, not more  
25 than the first 4 years such State receives such a

1 grant, not more than 20 percent of the grant funds  
2 for quality improvement activities that support the  
3 elements of high-quality prekindergarten programs.  
4 Such quality improvement activities may include  
5 supporting teachers, center directors, and principals  
6 in a State's high-quality prekindergarten program,  
7 licensed or regulated child care, or Head Start pro-  
8 grams to enable such teachers or directors to earn  
9 a baccalaureate degree in early childhood education,  
10 or closely-related field, through activities which may  
11 include—

12 (A) expanding or establishing scholarships,  
13 counseling, and compensation initiatives to  
14 cover the cost of tuition, fees, materials, trans-  
15 portation, and release time for such teachers;

16 (B) providing ongoing professional develop-  
17 ment opportunities, including regular in-class-  
18 room observation by individuals trained in such  
19 observation, for such teachers, directors, prin-  
20 cipals, and teachers assistants to enable such  
21 teachers, directors, principals, and teachers as-  
22 sistants to carry out the elements of high-qual-  
23 ity prekindergarten programs, which may in-  
24 clude activities that address—

- 1 (i) promoting children’s development  
2 across all of the essential domains of early  
3 learning and development;
- 4 (ii) developmentally appropriate cur-  
5 ricula and teacher-child interaction;
- 6 (iii) effective family engagement;
- 7 (iv) providing culturally competent in-  
8 struction;
- 9 (v) working with a diversity of chil-  
10 dren and families, including children with  
11 special needs and dual language learners;
- 12 (vi) childhood nutrition and physical  
13 education programs;
- 14 (vii) supporting the implementation of  
15 evidence-based curricula;
- 16 (viii) social and emotional develop-  
17 ment; and
- 18 (ix) incorporating age-appropriate  
19 strategies of positive behavioral interven-  
20 tions and supports; and
- 21 (C) providing families with increased op-  
22 portunities to learn how best to support their  
23 children’s physical, cognitive, social, and emo-  
24 tional development during the first five years of  
25 life.

1           (2) NOT SUBJECT TO MATCHING.—The amount  
2 reserved under paragraph (1) shall not be subject to  
3 the matching requirements under section 810.

4           (3) COORDINATION.—A State that reserves an  
5 amount under paragraph (1) shall coordinate the  
6 use of such amount with activities funded under sec-  
7 tion 658G of the Child Care and Development Block  
8 Grant Act of 1990 (42 U.S.C. 9858e) and the Head  
9 Start Act (42 U.S.C. 9831 et seq.).

10          (4) CONSTRUCTION.—A State may not use  
11 funds reserved under this subsection to meet the re-  
12 quirement described in section 802(9)(G).

13          (b) SUBGRANTS FOR HIGH-QUALITY PREKINDER-  
14 GARTEN PROGRAMS.—A State that receives a grant under  
15 this subtitle shall award subgrants of sufficient size to eli-  
16 gible local entities to enable such eligible local entities to  
17 implement high-quality prekindergarten programs for chil-  
18 dren who—

19           (1) are described in section 802(9)(A);

20           (2) reside within the State; and

21           (3) are from families with incomes at or below  
22 200 percent of the poverty line.

23          (c) ADMINISTRATION.—A State that receives a grant  
24 under this subtitle may reserve not more than 1 percent  
25 of the grant funds for administration of the grant, and

1 may use part of that reservation for the maintenance of  
2 the State Advisory Council on Early Childhood Education  
3 and Care.

4 (d) EARLY CHILDHOOD EDUCATION AND CARE PRO-  
5 GRAMS FOR INFANTS AND TODDLERS.—

6 (1) USE OF ALLOTMENT FOR INFANTS AND  
7 TODDLERS.—An eligible State may apply to use, and  
8 the appropriate Secretary may grant permission for  
9 the State to use, not more than 15 percent of the  
10 funds made available through a grant received under  
11 this subtitle to award subgrants to early childhood  
12 education programs to provide, consistent with the  
13 State’s early learning and development guidelines for  
14 infants and toddlers, high-quality early childhood  
15 education and care to infants and toddlers who re-  
16 side within the State and are from families with in-  
17 comes at or below 200 percent of the poverty line.

18 (2) APPLICATION.—To be eligible to use the  
19 grant funds as described in paragraph (1), the State  
20 shall submit an application to the appropriate Sec-  
21 retary at such time, in such manner, and containing  
22 such information as the Secretary may require. Such  
23 application shall, at a minimum, include a descrip-  
24 tion of how the State will—

1 (A) designate a lead agency which shall ad-  
2 minister such funds;

3 (B) ensure that such lead agency, in co-  
4 ordination with the State's Advisory Council on  
5 Early Childhood Education and Care, will col-  
6 laborate with other agencies in administering  
7 programs supported under this subsection for  
8 infants and toddlers in order to obtain input  
9 about the appropriate use of such funds and en-  
10 sure coordination with programs for infants and  
11 toddlers funded under the Child Care and De-  
12 velopment Block Grant Act of 1990 (42 U.S.C.  
13 9858 et seq.), the Head Start Act (42 U.S.C.  
14 9831 et seq.) (including any Early Learning  
15 Quality Partnerships established in the State  
16 under section 645B of the Head Start Act, as  
17 added by section 202), the Race to the Top and  
18 Early Learning Challenge program under sec-  
19 tion 14006 of Public Law 111-5 (123 Stat.  
20 283), the maternal, infant, and early childhood  
21 home visiting programs funded under section  
22 511 of the Social Security Act (42 U.S.C. 711),  
23 and part C of the Individuals with Disabilities  
24 Education Act (20 U.S.C. 1431 et seq.);

