

114TH CONGRESS  
1ST SESSION

# S. 2304

To provide for tribal demonstration projects for the integration of early childhood development, education, including Native language and culture, and related services, for evaluation of those demonstration projects, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2015

Mr. TESTER (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To provide for tribal demonstration projects for the integration of early childhood development, education, including Native language and culture, and related services, for evaluation of those demonstration projects, 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 “Tribal Early Child-  
5 hood, Education, and Related Services Integration Act of  
6 2015”.

1 **SEC. 2. TRIBAL EARLY CHILDHOOD DEMONSTRATION**  
2 **PROJECTS.**

3 The Native American Programs Act of 1974 is  
4 amended by inserting after section 805 (42 U.S.C. 2991d)  
5 the following:

6 **“SEC. 805A. TRIBAL EARLY CHILDHOOD DEMONSTRATION**  
7 **PROJECTS.**

8 “(a) PURPOSES.—The purposes of this section are—

9 “(1) to promote coordination of tribal early  
10 childhood education programs to meet the locally de-  
11 termined needs of tribal communities, children, and  
12 families, consistent with tribal values and traditions;

13 “(2) to support integration of quality early  
14 childhood and family support systems, including  
15 data systems, across various tribal programs that  
16 serve Indian children, pregnant women, parents, pri-  
17 mary caregivers, and families, from pregnancy to  
18 kindergarten entry;

19 “(3) to strengthen the integration of Native  
20 languages and cultures into tribal early childhood  
21 education programs, services, and support;

22 “(4) to identify and address real and perceived  
23 barriers to collaboration and systems improvement  
24 across tribal early childhood education programs;

25 “(5) to foster—

1           “(A) further development in tribal commu-  
2           nities of culturally informed early childhood  
3           education programs;

4           “(B) ongoing research and continuous im-  
5           provement in the quality of early childhood edu-  
6           cational and professional development; and

7           “(C) effective evidence- or research-based  
8           practices in tribal communities;

9           “(6) to develop, test, and disseminate inte-  
10          grated locally designed and innovative tribal early  
11          childhood education program variations that meet  
12          the needs of the tribal community in accordance  
13          with this section; and

14          “(7) to increase the quality and availability of  
15          comprehensive tribal early childhood education serv-  
16          ices available to Indian children and families, includ-  
17          ing increasing—

18                 “(A) the number of Indian children and  
19                 families receiving high-quality services; and

20                 “(B) the availability of full-day, full-year  
21                 preschool services in tribal communities.

22          “(b) DEFINITIONS.—In this section:

23                 “(1) DEMONSTRATION PROGRAM.—The term  
24                 ‘demonstration program’ means the program estab-  
25                 lished under subsection (c).

1           “(2) DEMONSTRATION PROJECT.—The term  
2           ‘demonstration project’ means a project carried out  
3           under subsection (d).

4           “(3) EARLY CHILDHOOD EDUCATION PRO-  
5           GRAM.—The term ‘early childhood education pro-  
6           gram’ means—

7                   “(A) a Head Start program or an Early  
8                   Head Start program carried out under the  
9                   Head Start Act (42 U.S.C. 9831 et seq.), in-  
10                  cluding—

11                           “(i) a migrant or seasonal Head Start  
12                           program;

13                           “(ii) an Indian Head Start program;  
14                           or

15                           “(iii) a Head Start program or an  
16                           Early Head Start program that receives  
17                           State or tribal funding in addition to Fed-  
18                           eral funding;

19                   “(B) a State or tribally licensed or regu-  
20                   lated child care program; and

21                   “(C) a program that—

22                           “(i) serves children from birth  
23                           through age 6;

24                           “(ii) addresses the cognitive (including  
25                           language, early literacy, and early mathe-

1 matics), social, emotional, and physical de-  
2 velopment of children; and

3 “(iii) is—

4 “(I) a State or tribal prekindergarten program;

5  
6 “(II) a program authorized under  
7 section 619 or part C of the Individ-  
8 uals with Disabilities Education Act  
9 (20 U.S.C. 1419; 20 U.S.C. 1431 et  
10 seq.);

11 “(III) a program operated by a  
12 local educational agency; or

13 “(IV) a program operated by an  
14 Indian tribe.

15 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-  
16 tity’ means—

17 “(A) an Indian tribe;

18 “(B) a tribal organization, including—

19 “(i) a tribal education agency (as de-  
20 fined in section 3 of the National Environ-  
21 mental Education Act (20 U.S.C. 5502))  
22 designated by an Indian tribe; and

23 “(ii) a Tribal College or University  
24 designated by an Indian tribe; and

1           “(C) a consortium that includes as the pri-  
2           mary member an entity described in subpara-  
3           graph (A) or (B).

4           “(5) ELIGIBLE UNDERLYING PROGRAM.—The  
5           term ‘eligible underlying program’ means any pro-  
6           gram described in subsection (e).

7           “(6) GRANTEE.—The term ‘grantee’ means the  
8           eligible entity carrying out a demonstration project  
9           using financial assistance provided under subsection  
10          (c).

11          “(7) INDIAN.—The term ‘Indian’ has the mean-  
12          ing given the term in section 4 of the Indian Self-  
13          Determination and Education Assistance Act (25  
14          U.S.C. 450b).

