

115TH CONGRESS
1ST SESSION

S. 185

To amend the Head Start Act to authorize block grants to States for
prekindergarten education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 2017

Mr. LEE (for himself and Mr. CRUZ) introduced the following bill; which was
read twice and referred to the Committee on Health, Education, Labor,
and Pensions

A BILL

To amend the Head Start Act to authorize block grants
to States for prekindergarten education, and for other
purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Head Start Improve-
5 ment Act of 2017”.

6 **SEC. 2. IMPROVEMENTS.**

7 The Head Start Act (42 U.S.C. 9831 et seq.) is
8 amended to read as follows:

1 **“SEC. 635. SHORT TITLE.**

2 “This subchapter may be cited as the ‘Head Start
3 Act’.

4 **“SEC. 636. STATEMENT OF PURPOSE.**

5 “It is the purpose of this subchapter to promote the
6 school readiness of low-income children by enhancing their
7 cognitive, social, and emotional development in a learning
8 environment that supports children’s growth in language,
9 literacy, mathematics, science, social and emotional func-
10 tioning, creative arts, physical skills, and approaches to
11 learning.

12 **“SEC. 637. DEFINITIONS.**

13 “For purposes of this subchapter:

14 “(1) DELEGATE AGENCY.—The term ‘delegate
15 agency’ means a public, private nonprofit (including
16 a community-based organization, as defined in sec-
17 tion 9101 of the Elementary and Secondary Edu-
18 cation Act of 1965 (20 U.S.C. 7801)), or for-profit
19 organization or agency to which an eligible entity
20 has delegated all or part of the responsibility of the
21 grantee for administering funds under this sub-
22 chapter.

23 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means the recipient of a subgrant under section
25 639(d)(3)(A).

1 “(3) FINANCIAL ASSISTANCE.—The term ‘fi-
2 nancial assistance’ includes assistance provided by
3 grant, agreement, or contract, and payments may be
4 made in installments and in advance or by way of
5 reimbursement with necessary adjustments on ac-
6 count of overpayments or underpayments.

7 “(4) GRANT RECIPIENT.—The term ‘grant re-
8 cipient’ means the recipient of a grant under section
9 639(a).

10 “(5) INDIAN TRIBE.—The term ‘Indian tribe’
11 means any tribe, band, nation, pueblo, or other orga-
12 nized group or community of Indians, including any
13 Native village described in section 3(c) of the Alaska
14 Native Claims Settlement Act (43 U.S.C. 1602(e))
15 or established pursuant to such Act (43 U.S.C. 1601
16 et seq.), that is recognized as eligible for the special
17 programs and services provided by the United States
18 to Indians because of their status as Indians.

19 “(6) LOCAL EDUCATIONAL AGENCY.—The term
20 ‘local educational agency’ has the meaning given
21 such term in section 9101 of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C. 7801).

23 “(7) LOW-INCOME CHILD.—The term ‘low-in-
24 come child’ means a child who is age 5 or younger,
25 and is from a family with an income below 100 per-

1 cent of the poverty line for the most recent fiscal
2 year for which satisfactory data are available.

3 “(8) POVERTY LINE.—The term ‘poverty line’
4 means the official poverty line (as defined by the Of-
5 fice of Management and Budget)—

6 “(A) adjusted to reflect the percentage
7 change in the Consumer Price Index For All
8 Urban Consumers, issued by the Bureau of
9 Labor Statistics, occurring in the 1-year period
10 or other interval immediately preceding the date
11 such adjustment is made; and

12 “(B) adjusted for family size.

13 “(9) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Health and Human Services.

15 “(10) STATE.—The term ‘State’ means a State,
16 the Commonwealth of Puerto Rico, the District of
17 Columbia, Guam, American Samoa, the Virgin Is-
18 lands of the United States, and the Commonwealth
19 of the Northern Mariana Islands. The term includes
20 the Republic of Palau, except during any period for
21 which a Compact of Free Association is in effect,
22 contains provisions for early childhood education or
23 development, and prohibits the assistance provided
24 under this subchapter.

1 **“SEC. 638. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out
3 this subchapter \$8,598,000,000 for each of fiscal years
4 2017 through 2021.

5 **“SEC. 639. BLOCK GRANTS TO ELIGIBLE STATES AND IN-**
6 **DIAN TRIBES.**

7 “(a) IN GENERAL.—Notwithstanding any other pro-
8 vision of this subchapter, beginning on October 1 of the
9 first fiscal year following the date of enactment of the
10 Head Start Improvement Act of 2017, from the amounts
11 appropriated to carry out this subchapter under section
12 638 for a fiscal year, the Secretary shall award grants to
13 eligible States and Indian tribes from allotments made
14 under subsection (b) in accordance with this section.