1 (C) ensure that infants and toddlers who  
2 benefit from amounts made available under this  
3 subsection will transition to and have the oppor-  
4 tunity to participate in a high-quality pre-  
5 kindergarten program supported under this  
6 subtitle;

7 (D) in awarding subgrants, give preference  
8 to early childhood education programs that  
9 have a plan to increase services to children with  
10 special needs, including children with develop-  
11 mental delays or disabilities, children who are  
12 dual language learners, homeless children, chil-  
13 dren who are in foster care, children of migrant  
14 families, children eligible for free or reduced-  
15 price lunch under the Richard B. Russell Na-  
16 tional School Lunch Act (42 U.S.C. 1751 et  
17 seq.), or children in the child welfare system;  
18 and

19 (E) give priority to activities carried out  
20 under this subsection that will increase access  
21 to high-quality early childhood education pro-  
22 grams for infants and toddlers in local areas  
23 with significant concentrations of low-income  
24 families that do not currently benefit from such  
25 programs.

1           (3) ELIGIBLE PROVIDERS.—A State may use  
2           the grant funds as described in paragraph (1) to  
3           serve infants and toddlers only by working with  
4           early childhood education program providers that—

5                   (A) offer full-day, full-year care, or other-  
6                   wise meet the needs of working families; and

7                   (B) meet high-quality standards, such as—

8                           (i) Early Head Start program per-  
9                           formance standards under the Head Start  
10                          Act (42 U.S.C. 9831 et seq.); or

11                           (ii) high quality, demonstrated, valid,  
12                          and reliable program standards that have  
13                          been established through a national entity  
14                          that accredits early childhood education  
15                          programs.

16           (4) FEDERAL ADMINISTRATION.—

17                   (A) IN GENERAL.—The Secretary of Edu-  
18                   cation shall bear responsibility for obligating  
19                   and disbursing funds to support activities under  
20                   this subsection and ensuring compliance with  
21                   applicable laws and administrative require-  
22                   ments, subject to paragraph (3).

23                   (B) INTERAGENCY AGREEMENT.—The Sec-  
24                   retary of Education and the Secretary of  
25                   Health and Human Services shall jointly ad-

1 minister activities supported under this sub-  
2 section on such terms as such Secretaries shall  
3 set forth in an interagency agreement. The Sec-  
4 retary of Health and Human Services shall be  
5 responsible for any final approval of a State's  
6 application under this subsection that addresses  
7 the use of funds designated for services to in-  
8 fants and toddlers.

9 (C) APPROPRIATE SECRETARY.—In this  
10 subsection, the term “appropriate Secretary”  
11 used with respect to a function, means the Sec-  
12 retary designated for that function under the  
13 interagency agreement.

14 **SEC. 808. ADDITIONAL PREKINDERGARTEN SERVICES.**

15 (a) PREKINDERGARTEN FOR 3-YEAR OLDS.—Each  
16 State that certifies to the Secretary that the State pro-  
17 vides universally available, voluntary, high-quality pre-  
18 kindergarten programs for 4-year old children who reside  
19 within the State and are from families with incomes at  
20 or below 200 percent of the poverty line may use the  
21 State's allocation under section 804(b) to provide high-  
22 quality prekindergarten programs for 3-year old children  
23 who reside within the State and are from families with  
24 incomes at or below 200 percent of the poverty line.

1 (b) SUBGRANTS.—In each State that has a city,  
2 county, or local educational agency that provides univer-  
3 sally available high-quality prekindergarten programs for  
4 4-year old children who reside within the State and are  
5 from families with incomes at or below 200 percent of the  
6 poverty line the State may use amounts from the State’s  
7 allocation under section 804(b) to award subgrants to eli-  
8 gible local entities to enable such eligible local entities to  
9 provide high-quality prekindergarten programs for 3-year  
10 old children who are from families with incomes at or  
11 below 200 percent of the poverty line and who reside in  
12 such city, county or local educational agency.

13 **SEC. 809. PERFORMANCE MEASURES AND TARGETS.**

14 (a) IN GENERAL.—A State that receives a grant  
15 under this subtitle shall develop, implement, and make  
16 publicly available the performance measures and targets  
17 for the activities carried out with grant funds. Such meas-  
18 ures shall, at a minimum, track the State’s progress in—

19 (1) increasing school readiness across all do-  
20 mains for all categories of children, as described in  
21 section 813(b)(7), including children with disabilities  
22 and dual language learners;

23 (2) narrowing school readiness gaps between  
24 minority and nonminority children, and low-income

1 children and more advantaged children, in prepara-  
2 tion for kindergarten entry;

3 (3) decreasing placement for children in ele-  
4 mentary school in special education programs and  
5 services as described in part B of the Individuals  
6 with Disabilities Education Act (20 U.S.C. 1411 et  
7 seq.);

8 (4) increasing the number of programs meeting  
9 the criteria for high-quality prekindergarten pro-  
10 grams across all types of local eligible entities, as de-  
11 fined by the State and in accordance with section  
12 802;

13 (5) decreasing the need for grade-to-grade re-  
14 tention in elementary school;

15 (6) if applicable, ensuring that high-quality pre-  
16 kindergarten programs do not experience instances  
17 of chronic absence among the children who partici-  
18 pate in such programs;

19 (7) increasing the number and percentage of  
20 low-income children in high-quality early childhood  
21 education programs that receive financial support  
22 through funds provided under this subtitle; and

23 (8) providing high-quality nutrition services,  
24 nutrition education, physical activity, and obesity  
25 prevention programs.