15          “(8) INDIAN TRIBE.—

16                 “(A) IN GENERAL.—The term ‘Indian  
17                 tribe’ has the meaning given the term in section  
18                 4 of the Indian Self-Determination and Edu-  
19                 cation Assistance Act (25 U.S.C. 450b).

20                 “(B) INCLUSION.—The term ‘Indian tribe’  
21                 includes a tribal organization that is designated  
22                 by an Indian tribe.

23          “(9) TRIBAL COLLEGE OR UNIVERSITY.—The  
24          term ‘Tribal College or University’ has the meaning

1 given the term in section 316(b) of the Higher Edu-  
2 cation Act of 1965 (20 U.S.C. 1059c(b)).

3 “(10) TRIBAL ORGANIZATION.—The term ‘trib-  
4 al organization’ has the meaning given the term in  
5 section 658P of the Child Care and Development  
6 Block Grant Act of 1990 (42 U.S.C. 9858n).

7 “(11) WORK GROUP.—The term ‘Work Group’  
8 means the tribal early childhood demonstration pro-  
9 gram work group established under subsection  
10 (i)(3).

11 “(c) ESTABLISHMENT OF DEMONSTRATION PRO-  
12 GRAM.—

13 “(1) IN GENERAL.—The Secretary shall estab-  
14 lish a demonstration program under which the Sec-  
15 retary shall provide to eligible entities financial as-  
16 sistance, using amounts appropriated to the 1 or  
17 more underlying eligible programs identified by the  
18 eligible entity in the application under subsection  
19 (d)(3)(C), for tribal early childhood education dem-  
20 onstration projects.

21 “(2) LIMITATION.—The Secretary shall select  
22 for participation in the demonstration program not  
23 more than 10 eligible entities for each fiscal year.

24 “(3) DURATION.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), each grantee shall carry out, during  
3 the 5-year period beginning on the date of re-  
4 ceipt, a demonstration project described in  
5 paragraph (4).

6           “(B) EXTENSION.—The Secretary may ex-  
7 tend the term of a demonstration project under  
8 subparagraph (A) for 1 or more additional peri-  
9 ods of such time as the Secretary determines to  
10 be appropriate.

11          “(4) ELIGIBILITY.—To be eligible for participa-  
12 tion in the demonstration program under this sub-  
13 section, an eligible entity shall demonstrate to the  
14 satisfaction of the Secretary that the demonstration  
15 project proposed to be carried out by the eligible en-  
16 tity is—

17           “(A) designed to test or assist in the devel-  
18 opment of any new approach or method that—

19           “(i) addresses tribal community  
20 needs;

21           “(ii) aids in overcoming unique tribal  
22 community problems impacting the effec-  
23 tive delivery of early childhood education  
24 and development services;



1           “(iii) fosters continuous improvement  
2           in the quality of early childhood services  
3           and support in tribal communities; and

4           “(iv) enables participating Indian chil-  
5           dren and families to thrive and succeed in  
6           school and otherwise; and

7           “(B) focused on culturally based early  
8           childhood education, Native language and cul-  
9           tural revitalization and maintenance, and re-  
10          lated services.

11          “(5) WAIVERS.—

12           “(A) IN GENERAL.—Subject to subpara-  
13          graph (B), the Secretary shall waive, with re-  
14          spect to a demonstration project, any specific  
15          provision of law (including regulations), policy,  
16          or procedure described in a waiver requested  
17          under subsection (d)(3)(K), if the Secretary de-  
18          termines that—

19           “(i) the provision, policy, or procedure  
20          relates specifically to an eligible underlying  
21          program from which the demonstration  
22          project receives financial assistance; and

23           “(ii) the waiver—

24           “(I) will enhance the ability of  
25          the grantee to coordinate and align

1 the eligible underlying program with  
2 the demonstration project;

3 “(II) is consistent with the pur-  
4 poses of this section; and

5 “(III) would not jeopardize the  
6 health, safety, civil rights, or well-  
7 being of the individuals to be served  
8 by the demonstration project.

9 “(B) EXCEPTIONS.—In carrying out this  
10 subsection, the Secretary may not waive—

11 “(i) any specific regulation, policy, or  
12 procedure relating to, with respect to cen-  
13 ter-based or family-based child care oper-  
14 ations, a Head Start program or an Early  
15 Head Start program carried out under the  
16 Head Start Act (42 U.S.C. 9831 et seq.);  
17 or

18 “(ii) any specific statutory require-  
19 ment for recipients of Federal funding re-  
20 lating to maintenance of effort or the use  
21 of Federal funds to supplement, and not  
22 supplant, non-Federal funds.

23 “(6) SPECIAL RULE.—The Secretary shall en-  
24 sure that all demonstration projects carried out  
25 under this section respect and incorporate the pur-

1 poses of each eligible underlying program incor-  
2 porated by the grantee into the demonstration  
3 project.

4 “(d) APPLICATIONS.—

5 “(1) IN GENERAL.—Each eligible entity desir-  
6 ing participation in the demonstration program shall  
7 submit to the Secretary an application at such time,  
8 in such manner, and containing such information as  
9 the Secretary may require.