15 “(b) ALLOTMENTS.—

16 “(1) FORMULA.—The Secretary shall allot the
17 amount appropriated under section 638 for a fiscal
18 year among the eligible States and Indian tribes in
19 proportion to the number of children, age 5 and
20 younger, who are from families with incomes below
21 100 percent of the poverty line for the most recent
22 fiscal year for which satisfactory data are available
23 and who are in an eligible State or Indian tribe,
24 compared to the number of such children for that
25 fiscal year who are in all eligible States or Indian
26 tribes.

1 “(2) CALCULATION.—For purposes of counting
2 the number of children who are in an eligible State
3 under paragraph (1), the children who are counted
4 in an eligible Indian tribe in that State shall be ex-
5 cluded.

6 “(c) APPLICATION.—To be eligible to receive a grant
7 under this section, a State or Indian tribe shall submit
8 an application to the Secretary that includes the number
9 of low-income children in the State or Indian tribe.

10 “(d) USE OF FUNDS.—

11 “(1) IN GENERAL.—A grant recipient under
12 this section shall use 100 percent of the grant
13 funds—

14 “(A) for prekindergarten education pro-
15 grams in the State or Indian tribe involved;

16 “(B) for the administration of the pro-
17 grams described in subparagraph (A); and

18 “(C) to provide direct technical assistance,
19 oversight, monitoring, research, and training
20 with respect to the programs described in sub-
21 paragraph (A).

22 “(2) CERTIFICATION.—The Governor, or other
23 chief executive, of each grant recipient shall certify
24 that all grant funds received under this section will
25 be used to directly or indirectly provide comprehen-

1 sive education and related services to low-income
2 children and their families.

3 “(3) GRANT RECIPIENT RESPONSIBILITIES.—A
4 grant recipient shall—

5 “(A) award subgrants to eligible entities
6 (as defined by the grant recipient) to enable
7 such entities to provide, directly or through a
8 delegate agency, prekindergarten education pro-
9 grams in the State or Indian tribe involved;

10 “(B) establish rules and standards for the
11 entities awarded subgrants under subparagraph
12 (A); and

13 “(C) monitor compliance by entities award-
14 ed subgrants under subparagraph (A).

15 “(4) FLEXIBILITY.—Notwithstanding any other
16 provision of Federal law (other than this section)—

17 “(A) a grant recipient shall have full flexi-
18 bility to use grant funds to finance a prekind-
19 garten education provider, service, or program;
20 and

21 “(B) in particular, to the extent permitted
22 under State law, may use the grant funds to es-
23 tablish a portable voucher system that allows a
24 parent of a low-income child to use a portion of
25 the grant funds, other available public funds, or

1 private funds to pay some or all of the costs of
2 attendance at a private prekindergarten edu-
3 cation program.

4 “(5) MEMBERS OF INDIAN TRIBES.—A member
5 of an Indian tribe who is eligible to receive services
6 pursuant to a program funded under this section
7 may elect to receive such services from any eligible
8 entity for the State or Indian tribe in which the
9 member resides.

10 “(e) MATCHING FUNDS.—A grant recipient shall pro-
11 vide matching funds from non-Federal sources equal to
12 20 percent of the amount of the grant to carry out the
13 activities described in this section.

14 “(f) ADMINISTRATIVE COSTS.—No eligible entity
15 that receives a subgrant to provide a program under this
16 subchapter shall use more than 15 percent of the subgrant
17 funds for the administrative costs of the program.

18 **“SEC. 640. LIMITATIONS ON ASSISTANCE.**

19 “Nothing in this subchapter shall be construed to re-
20 quire a grant recipient to establish a publicly funded pro-
21 gram of early childhood education and development, or to
22 require any child to participate in such a publicly funded
23 program, including a preschool program funded by a grant
24 recipient, or to participate in any initial screening (other
25 than a health screening) before participating in a publicly

1 funded program of early childhood education and develop-
2 ment, except as provided under sections 612(a)(3) and
3 635(a)(5) of the Individuals with Disabilities Education
4 Act (20 U.S.C. 1412(a)(3), 1435(a)(5)).

5 **“SEC. 641. GOALS; MONITORING.**

6 “(a) SELF-ASSESSMENTS.—Not less frequently than
7 once each program year, each grant recipient shall conduct
8 a comprehensive self-assessment of the effectiveness and
9 progress of the grant recipient’s program under this sub-
10 chapter in meeting program goals established by the grant
11 recipient. The self-assessment shall include a determina-
12 tion of the number of low-income children served by the
13 program carried out by the grant recipient under this sub-
14 chapter.

15 “(b) REPORTS.—The grant recipient shall develop,
16 and make available to the public, an online and searchable
17 report containing the self-assessment, and an improve-
18 ment plan to strengthen any areas identified in the self-
19 assessment as weaknesses or in need of improvement. The
20 report shall include the number of low-income children
21 served by the program carried out by the grant recipient
22 under this subchapter.