1 (b) PROHIBITION OF MISDIAGNOSIS PRACTICES.—A  
2 State shall not, in order to meet the performance meas-  
3 ures and targets described in subsection (a), engage in  
4 practices or policies that will lead to the misdiagnosis or  
5 under-diagnosis of disabilities or developmental delays  
6 among children who are served through programs sup-  
7 ported under this subtitle.

8 **SEC. 810. MATCHING REQUIREMENTS.**

9 (a) MATCHING FUNDS.—

10 (1) IN GENERAL.—Except as provided in para-  
11 graph (2), a State that receives a grant under this  
12 subtitle shall provide matching funds from non-Fed-  
13 eral sources, as described in subsection (c), in an  
14 amount equal to—

15 (A) 10 percent of the Federal funds pro-  
16 vided under the grant in the first year of grant  
17 administration;

18 (B) 10 percent of the Federal funds pro-  
19 vided under the grant in the second year of  
20 grant administration;

21 (C) 20 percent of the Federal funds pro-  
22 vided under the grant in the third year of grant  
23 administration;

1 (D) 30 percent of the Federal funds pro-  
2 vided under the grant in the fourth year of  
3 grant administration;

4 (E) 40 percent of the Federal funds pro-  
5 vided under the grant in the fifth year of grant  
6 administration;

7 (F) 50 percent of the Federal funds pro-  
8 vided under the grant in the sixth year of grant  
9 administration;

10 (G) 75 percent of the Federal funds pro-  
11 vided under the grant in the seventh year of  
12 grant administration; and

13 (H) 100 percent of the Federal funds pro-  
14 vided under the grant in the eighth and fol-  
15 lowing years of grant administration.

16 (2) REDUCED MATCH RATE.—A State that  
17 meets the requirements under subsection (b) may  
18 provide matching funds from non-Federal sources at  
19 a reduced rate. The full reduced matching funds  
20 rate shall be in an amount equal to—

21 (A) 5 percent of the Federal funds pro-  
22 vided under the grant in the first year of grant  
23 administration;

1 (B) 5 percent of the Federal funds pro-  
2 vided under the grant in the second year of  
3 grant administration;

4 (C) 10 percent of the Federal funds pro-  
5 vided under the grant in the third year of grant  
6 administration;

7 (D) 20 percent of the Federal funds pro-  
8 vided under the grant in the fourth year of  
9 grant administration;

10 (E) 30 percent of the Federal funds pro-  
11 vided under the grant in the fifth year of grant  
12 administration;

13 (F) 40 percent of the Federal funds pro-  
14 vided under the grant in the sixth year of grant  
15 administration;

16 (G) 50 percent of the Federal funds pro-  
17 vided under the grant in the seventh year of  
18 grant administration;

19 (H) 75 percent of the Federal funds pro-  
20 vided under the grant in the eighth year of  
21 grant administration; and

22 (I) 100 percent of the Federal funds pro-  
23 vided under the grant in the ninth and fol-  
24 lowing years of the grant administration.

1 (b) REDUCED MATCH RATE ELIGIBILITY.—A State  
2 that receives a grant under this subtitle may provide  
3 matching funds from non-Federal sources at the full re-  
4 duced rate under subsection (a)(2) if the State—

5 (1)(A) offers enrollment in high-quality pre-  
6 kindergarten programs to not less than half of chil-  
7 dren in the State who are—

8 (i) age 4 on the eligibility determination  
9 date; and

10 (ii) from families with incomes at or below  
11 200 percent of the poverty line; and

12 (B) has a plan for continuing to expand access  
13 to high-quality prekindergarten programs for such  
14 children in the State; and

15 (2) has a plan to expand access to high-quality  
16 prekindergarten programs to children from moderate  
17 income families whose income exceeds 200 percent of  
18 the poverty line.

19 (c) NON-FEDERAL RESOURCES.—

20 (1) IN CASH.—A State shall provide the match-  
21 ing funds under this section in cash with non-Fed-  
22 eral resources which may include State funding,  
23 local funding, or contributions from philanthropy or  
24 other private sources, or a combination thereof.

1           (2) FUNDS TO BE CONSIDERED AS MATCHING  
2 FUNDS.—A State may include, as part of the State’s  
3 matching funds under this section, not more than 10  
4 percent of the amount of State funds designated for  
5 State prekindergarten programs or to supplement  
6 Head Start programs under the Head Start Act (42  
7 U.S.C. 9831 et seq.) as of the date of enactment of  
8 this Act, but may not include any funds that are at-  
9 tributed as matching funds, as part of a non-Federal  
10 share, or as a maintenance of effort requirement, for  
11 any other Federal program.