10 “(2) GENERAL APPLICATION.—An eligible enti-  
11 ty may submit 1 general application under this sub-  
12 section, which shall meet all grant application re-  
13 quirements of each noncompetitively awarded eligible  
14 underlying program identified by the eligible entity  
15 under paragraph (3)(C).

16 “(3) CONTENT.—Each application under para-  
17 graph (1) shall include a proposal that contains,  
18 with respect to the proposed demonstration  
19 project—

20 “(A) an identification of the population to  
21 be served by the demonstration project, includ-  
22 ing—

23 “(i) an identification of the geo-  
24 graphical service area to be covered;

1           “(ii) a comprehensive assessment of  
2           early childhood care and development  
3           needs within that service area, including a  
4           description of the assets of each tribal  
5           community benefiting from the demonstra-  
6           tion project that will be used to improve  
7           project quality and child and family out-  
8           comes;

9           “(iii) a description of obstacles to ac-  
10          cessing early childhood education opportu-  
11          nities in that service area, such as—

12                   “(I) a shortage of enrollment  
13                   slots in existing child care or early  
14                   learning programs;

15                   “(II) problems in the recruitment  
16                   and retention of high-quality staff;  
17                   and

18                   “(III) a lack of sufficient trans-  
19                   portation or educational facility infra-  
20                   structure; and

21           “(iv) a description of the means by  
22           which the proposal addresses the items  
23           identified in clauses (ii) and (iii);

1           “(B) a plan for improving Indian family  
2           and tribal community engagement and consulta-  
3           tion services, including a description of—

4                   “(i) the methods the demonstration  
5                   project—

6                           “(I) has implemented for effec-  
7                           tive engagement with Indian families  
8                           and tribal community members living  
9                           in the covered geographical service  
10                          area during development of the dem-  
11                          onstration project application through  
12                          the notice and public comment proc-  
13                          ess; and

14                           “(II) will use to continue con-  
15                           sultation and engagement with Indian  
16                           families and tribal community mem-  
17                           bers living in the covered geographical  
18                           service area during implementation of  
19                           the demonstration project; and

20                          “(ii) how the demonstration project  
21                          will engage Indian parents in partnerships  
22                          to reach proposal goals;

23                          “(C) an identification of the 1 or more eli-  
24                          gible underlying programs selected by the eligi-

1 ble entity for inclusion in the proposed dem-  
2 onstration project;

3 “(D) a description of the framework for  
4 center-based and family-based early childhood  
5 educational programing to be used by the dem-  
6 onstration project, including a description of  
7 how the demonstration project will coordinate  
8 with the eligible underlying programs proposed  
9 under subparagraph (C) to promote in the ap-  
10 plicable tribal community—

11 “(i) school readiness;

12 “(ii) family engagement;

13 “(iii) parenting skills; and

14 “(iv) healthy child development;

15 “(E) an explanation of the role of Native  
16 language and culture in the demonstration  
17 project;

18 “(F) a description of data that will be col-  
19 lected for monitoring and evaluation purposes,  
20 including—

21 “(i) the methods and systems for data  
22 collection and management;

23 “(ii) identified metrics that will be  
24 used to measure progress toward proposal  
25 goals;

1           “(iii) any duplicative data or adminis-  
2           trative systems that will be streamlined  
3           through integration with the eligible under-  
4           lying programs; and

5           “(iv) the precautions that will be used  
6           to ensure the privacy of participants who  
7           have data collected in accordance with the  
8           applicable privacy requirements of—

9                   “(I) section 444 of the Family  
10                  Educational Rights and Privacy Act  
11                  (20 U.S.C. 1232g); and

12                   “(II) the Health Insurance Port-  
13                  ability and Accountability Act of 1996  
14                  (42 U.S.C. 201 et seq.);

15           “(G) a description of technical assistance  
16           and training the eligible entity will need to fur-  
17           ther develop or implement the monitoring and  
18           evaluation portion of the proposal;

19           “(H) a description of how programming  
20           funded under the demonstration project will ad-  
21           dress child and family mental health issues, in-  
22           cluding issues relating to violence and substance  
23           abuse;

1           “(I) an assurance that the total projected  
2 expenditures of the demonstration project will  
3 be reflected in a single comprehensive budget;

4           “(J) an identification of the specific tribal  
5 entity to administer and implement the delivery  
6 of services using the funds received from the  
7 underlying eligible programs identified under  
8 subparagraph (C); and

9           “(K) an identification and explanation of  
10 any specific provision of law (including regula-  
11 tions), policy, or procedure of an eligible under-  
12 lying program identified under subparagraph  
13 (C) for which the eligible entity requests a waiv-  
14 er.

15           “(4) APPROVAL OR DISAPPROVAL.—

16           “(A) IN GENERAL.—Not later than 90  
17 days after receipt of an application under this  
18 subsection, the Secretary shall notify an appli-  
19 cant in writing of whether the application has  
20 been approved or denied.

21           “(B) NOTIFICATION REQUIREMENTS.—In  
22 each notification under subparagraph (A), the  
23 Secretary shall include—

24           “(i) for each approved application—



1                   “(I) the terms and conditions of  
2                   the approval in accordance with para-  
3                   graph (7); and

4                   “(II) a notification of whether  
5                   any waiver request included in the ap-  
6                   plication under paragraph (3)(K) has  
7                   been approved or denied in accordance  
8                   with subsection (c)(5); and

9                   “(ii) for each disapproved application  
10                  or waiver request, the reasons for the dis-  
11                  approval.