23 “(c) ONGOING MONITORING.—Each grant recipient
24 shall establish and implement procedures for the ongoing
25 monitoring of their respective programs, to ensure that the

1 operations of the programs work toward meeting the pro-
2 gram goals.

3 **“SEC. 642. ADMINISTRATIVE REQUIREMENTS.**

4 “Each grant recipient shall make available to the
5 public a report published online at least once in each fiscal
6 year that discloses the following information, from the
7 most recently concluded fiscal year, except that reporting
8 such information shall not reveal personally identifiable in-
9 formation about an individual child or parent:

10 “(1) The total amount of public and private
11 funds received and the amount from each source.

12 “(2) An explanation of budgetary expenditures
13 and proposed budget for the fiscal year.

14 “(3) The total number of children and families
15 served, the average monthly enrollment (as a per-
16 centage of funded enrollment), and the percentage of
17 eligible children served.

18 “(4) The results of the most recent self-assess-
19 ment under section 641.

20 “(5) Information about parent involvement ac-
21 tivities.

22 “(6) Information about the grant recipient’s ef-
23 forts to prepare children for kindergarten.

1 **“SEC. 643. RECORDS.**

2 “Each recipient of financial assistance under this
3 subchapter shall keep records, including records which
4 fully disclose the amount and disposition by such recipient
5 of the proceeds of such financial assistance, the total cost
6 of the program or activity in connection with which such
7 financial assistance is given or used, and the amount of
8 that portion of the cost of the program or activity supplied
9 by other sources.

10 **“SEC. 644. RESEARCH.**

11 “(a) STUDY.—The Comptroller General of the United
12 States shall conduct a study—

13 “(1) of the different approaches and best prac-
14 tices used by States and Indian tribes in carrying
15 out the program under this subchapter; and

16 “(2) that is limited to the information provided
17 in the online reports made available by grant recipi-
18 ents under sections 641 and 642.

19 “(b) REPORT.—Not later than October 1 of the
20 fourth fiscal year after the date of enactment referred to
21 in section 639(a), the Comptroller General shall submit
22 a report containing the results of the study to the appro-
23 priate committees of Congress.

24 **“SEC. 645. NONDISCRIMINATION PROVISIONS.**

25 “No grant recipient shall provide financial assistance
26 for any program or activity under this subchapter unless

1 the grant or contract relating to the financial assistance
2 specifically provides that no person with responsibilities in
3 the operation of the program or activity will discriminate
4 with respect to any such program or activity because of
5 race, creed, color, national origin, sex, political affiliation,
6 or beliefs, or because of a disability in violation of section
7 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

8 **“SEC. 646. POLITICAL ACTIVITIES.**

9 “(a) RESTRICTIONS.—A program assisted under this
10 subchapter, and any individual employed by, or assigned
11 to or in, a program assisted under this subchapter (during
12 the hours in which such individual is working on behalf
13 of such program), shall not engage in—

14 “(1) any partisan or nonpartisan political activ-
15 ity or any other political activity associated with a
16 candidate, or contending faction or group, in an
17 election for public or party office;

18 “(2) any activity to provide voters or prospec-
19 tive voters with transportation to the polls or similar
20 assistance in connection with any such election; or

21 “(3) assisting, promoting, or deterring union
22 organization.

23 “(b) REGISTRATION.—No funds appropriated under
24 this subchapter may be used to conduct voter registration
25 activities. Nothing in this subchapter prohibits the avail-

1 ability of Head Start facilities during hours of operation
2 for the use of any nonpartisan organization to increase
3 the number of eligible citizens who register to vote in elec-
4 tions for Federal office.

5 **“SEC. 647. ADVANCE FUNDING.**

6 “For the purpose of affording adequate notice of
7 funding available under this subchapter, appropriations
8 for carrying out this subchapter are authorized to be in-
9 cluded in an appropriation Act for the fiscal year pre-
10 ceding the fiscal year for which they are available for obli-
11 gation.

12 **“SEC. 648. GENERAL PROVISIONS.**

13 “(a) LIMITATION.—Nothing in this subchapter shall
14 be construed to authorize or permit the Secretary or any
15 employee or contractor of the Department of Health and
16 Human Services to mandate, direct, or control, the selec-
17 tion of a curriculum, a program of instruction, or instruc-
18 tional materials, for a Head Start program carried out by
19 an eligible entity.

20 “(b) SPECIAL RULE.—Nothing in this subchapter
21 shall be construed to authorize an eligible entity carrying
22 out a program or activity or a local educational agency
23 to require the other to select or implement a specific cur-
24 riculum or program of instruction.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 The amendment made by this Act shall apply begin-
3 ning on October 1 of the first fiscal year following the
4 date of enactment of the Improvement Act of 2017.

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