12 (d) MAINTENANCE OF EFFORT.—

13           (1) IN GENERAL.—If a State reduces its com-  
14 bined fiscal effort per student or the aggregate ex-  
15 penditures within the State to support early child-  
16 hood education programs for any fiscal year that a  
17 State receives a grant authorized under this subtitle  
18 relative to the previous fiscal year, the Secretary  
19 shall reduce support for such State under this sub-  
20 title by the same amount as the decline in State and  
21 local effort for such fiscal year.

22           (2) WAIVER.—The Secretary may waive the re-  
23 quirements of paragraph (1) if—

24                   (A) the Secretary determines that a waiver  
25 would be appropriate due to a precipitous de-

1 cline in the financial resources of a State as a  
2 result of unforeseen economic hardship or a  
3 natural disaster that has necessitated across-  
4 the-board reductions in State services, including  
5 early childhood education programs; or

6 (B) due to the circumstances of a State re-  
7 quiring reductions in specific programs, includ-  
8 ing early childhood education, if the State pre-  
9 sents to the Secretary a justification and dem-  
10 onstration why other programs could not be re-  
11 duced and how early childhood programs in the  
12 State will not be disproportionately harmed by  
13 such State action.

14 (e) SUPPLEMENT NOT SUPPLANT.—Grant funds re-  
15 ceived under this title shall be used to supplement and  
16 not supplant other Federal, State, and local public funds  
17 expended on public prekindergarten programs in the  
18 State.

19 **SEC. 811. ELIGIBLE LOCAL ENTITY APPLICATIONS.**

20 (a) IN GENERAL.—An eligible local entity desiring to  
21 receive a subgrant under section 807(b) shall submit an  
22 application to the State, at such time, in such manner,  
23 and containing such information as the State may reason-  
24 ably require.

1 (b) CONTENTS.—Each application submitted under  
2 subsection (a) shall include the following:

3 (1) PARENT AND FAMILY ENGAGEMENT.—A de-  
4 scription of how the eligible local entity plans to en-  
5 gage the parents and families of the children such  
6 entity serves and ensure that parents and families of  
7 eligible children, as described in clauses (i) and (ii)  
8 of section 806(a)(2)(A), are aware of the services  
9 provided by the eligible local entity, which shall in-  
10 clude a plan to—

11 (A) carry out meaningful parent and fam-  
12 ily engagement, through the implementation  
13 and replication of evidence-based or promising  
14 practices and strategies, which shall be coordi-  
15 nated with parent and family engagement strat-  
16 egies supported under the Individuals with Dis-  
17 abilities Education Act (20 U.S.C. 1400 et seq.)  
18 and the Elementary and Secondary Education  
19 Act of 1965 (as amended by this Act), if appli-  
20 cable, to—

21 (i) provide parents and family mem-  
22 bers with the skills and opportunities nec-  
23 essary to become engaged and effective  
24 partners in their children’s education, par-  
25 ticularly the families of dual language

1 learners and children with disabilities,  
2 which may include access to literacy serv-  
3 ices;

4 (ii) improve child development; and

5 (iii) strengthen relationships among  
6 prekindergarten staff and parents and  
7 family members; and

8 (B) participate in community outreach to  
9 encourage families with eligible children to par-  
10 ticipate in the eligible local entity's high-quality  
11 prekindergarten program, including—

12 (i) homeless children;

13 (ii) dual language learners;

14 (iii) children in foster care;

15 (iv) children with disabilities; and

16 (v) migrant children.

17 (2) COORDINATION & ALIGNMENT.—A descrip-  
18 tion of how the eligible local entity will—

19 (A) coordinate, if applicable, the eligible  
20 local entity's activities with—

21 (i) Head Start agencies (consistent  
22 with section 642(e)(5) of the Head Start  
23 Act (42 U.S.C. 9837(e)(5)), if the local en-  
24 tity is not a Head Start agency;

1 (ii) local educational agencies, if the  
2 eligible local entity is not a local edu-  
3 cational agency;

4 (iii) providers of services under part C  
5 of the Individuals with Disabilities Edu-  
6 cation Act (20 U.S.C. 1431 et seq.);

7 (iv) programs carried out under sec-  
8 tion 619 of the Individuals with Disabil-  
9 ities Education Act (20 U.S.C. 1419); and

10 (v) if feasible, other entities carrying  
11 out early childhood education programs  
12 and services within the area served by the  
13 local educational agency.

14 (B) develop a process to promote con-  
15 tinuity of developmentally appropriate instruc-  
16 tional programs and shared expectations with  
17 local elementary schools for children's learning  
18 and development as children transition to kin-  
19 dergarten;

20 (C) organize, if feasible, and participate in  
21 joint training, when available, including transi-  
22 tion-related training for school staff and early  
23 childhood education program staff;

24 (D) establish comprehensive transition  
25 policies and procedures, with applicable elemen-

1            tary schools and principals, for the children  
2            served by the eligible local entity that support  
3            the school readiness of children transitioning to  
4            kindergarten, including the transfer of early  
5            childhood education program records, with pa-  
6            rental consent;

7            (E) conduct outreach to parents, families,  
8            and elementary school teachers and principals  
9            to discuss the educational, developmental, and  
10           other needs of children entering kindergarten;

11           (F) help parents, including parents of chil-  
12           dren who are dual language learners, under-  
13           stand and engage with the instructional and  
14           other services provided by the kindergarten in  
15           which such child will enroll after participation  
16           in a high-quality prekindergarten program; and

17           (G) develop and implement a system to in-  
18           crease program participation of underserved  
19           populations of eligible children, especially home-  
20           less children, children eligible for a free or re-  
21           duced-price lunch under the Richard B. Russell  
22           National School Lunch Act (42 U.S.C. 1751 et  
23           seq.), parents of children who are dual language  
24           learners, and parents of children with disabil-  
25           ities.