12                  “(5) APPLICATION AMENDMENTS.—

13                  “(A) IN GENERAL.—A grantee may submit  
14                  to the Secretary a proposed amendment to an  
15                  application approved under this subsection, in-  
16                  cluding any amendment to a waiver request  
17                  submitted under paragraph (3)(K), at such  
18                  time and in such manner as the Secretary may  
19                  require.

20                  “(B) APPROVAL.—Subject to paragraph  
21                  (6), not later than 60 days after the date of re-  
22                  ceipt of a proposed amendment under subpara-  
23                  graph (A), the Secretary shall provide to the  
24                  grantee a written notice describing whether the

1 proposed amendment has been approved or dis-  
2 approved.

3 “(6) APPEAL OF SECRETARIAL DECISIONS.—

4 “(A) IN GENERAL.—A grantee may appeal  
5 a determination of the Secretary to disapprove  
6 a waiver request under subsection (c)(5) or an  
7 amendment request under paragraph (5)(B)—

8 “(i) by amending and resubmitting to  
9 the Secretary the request and explanation  
10 in accordance with paragraph (3)(K) or  
11 (5), as applicable; or

12 “(ii) by requesting reconsideration of  
13 the request.

14 “(B) TIMEFRAME.—An appeal under sub-  
15 paragraph (A) shall be submitted to the Sec-  
16 retary by not later than the 30 days after the  
17 date of receipt of a notification of disapproval  
18 of—

19 “(i) a waiver request under paragraph  
20 (4)(B)(i)(II); or

21 “(ii) an amendment request under  
22 paragraph (5)(B).

23 “(C) FINAL DETERMINATION.—Not later  
24 than 30 days after the date of receipt of an ap-  
25 peal under subparagraph (A), the Secretary

1 shall provide to the grantee a written notice of  
2 the final approval or disapproval status of the  
3 waiver or amendment request, as applicable.

4 “(7) TERMS AND CONDITIONS.—

5 “(A) IN GENERAL.—The Secretary shall  
6 include in each notification of approval of an  
7 application under paragraph (4) the terms and  
8 conditions of that approval, including—

9 “(i) the date on which the eligible en-  
10 tity may begin implementing the dem-  
11 onstration project;

12 “(ii) the services and support to be  
13 provided for the demonstration project by  
14 the Administration for Children and Fami-  
15 lies;

16 “(iii) the responsibilities of the grant-  
17 ee regarding implementation of the dem-  
18 onstration project;

19 “(iv) the terms of distribution to the  
20 demonstration project of funds from the el-  
21 igible underlying programs identified in the  
22 approved application, to be made in ac-  
23 cordance with a payment schedule deter-  
24 mined by the Secretary; and

1                   “(v) a requirement that the grantee  
2                   shall comply with all legal requirements  
3                   applicable to the eligible underlying pro-  
4                   grams that have not been waived by the  
5                   Secretary pursuant to this section.

6                   “(8) SELECTION CRITERIA.—The Secretary  
7                   may give priority to a demonstration project of suffi-  
8                   cient scope and scale to be the basis of a thorough  
9                   evaluation of any new approach or alternative meth-  
10                  od that best—

11                  “(A) addresses the unique challenges and  
12                  barriers to effective and efficient programming;  
13                  and

14                  “(B) ensures access to high-quality early  
15                  childhood education services in tribal commu-  
16                  nities.

17                  “(e) ELIGIBLE UNDERLYING PROGRAMS.—

18                  “(1) IN GENERAL.—A program eligible to be an  
19                  underlying program from which a demonstration  
20                  project receives financial assistance shall be 1 of the  
21                  following:

22                  “(A) The social and economic development  
23                  strategies program carried out under section  
24                  803.

1           “(B) The Native American language pres-  
2           ervation and maintenance program carried out  
3           under section 803C, including the Esther Mar-  
4           tinez initiative.

5           “(C) The early childhood infrastructure de-  
6           velopment grant program carried out under sec-  
7           tion 805B(c).

8           “(D) The early childhood professional de-  
9           velopment grant program carried out under sec-  
10          tion 805B(d).

11          “(E) The program of block grants to  
12          States and Indian tribes for temporary assist-  
13          ance for needy families for funding for childcare  
14          carried out under section 418 of the Social Se-  
15          curity Act (42 U.S.C. 618).

16          “(F) The tribal maternal, infant, and early  
17          childhood home visiting program carried out  
18          under section 511 of the Social Security Act  
19          (42 U.S.C. 711).

20          “(G) A Head Start program or an Early  
21          Head Start program carried out under the  
22          Head Start Act (42 U.S.C. 9831 et seq.) (ex-  
23          cept if there has been a determination under  
24          section 641(c)(7)(A)(iii) of that Act (42 U.S.C.  
25          9836(c)(7)(A)(iii)) that the Head Start or

1 Early Head Start agency of the Indian tribe  
2 submitting an application under subsection (d)  
3 has not been delivering a high-quality and com-  
4 prehensive Head Start or Early Head Start  
5 program).

6 “(H) The child care and development block  
7 grant program carried out under the Child Care  
8 and Development Block Grant Act of 1990 (42  
9 U.S.C. 9858 et seq.).

10 “(I) Any additional program identified by  
11 the Secretary under paragraph (2).

12 “(2) ADDITIONAL PROGRAMS.—

13 “(A) IN GENERAL.—After consultation  
14 with the Work Group, the Secretary may in-  
15 clude in a report under subsection (f)(2) a pro-  
16 posal to designate any additional program ad-  
17 ministered by the Secretary of Health and  
18 Human Services as an eligible underlying pro-  
19 gram for purposes of the demonstration pro-  
20 gram under this section, subject to the condi-  
21 tion that the additional program shall be con-  
22 sistent with the purposes of the demonstration  
23 program.

24 “(B) DEEMED APPROVAL.—If Congress  
25 fails to act on a proposal of the Secretary under

1           subparagraph (A) by the date that is 180 days  
2           after the date of receipt of the applicable re-  
3           port, the proposal shall be deemed to be ap-  
4           proved by Congress.

5           “(f) REPORTING REQUIREMENTS.—

6           “(1) ELIGIBLE ENTITIES.—

7           “(A) IN GENERAL.—Each grantee shall  
8           submit to the Secretary semiannual reports de-  
9           scribing the progress achieved and monitoring  
10          conducted by the grantee in carrying out the  
11          demonstration project.

12          “(B) REPORT CONTENTS.—Subject to sub-  
13          section (g)(4)(B), each report submitted under  
14          subparagraph (A) shall include, with respect to  
15          the period covered by the report—

16                  “(i) an identification of—

17                          “(I) all uses of Federal funding,  
18                          including all major activities and ac-  
19                          complishments; and

20                          “(II) any problems in the imple-  
21                          mentation of the demonstration  
22                          project, including any delays and ac-  
23                          tions taken to address the problems;

24                  “(ii) a description of—

1           “(I) all services provided to chil-  
2           dren and families under the dem-  
3           onstration project, including—

4                   “(aa) the number of children  
5                   and families directly benefiting  
6                   from the services; and

7                   “(bb) the qualifications and  
8                   credentials of the employees of  
9                   the demonstration project;

10           “(II) the progress of the specific  
11           objectives of the demonstration  
12           project; and

13                   “(III) activities planned under  
14                   the demonstration project for the fol-  
15                   lowing reporting period; and

16           “(iii) any additional information the  
17           Secretary determines to be necessary—

18                   “(I) to support the objectives of  
19                   the demonstration project; and

20                   “(II) to ensure appropriate use of  
21                   Federal funding.

22           “(C) STANDARD FORM.—The Secretary, in  
23           consultation with the Work Group, shall develop  
24           a standard report form—



1                   “(i) to be used by all eligible entities  
2                   to achieve compliance with this paragraph;  
3                   and

4                   “(ii) that can be used with respect to  
5                   any eligible underlying program.

6                   “(2) SECRETARIAL REPORTS TO CONGRESS.—

7                   “(A) IN GENERAL.—Not later than 5 years  
8                   after the date on which the first demonstration  
9                   project is implemented under this section, and  
10                  not less frequently than once every 5 years  
11                  thereafter for the duration of the demonstration  
12                  program, the Secretary shall submit to the con-  
13                  gressional committees described in subpara-  
14                  graph (B) a report that describes—

15                  “(i) any evidence-based developments  
16                  achieved as a result of the demonstration  
17                  program under this section;

18                  “(ii) the progress and impacts of the  
19                  demonstration projects carried out under  
20                  this section; and

21                  “(iii) with respect to the initial report  
22                  required under this subparagraph, a rec-  
23                  ommendation regarding the ways in which  
24                  the application process for competitively  
25                  awarded eligible underlying programs can

1           be reduced and streamlined for grantees  
2           under this section.

3           “(B) CONGRESSIONAL COMMITTEES.—The  
4           congressional committees referred to in sub-  
5           paragraph (A) are—

6                   “(i) in the Senate—

7                           “(I) the Committee on Indian Af-  
8                           fairs; and

9                           “(II) the Committee on Health,  
10                          Education, Labor, and Pensions; and

11                          “(ii) in the House of Representa-  
12                          tives—

13                           “(I) the Subcommittee on Indian,  
14                           Insular and Alaska Native Affairs;  
15                           and

16                           “(II) the Committee on Edu-  
17                           cation and the Workforce.

18           “(g) MONITORING AND OVERSIGHT; TERMI-  
19           NATION.—

20                   “(1) IN GENERAL.—Notwithstanding any other  
21                   provision of law, the Secretary, in consultation with  
22                   the Work Group, shall implement a coordinated  
23                   monitoring and oversight system that applies to all  
24                   eligible underlying programs, including—

1           “(A) review of the reports described in  
2 subsection (f); and

3           “(B) onsite visits to demonstration  
4 projects, as the Secretary determines to be nec-  
5 essary.

6           “(2) COMPLIANCE.—For each demonstration  
7 project, the Secretary shall use the reports described  
8 in subsection (f) and other relevant information as  
9 the basis for determining whether a grantee has  
10 complied with—

11           “(A) the terms and conditions of the dem-  
12 onstration project; and

13           “(B) any policy, procedure, or guidance  
14 issued under paragraph (4).