1           (3) PROTECTIONS FOR SPECIAL POPU-  
2           LATIONS.—A description of how the eligible local en-  
3           tity will meet the diverse needs of children in the  
4           community to be served, including children with dis-  
5           abilities, children whose native language is not  
6           English, children with other special needs, children  
7           in the State foster care system, and homeless chil-  
8           dren. Such description shall demonstrate, at a min-  
9           imum, how the entity plans to—

10                   (A) ensure the eligible local entity’s high-  
11                   quality prekindergarten program is accessible  
12                   and appropriate for children with disabilities  
13                   and dual language learners;

14                   (B) establish effective procedures for pro-  
15                   viding necessary early screening for learning  
16                   issues and delays in early literacy and math  
17                   skill development and intervening services based  
18                   on these screenings to children with disabilities  
19                   prior to an eligibility determination by the State  
20                   or local agency responsible for providing serv-  
21                   ices under section 619 or part C of the Individ-  
22                   uals with Disabilities Education Act (20 U.S.C.  
23                   1419 and 1431 et seq.);

24                   (C) establish effective procedures for time-  
25                   ly referral of children with disabilities to the

1 State or local agency described in subparagraph  
2 (B);

3 (D) ensure that the eligible local entity's  
4 high-quality prekindergarten program works  
5 with appropriate entities to address the elimi-  
6 nation of barriers to immediate and continuous  
7 enrollment for homeless children; and

8 (E) ensure access to and continuity of en-  
9 rollment in high-quality prekindergarten pro-  
10 grams for migratory children, if applicable, and  
11 homeless children, including through policies  
12 and procedures that require—

13 (i) outreach to identify migratory chil-  
14 dren and homeless children;

15 (ii) immediate enrollment, including  
16 enrollment during the period of time when  
17 documents typically required for enroll-  
18 ment, including health and immunization  
19 records, proof of eligibility, and other docu-  
20 ments, are obtained;

21 (iii) continuous enrollment and par-  
22 ticipation in the same high-quality pre-  
23 kindergarten program for a child, even if  
24 the child moves out of the program's serv-  
25 ice area, if that enrollment and participa-

1                   tion are in the child’s best interest, includ-  
2                   ing by providing transportation when nec-  
3                   essary;

4                   (iv) professional development for high-  
5                   quality prekindergarten program staff re-  
6                   garding migratory children and homeless-  
7                   ness among families with young children;  
8                   and

9                   (v) in serving homeless children, col-  
10                  laboration with local educational agency li-  
11                  aisons designated under section  
12                  722(g)(1)(J)(ii) of the McKinney-Vento  
13                  Homeless Assistance Act (42 U.S.C.  
14                  11432(g)(1)(J)(ii)), and local homeless  
15                  service providers.

16                  (4) ACCESSIBLE COMPREHENSIVE SERVICES.—  
17                  A description of how the eligible local entity plans to  
18                  provide accessible comprehensive services, described  
19                  in section 802(9)(I), to the children the eligible local  
20                  entity serves. Such description shall provide informa-  
21                  tion on how the entity will—

22                  (A) conduct a data-driven community as-  
23                  sessment in coordination with members of the  
24                  community, including parents and community

1 organizations, or use a recently conducted data-  
2 driven assessment, which—

3 (i) may involve an external partner  
4 with expertise in conducting such needs  
5 analysis, to determine the most appro-  
6 priate social or other support services to  
7 offer through the eligible local entity's on-  
8 site comprehensive services to children who  
9 participate in high-quality prekindergarten  
10 programs; and

11 (ii) shall consider the resources avail-  
12 able at the school, local educational agen-  
13 cy, and community levels to address the  
14 needs of the community and improve child  
15 outcomes; and

16 (B) have a coordinated system to facilitate  
17 the screening, referral, and provision of services  
18 related to health, nutrition, mental health, dis-  
19 ability, and family support for children served  
20 by the eligible local entity.