15           “(3) TERMINATION.—The Secretary may termi-  
16 nate funding to a demonstration project if—

17           “(A) pursuant to the monitoring and over-  
18 sight system under paragraph (1), the Sec-  
19 retary determines that—

20           “(i) the implementation of the dem-  
21 onstration project deviates significantly  
22 from the approved application without the  
23 prior approval of the Secretary;

24           “(ii) noncompliance under paragraph  
25 (2) has occurred; and

1           “(iii) the grantee has failed to correct  
2           the noncompliance described in clause (ii)  
3           after sufficient opportunity, as determined  
4           by the Secretary, to correct the noncompli-  
5           ance; or

6           “(B) the grantee submits to the Secretary  
7           a written request to terminate the demonstra-  
8           tion project, including an explanation of the  
9           reasons for termination, as required by the Sec-  
10          retary.

11          “(4) POLICIES AND PROCEDURES.—

12           “(A) IN GENERAL.—Subject to subpara-  
13          graph (B), the Secretary may issue policies,  
14          procedures, and guidance relating to perform-  
15          ance-based standards of accountability and in-  
16          ternal controls necessary for a grantee and eli-  
17          gible underlying program to ensure appropriate  
18          use of Federal funding.

19           “(B) RESTRICTION.—The Secretary shall  
20          not require a grantee to maintain a separate  
21          record for each eligible underlying program that  
22          traces the use of funds by the demonstration  
23          project back to each individual eligible under-  
24          lying program.

1           “(5) EVALUATION CRITERIA.—The Secretary,  
2           in consultation with Indian tribes and grantees, shall  
3           develop and promulgate regulations prescribing the  
4           parameters and evaluation criteria for assessing the  
5           quality of a demonstration project.

6           “(h) FUNDING.—

7           “(1) ALLOCATION.—

8                   “(A) IN GENERAL.—The Secretary, acting  
9                   through the Assistant Secretary for Children  
10                   and Families (referred to in this subsection as  
11                   the ‘Secretary’), shall distribute to each grantee  
12                   financial assistance using amounts appropriated  
13                   to each applicable eligible underlying program  
14                   identified by the grantee in the application  
15                   under subsection (d)(3) in proportions to be de-  
16                   termined by the Secretary.

17                   “(B) DETERMINATION.—The Secretary  
18                   shall determine the amounts allocated to each  
19                   grantee from each applicable eligible underlying  
20                   program using the funding schedules or for-  
21                   mulas employed by the applicable eligible un-  
22                   derlying program.

23           “(2) UNUSED FUNDS.—

24                   “(A) IN GENERAL.—Any grant amounts  
25                   that are not obligated or expended by the

1 grantee on or before September 30 of the fiscal  
2 year for which the amounts were distributed  
3 under paragraph (1) shall remain available to  
4 the grantee until September 30 of the following  
5 fiscal year.

6 “(B) REVERSION OF FUNDS.—Any grant  
7 amounts that are not obligated or expended by  
8 the grantee on or before the deadline described  
9 in subparagraph (A) shall revert to the Sec-  
10 retary for reallocation to the eligible underlying  
11 programs in the original proportions described  
12 in paragraph (1).

13 “(3) ADMINISTRATION.—Notwithstanding any  
14 other provision of law, of amounts available to the  
15 Secretary and not otherwise obligated, the Secretary  
16 shall reserve each fiscal year \$3,000,000 for admin-  
17 istration of the demonstration program, of which—

18 “(A) not less than 80 percent shall be used  
19 for technical assistance and evaluation capacity  
20 building activities under subsection (i); and

21 “(B) not more than 20 percent shall be  
22 used for oversight, grant application technical  
23 assistance, and demonstration program evalua-  
24 tion.

1           “(4) CONSOLIDATION OF FUNDS.—Notwith-  
2 standing any other provision of law, a grantee may  
3 consolidate financial assistance received from each  
4 eligible underlying program, subject to the condition  
5 that the grantee shall stipulate in the application  
6 under subsection (d)(3) that the grantee shall use  
7 the funds for the respective statutory and integrated  
8 purposes of the eligible underlying programs.

9           “(5) ADMINISTRATIVE COSTS.—A grantee may  
10 use not more than 15 percent of the total amount  
11 of financial assistance received under this section for  
12 administrative costs.

13           “(6) FUNDING LEVEL MAINTENANCE.—The  
14 Secretary shall not reduce the amount of funding al-  
15 located to an eligible underlying program as a result  
16 of the eligible underlying program being part of a  
17 demonstration project.

18           “(i) TECHNICAL ASSISTANCE AND TRAINING.—

19           “(1) IN GENERAL.—The Secretary, in consulta-  
20 tion with the Work Group, shall provide to grantees  
21 technical assistance and training relating to—

22                   “(A) demonstration project administration;

23                   “(B) monitoring and evaluation capacity  
24 development;

1           “(C) coordination with tribal, Federal,  
2           State, and local agencies; or

3           “(D) any other activity to achieve the ob-  
4           jectives of this section that is—

5                   “(i) authorized by the Secretary; or

6                   “(ii) recommended by the Work  
7           Group.

8           “(2) COORDINATION ASSISTANCE.—The Sec-  
9           retary may provide to an entity approved by the  
10          Work Group financial assistance to carry out—

11                   “(A) an evaluation of the demonstration  
12           program to quantify any changes resulting from  
13           the demonstration program, based on perform-  
14           ance indicators and outcome measurements  
15           used by grantees to evaluate progress in achiev-  
16           ing the objectives of each demonstration  
17           project;

18                   “(B) development and implementation of  
19           unified data collection and reporting systems;

20                   “(C) semiannual training and technical as-  
21           sistance meetings and other activities sponsored  
22           by the Administration for Children and Fami-  
23           lies; or



1           “(D) any other technical assistance and  
2           training activity authorized under paragraph  
3           (1).

4           “(3) TRIBAL EARLY CHILDHOOD WORK  
5           GROUP.—

6           “(A) IN GENERAL.—To assist in achieving  
7           the purposes of the demonstration program  
8           under this section, the Secretary shall establish  
9           a tribal early childhood demonstration program  
10          work group.

11          “(B) MEMBERSHIP.—The Work Group  
12          shall be comprised of representatives of—

13                  “(i) the National Indian Child Care  
14                  Association;

15                  “(ii) the Early Head Start Tribal  
16                  Partnership;

17                  “(iii) the National Indian Head Start  
18                  Directors Association;

19                  “(iv) the Indian Health Service;

20                  “(v) Tribal Child Care Development  
21                  Fund Program Administrators;

22                  “(vi) early childhood research centers  
23                  with expertise in tribal early childhood pro-  
24                  grams, including the Tribal Early Child-

1 hood Research Center at the University of  
2 Colorado;

3 “(vii) to the extent feasible, a diverse  
4 sampling of Indian tribes participating in  
5 the demonstration program under this sec-  
6 tion;

7 “(viii) the Administration for Native  
8 Americans;

9 “(ix) the Tribal Home Visiting Pro-  
10 gram; and

11 “(x) such other organizations, agen-  
12 cies, and entities as the Secretary deter-  
13 mines to be appropriate.

14 “(C) DUTIES.—The Work Group shall ad-  
15 vise the Secretary regarding the development  
16 and implementation of—

17 “(i) the demonstration project report-  
18 ing forms described in subsection (f)(1)(C);

19 “(ii) the coordinated monitoring and  
20 oversight system described in subsection  
21 (g)(1); and

22 “(iii) the technical assistance and  
23 training described in this section.

1 **“SEC. 805B. EARLY CHILDHOOD INFRASTRUCTURE DEVEL-**  
2 **OPMENT GRANT PROGRAM; EARLY CHILD-**  
3 **HOOD PROFESSIONAL DEVELOPMENT GRANT**  
4 **PROGRAM.**

5 “(a) PURPOSES.—The purposes of this section are—

6 “(1) to increase the number of highly qualified  
7 early childhood care and development service pro-  
8 viders—

9 “(A) who are Indian; or

10 “(B) who work for programs serving tribal  
11 communities; and

12 “(2) to ensure tribal early childhood care and  
13 development center infrastructure is safe and condu-  
14 cive to serving the needs of the tribal communities  
15 that use that infrastructure.

16 “(b) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
18 tity’ means a demonstration project carried out  
19 under section 805A that identified in the application  
20 under subsection (c)(3)(C)(iii) of that section the  
21 program carried out under subsection (c) or (d), as  
22 applicable, as 1 of the eligible underlying programs  
23 to be used by the demonstration project.

24 “(2) INDIAN.—The term ‘Indian’ has the mean-  
25 ing given the term in section 7151 of the Elemen-

1 tary and Secondary Education Act of 1965 (20  
2 U.S.C. 7491).

3 “(c) EARLY CHILDHOOD INFRASTRUCTURE DEVEL-  
4 OPMENT GRANT PROGRAM.—The Secretary shall establish  
5 a program under which the Secretary shall make grants  
6 to eligible entities—

7 “(1) to build facilities for early childhood care  
8 and development centers; or

9 “(2) to upgrade existing childhood learning and  
10 development facilities.

11 “(d) EARLY CHILDHOOD PROFESSIONAL DEVELOP-  
12 MENT GRANT PROGRAM.—

13 “(1) IN GENERAL.—The Secretary shall estab-  
14 lish a program under which the Secretary shall make  
15 grants to eligible entities to reimburse early child-  
16 hood educators for out-of-pocket costs associated  
17 with obtaining early childhood certification or cre-  
18 dentials.

19 “(2) SPECIAL RULE.—

20 “(A) SERVICE FOR REIMBURSEMENT.—El-  
21 igible entities receiving a grant under para-  
22 graph (1) shall require early childhood edu-  
23 cators who receive reimbursement under the  
24 grant to fulfill a period of obligated service with

1 the demonstration project of the eligible entity  
2 in accordance with subparagraph (B).

3 “(B) PERIOD OF OBLIGATED SERVICE.—

4 “(i) IN GENERAL.—The Secretary  
5 shall provide each eligible entity receiving a  
6 grant under paragraph (1) with a form  
7 contract for obligated service that the eligi-  
8 ble entity shall use to carry out subpara-  
9 graph (A).

10 “(ii) REQUIREMENT.—Before receiv-  
11 ing reimbursement, the early childhood ed-  
12 ucator and the eligible entity shall enter  
13 into a contract described in clause (i).