21 (5) WORKFORCE.—A description of how the eli-  
22 gible local entity plans to support the instructional  
23 staff of such entity's high-quality prekindergarten  
24 program, which shall, at a minimum, include a plan  
25 to provide high-quality professional development, or

1 facilitate the provision of high-quality professional  
2 development through an external partner with exper-  
3 tise and a demonstrated track record of success,  
4 based on scientifically valid research, that will im-  
5 prove the knowledge and skills of high-quality pre-  
6 kindergarten teachers and staff through activities,  
7 which may include—

8 (A) acquiring content knowledge and learn-  
9 ing teaching strategies needed to provide effec-  
10 tive instruction that addresses the State’s early  
11 learning and development standards described  
12 under section 805(1), including professional  
13 training to support the social and emotional de-  
14 velopment of children;

15 (B) enabling high-quality prekindergarten  
16 teachers and staff to pursue specialized training  
17 in early childhood development;

18 (C) enabling high-quality prekindergarten  
19 teachers and staff to acquire the knowledge and  
20 skills to provide instruction and appropriate  
21 language and support services to increase the  
22 English language skills of dual language learn-  
23 ers;

24 (D) enabling high-quality prekindergarten  
25 teachers and staff to acquire the knowledge and

1 skills to provide developmentally appropriate in-  
2 struction for children with disabilities;

3 (E) promoting classroom management;

4 (F) providing high-quality induction and  
5 support for incoming high-quality prekinde-  
6 rgarten teachers and staff in high-quality pre-  
7 kindergarten programs, including through the  
8 use of mentoring programs and coaching that  
9 have a demonstrated track record of success;

10 (G) promoting the acquisition of relevant  
11 credentials, including in ways that support ca-  
12 reer advancement through career ladders; and

13 (H) enabling high-quality prekindergarten  
14 teachers and staff to acquire the knowledge and  
15 skills to provide culturally competent instruc-  
16 tion for children from diverse backgrounds.

17 **SEC. 812. REQUIRED SUBGRANT ACTIVITIES.**

18 (a) IN GENERAL.—An eligible local entity that re-  
19 ceives a subgrant under section 807(b) shall use subgrant  
20 funds to implement the elements of a high-quality pre-  
21 kindergarten program for the children described in section  
22 807(b).

23 (b) COORDINATION.—

24 (1) LOCAL EDUCATIONAL AGENCY PARTNER-  
25 SHIPS WITH LOCAL EARLY CHILDHOOD EDUCATION

1 PROGRAMS.—A local educational agency that re-  
2 ceives a subgrant under this subtitle shall provide an  
3 assurance that the local educational agency will  
4 enter into strong partnerships with local early child-  
5 hood education programs, including programs sup-  
6 ported through the Head Start Act (42 U.S.C. 9831  
7 et seq.).

8 (2) ELIGIBLE LOCAL ENTITIES THAT ARE NOT  
9 LOCAL EDUCATIONAL AGENCIES.—An eligible local  
10 entity that is not a local educational agency that re-  
11 ceives a subgrant under this subtitle shall provide an  
12 assurance that such entity will enter into strong  
13 partnerships with local educational agencies.

14 **SEC. 813. REPORT AND EVALUATION.**

15 (a) IN GENERAL.—Each State that receives a grant  
16 under this subtitle shall prepare an annual report, in such  
17 manner and containing such information as the Secretary  
18 may reasonably require.

19 (b) CONTENTS.—A report prepared under subsection  
20 (a) shall contain, at a minimum—

21 (1) a description of the manner in which the  
22 State has used the funds made available through the  
23 grant and a report of the expenditures made with  
24 the funds;

1           (2) a summary of the State's progress toward  
2           providing access to high-quality prekindergarten pro-  
3           grams for children eligible for such services, as de-  
4           termined by the State, from families with incomes at  
5           or below 200 percent of the poverty line, including  
6           the percentage of funds spent on children from fami-  
7           lies with incomes—

8                   (A) at or below 100 percent of the poverty  
9                   line;

10                   (B) at or below between 101 and 150 per-  
11                   cent of the poverty line; and

12                   (C) at or below between 151 and 200 per-  
13                   cent of the poverty line;

14           (3) an evaluation of the State's progress toward  
15           achieving the State's performance targets, described  
16           in section 809;

17           (4) data on the number of high-quality pre-  
18           kindergarten program teachers and staff in the  
19           State (including teacher turnover rates and teacher  
20           compensation levels compared to teachers in elemen-  
21           tary schools and secondary schools), according to the  
22           setting in which such teachers and staff work (which  
23           settings shall include, at a minimum, Head Start  
24           programs, public prekindergarten, and child care  
25           programs) who received training or education during

1 the period of the grant and remained in the early  
2 childhood education program field;

3 (5) data on the kindergarten readiness of chil-  
4 dren in the State;

5 (6) a description of the State's progress in ef-  
6 fectively using Federal, State, and local public funds  
7 and private funds, for early childhood education;

8 (7) the number and percentage of children in  
9 the State participating in high-quality prekind-  
10 garten programs, disaggregated by race, ethnicity,  
11 family income, child age, disability, whether the chil-  
12 dren are homeless children, and whether the children  
13 are dual language learners;

14 (8) data on the availability, affordability, and  
15 quality of infant and toddler care in the State;

16 (9) the number of operational minutes per week  
17 and per year for each eligible local entity that re-  
18 ceives a subgrant;

19 (10) the local educational agency and zip code  
20 in which each eligible local entity that receives a  
21 subgrant operates;

22 (11) information, for each of the local edu-  
23 cational agencies described in paragraph (10), on  
24 the percentage of the costs of the public early child-  
25 hood education programs that is funded from Fed-

1       eral, from State, and from local sources, including  
2       the percentages from specific funding programs;

3           (12) data on the number and percentage of  
4       children in the State participating in public kinder-  
5       garten programs, disaggregated by race, family in-  
6       come, child age, disability, whether the children are  
7       homeless children, and whether the children are dual  
8       language learners, with information on whether such  
9       programs are offered—

10           (A) for a full-day; and

11           (B) at no cost to families;

12           (13) data on the number of individuals in the  
13       State who are supported with scholarships, if appli-  
14       cable, to meet the baccalaureate degree requirement  
15       for high-quality prekindergarten programs, as de-  
16       fined in section 802; and

17           (14) information on—

18           (A) the numbers and rates of expulsion,  
19       suspension, and similar disciplinary action, of  
20       children in the State participating in high-qual-  
21       ity prekindergarten programs, provided by any  
22       eligible local entity, as defined in section 802(7)  
23       of this title;

24           (B) the State's progress in establishing  
25       policies on effective behavior management strat-

1           egies and training that promote positive social  
2           and emotional development to eliminate expul-  
3           sions and extended suspensions of children par-  
4           ticipating in high-quality prekindergarten pro-  
5           grams; and

6                   (C) the State's policies on providing early  
7           learning services to children in the State par-  
8           ticipating in high-quality prekindergarten pro-  
9           grams who have been suspended.

10          (c) SUBMISSION.—A State shall submit the annual  
11       report prepared under subsection (a), at the end of each  
12       fiscal year, to the Secretary, the Secretary of Health and  
13       Human Services, and the State Advisory Council on Early  
14       Childhood Education and Care.

15          (d) COOPERATION.—An eligible local entity that re-  
16       ceives a subgrant under this subtitle shall cooperate with  
17       all Federal and State efforts to evaluate the effectiveness  
18       of the program the entity implements with subgrant funds.

19          (e) NATIONAL REPORT.—The Secretary shall compile  
20       and summarize the annual State reports described under  
21       subsection (c) and shall prepare and submit an annual re-  
22       port to Congress that includes a summary of such State  
23       reports.

1 **SEC. 814. PROHIBITION OF REQUIRED PARTICIPATION OR**  
2 **USE OF FUNDS FOR ASSESSMENTS.**

3 (a) PROHIBITION ON REQUIRED PARTICIPATION.—A  
4 State receiving a grant under this subtitle shall not re-  
5 quire any child to participate in any Federal, State, local,  
6 or private early childhood education program, including a  
7 high-quality prekindergarten program.

8 (b) PROHIBITION ON USE OF FUNDS FOR ASSESS-  
9 MENT.—A State receiving a grant under this subtitle and  
10 an eligible local entity receiving a subgrant under this sub-  
11 title shall not use any grant or subgrant funds to carry  
12 out any of the following activities:

13 (1) An assessment that provides rewards or  
14 sanctions for individual children, teachers, or prin-  
15 cipals.

16 (2) An assessment that is used as the primary  
17 or sole method for assessing program effectiveness.

18 (3) Evaluating children, other than for the pur-  
19 poses of—

20 (A) improving instruction or the classroom  
21 environment;

22 (B) targeting professional development;

23 (C) determining the need for health, men-  
24 tal health, disability, or family support services;

1 (D) program evaluation for the purposes of  
2 program improvement and parent information;  
3 and

4 (E) improving parent and family engage-  
5 ment.

6 **SEC. 815. COORDINATION WITH HEAD START PROGRAMS.**

7 (a) INCREASED ACCESS FOR YOUNGER CHILDREN.—

8 Not later than 1 year after the date of enactment of this  
9 Act, the Secretary and the Secretary of Health and  
10 Human Services shall develop a process—

11 (1) for use in the event that Head Start pro-  
12 grams funded under the Head Start Act (42 U.S.C.  
13 9831 et seq.) operate in States or regions that have  
14 achieved sustained universal, voluntary access to 4-  
15 year old children who reside within the State and  
16 who are from families with incomes at or below 200  
17 percent of the poverty line to high-quality prekindergarten  
18 programs; and

19 (2) for how such Head Start programs will  
20 begin converting slots for children who are age 4 on  
21 the eligibility determination date to children who are  
22 age 3 on the eligibility determination date, or, when  
23 appropriate, converting Head Start Programs into  
24 Early Head Start programs to serve infants and tod-  
25 dlers.

1 (b) COMMUNITY NEED AND RESOURCES.—The proc-  
2 ess described in subsection (a) shall—

3 (1) be carried out on a case-by-case basis and  
4 shall ensure that sufficient resources and time are  
5 allocated for the development of such a process so  
6 that no child or cohort is excluded from currently  
7 available services; and

8 (2) ensure that any conversion shall be based  
9 on community need and not on the aggregate num-  
10 ber of children served in a State or region that has  
11 achieved sustained, universal, voluntary access to  
12 high-quality prekindergarten programs.

13 (c) PUBLIC COMMENT AND NOTICE.—Not fewer than  
14 90 days after the development of the proposed process de-  
15 scribed in subsection (a), the Secretary and the Secretary  
16 of Health and Human Services shall publish a notice de-  
17 scribing such proposed process for conversion in the Fed-  
18 eral Register providing at least 90 days for public com-  
19 ment. The Secretaries shall review and consider public  
20 comments prior to finalizing the process for conversion of  
21 Head Start slots and programs.

22 (d) REPORTS TO CONGRESS.—Concurrently with  
23 publishing a notice in the Federal Register as described  
24 in subsection (c), the Secretaries shall provide a report  
25 to the Committee on Education and the Workforce of the

1 House of Representatives and the Committee on Health,  
2 Education, Labor, and Pensions of the Senate that pro-  
3 vides a detailed description of the proposed process de-  
4 scribed in subsection (a), including a description of the  
5 degree to which Head Start programs are providing State-  
6 funded high-quality prekindergarten programs as a result  
7 of the grant opportunity provided under this subtitle in  
8 States where Head Start programs are eligible for conver-  
9 sion described in subsection (a).

10 **SEC. 816. TECHNICAL ASSISTANCE IN PROGRAM ADMINIS-**  
11 **TRATION.**

12 In providing technical assistance to carry out activi-  
13 ties under this title, the Secretary shall coordinate that  
14 technical assistance, in appropriate cases, with technical  
15 assistance provided by the Secretary of Health and  
16 Human Services to carry out the programs authorized  
17 under the Head Start Act (42 U.S.C. 9831 et seq.), the  
18 Child Care and Development Block Grant Act of 1990 (42  
19 U.S.C. 9858 et seq.), and the maternal, infant and early  
20 childhood home visiting programs assisted under section  
21 511 of the Social Security Act (42 U.S.C. 711).

22 **SEC. 817. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out  
24 this subtitle—

25 (1) \$1,300,000,000 for fiscal year 2016;

- 1           (2) 3,250,000,000 for fiscal year 2017;  
2           (3) \$5,780,000,000 for fiscal year 2018;  
3           (4) \$7,580,000,000 for fiscal year 2019;  
4           (5) \$8,960,000,000 for fiscal year 2020; and  
5           (6) such sums as may be necessary for each of  
6 fiscal years 2021 through 2025.

7           **Subtitle B—Prekindergarten**  
8           **Development Grants**

9   **SEC. 821. PREKINDERGARTEN DEVELOPMENT GRANTS.**

10          (a) IN GENERAL.—From the amounts appropriated  
11 under subsection (f), the Secretary of Education, in con-  
12 sultation with the Secretary of Health and Human Serv-  
13 ices, shall award competitive grants to States that wish  
14 to increase the capacity and build the infrastructure with-  
15 in the State to offer high-quality prekindergarten pro-  
16 grams.

17          (b) ELIGIBILITY.—A State that is not receiving funds  
18 under section 805 may compete for grant funds under this  
19 subtitle if the State provides an assurance that the State  
20 will, through the support of grant funds awarded under  
21 this subtitle, meet the eligibility requirements of section  
22 805 not later than 3 years after the date the State first  
23 receives grant funds under this subtitle.

24          (c) GRANTS.—

1           (1) DURATION.—The Secretary shall award  
2 grants to States under this subtitle for a period of  
3 not more than 3 years and such grants shall not be  
4 renewed.

5           (2) AUTHORITY TO SUBGRANT.—

6           (A) IN GENERAL.—A State receiving a  
7 grant under this subtitle may use the grant  
8 funds to make subgrants to eligible local enti-  
9 ties (defined in section 802(7)) to carry out ac-  
10 tivities under the grant.

11           (B) ELIGIBLE LOCAL ENTITIES.—An eligi-  
12 ble local entity receiving a subgrant under sub-  
13 paragraph (A) shall comply with the require-  
14 ments for States receiving a grant under this  
15 subtitle, as appropriate.

16           (d) APPLICATION.—

17           (1) IN GENERAL.—A Governor of a State that  
18 desires to receive a grant under this subtitle shall  
19 submit an application to the Secretary of Education  
20 at such time, in such manner, and accompanied by  
21 such information as the Secretary may reasonably  
22 require, including a description of how the State  
23 plans to become eligible for grants under section 805  
24 by not later than 3 years after the date the State  
25 first receives grant funds under this subtitle.

1           (2) DEVELOPMENT OF APPLICATION.—In devel-  
2           oping an application for a grant under this subtitle,  
3           a Governor of a State shall consult with the State  
4           Advisory Council on Early Childhood Education and  
5           Care, and incorporate their recommendations, where  
6           applicable.

7           (e) MATCHING REQUIREMENT.—

8           (1) IN GENERAL.—To be eligible to receive a  
9           grant under this subtitle, a State shall contribute for  
10          the activities for which the grant was awarded non-  
11          Federal matching funds in an amount equal to not  
12          less than 20 percent of the amount of the grant.

13          (2) NON-FEDERAL FUNDS.—To satisfy the re-  
14          quirement of paragraph (1), a State may use—

15                  (A) cash; or

16                  (B) an in-kind contribution.

17          (3) FINANCIAL HARDSHIP WAIVER.—The Sec-  
18          retary may waive paragraph (1) or reduce the  
19          amount of matching funds required under that para-  
20          graph for a State that has submitted an application  
21          for a grant under this subtitle if the State dem-  
22          onstrates, in the application, a need for such a waiv-  
23          er or reduction due to extreme financial hardship, as  
24          determined by the Secretary of Education.

1           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this sub-  
3 title—

4                   (1) \$750,000,000 for fiscal year 2016; and

5                   (2) such sums as may be necessary for each of  
6           fiscal years 2017 through 2025.