14 “(e) ALLOCATION OF GRANTS.—

15 “(1) EARLY CHILDHOOD INFRASTRUCTURE DE-  
16 VELOPMENT GRANTS.—In making grants under sub-  
17 section (c), the Secretary shall—

18 “(A) allocate to an eligible entity such  
19 amounts as are requested in the application of  
20 the eligible entity; or

21 “(B) if funding is insufficient to fulfill the  
22 total amount requested by all eligible entities,  
23 fully fund a selection of eligible entities based  
24 on the following criteria:

1           “(i) The likelihood of completing the  
2           proposed infrastructure project within the  
3           timeframe of the demonstration project.

4           “(ii) The ability of the infrastructure  
5           project to address outstanding health and  
6           safety concerns.

7           “(iii) Any other criteria identified by  
8           the Secretary, in consultation with the  
9           tribal early childhood demonstration pro-  
10          gram work group established under section  
11          805A(i)(3).

12          “(2) EARLY CHILDHOOD PROFESSIONAL DE-  
13          VELOPMENT GRANT.—In making grants under sub-  
14          section (d), the Secretary shall—

15               “(A) allocate to an eligible entity such  
16               amounts as are requested in the application of  
17               the eligible entity; or

18               “(B) if funding is insufficient to fulfill the  
19               total amount requested by all eligible entities,  
20               allocate funds to each eligible entity based on  
21               the proportion that—

22                       “(i) the number of children served by  
23                       the eligible entity; bears to

1                   “(ii) the total number of children  
2                   served by all eligible entities approved for  
3                   funding under subsection (d).

4                   “(f) AUTHORIZATION OF APPROPRIATIONS.—

5                   “(1) EARLY CHILDHOOD INFRASTRUCTURE DE-  
6                   VELOPMENT GRANT PROGRAM.—There are author-  
7                   ized to be appropriated to carry out subsection (c)—

8                   “(A) \$4,000,000 for each of fiscal years  
9                   2017 through 2021; and

10                  “(B) such sums as are necessary for each  
11                  fiscal year thereafter.

12                  “(2) EARLY CHILDHOOD PROFESSIONAL DE-  
13                  VELOPMENT GRANT PROGRAM.—There are author-  
14                  ized to be appropriated to carry out subsection (d)—

15                  “(A) \$1,000,000 for each of fiscal years  
16                  2017 through 2021; and

17                  “(B) such sums as are necessary for each  
18                  fiscal year thereafter.”.

19 **SEC. 3. TRIBAL EARLY CHILDHOOD EDUCATOR RECRUIT-**  
20 **MENT AND RETENTION.**

21                  (a) LOAN FORGIVENESS FOR EARLY CHILDHOOD  
22                  EDUCATORS.—

23                  (1) FFEL LOANS.—Section 428J of the Higher  
24                  Education Act of 1965 (20 U.S.C. 1078–10) is  
25                  amended—

1 (A) in subsection (b)(1)(A), by striking  
2 “section 465(a)(2)(A)” and inserting “subpara-  
3 graph (A) or (B) of section 465(a)(2)”; and

4 (B) in subsection (c)(3)—

5 (i) in the paragraph heading, by strik-  
6 ing “OR SPECIAL EDUCATION” and insert-  
7 ing “SPECIAL EDUCATION, OR TRIBAL  
8 EARLY CHILDHOOD DEVELOPMENT PRO-  
9 GRAMS”;

10 (ii) in subparagraph (A)(ii), by strik-  
11 ing “and” after the semicolon;

12 (iii) in subparagraph (B)(iii), by strik-  
13 ing the period and inserting “; and”; and

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

16 “(C) an early childhood teacher—

17 “(i) who meets the requirements of  
18 subsection (b); and

19 “(ii) whose qualifying employment for  
20 purposes of such subsection is in an early  
21 childhood learning and development pro-  
22 gram—

23 “(I) that is operated by an In-  
24 dian tribe (as defined in section 4 of  
25 the Indian Self-Determination and



1 Education Assistance Act (25 U.S.C.  
2 450b)); or

3 “(II) that serves a large percent-  
4 age of Indian children, as defined by  
5 the Secretary.”.

6 (2) FEDERAL DIRECT LOANS.—Section 460 of  
7 the Higher Education Act of 1965 (20 U.S.C.  
8 1087j) is amended—

9 (A) in subsection (b)(1)(A), by striking  
10 “section 465(a)(2)(A)” and inserting “subpara-  
11 graph (A) or (B) of section 465(a)(2)”; and

12 (B) in subsection (c)(3)—

13 (i) in the paragraph heading, by strik-  
14 ing “OR SPECIAL EDUCATION” and insert-  
15 ing “SPECIAL EDUCATION, OR TRIBAL  
16 EARLY CHILDHOOD DEVELOPMENT PRO-  
17 GRAMS”;

18 (ii) in subparagraph (A)(ii), by strik-  
19 ing “and” after the semicolon;

20 (iii) in subparagraph (B)(iii), by strik-  
21 ing the period and inserting “; and”; and

22 (iv) by adding at the end the fol-  
23 lowing:

24 “(C) an early childhood teacher—

1           “(i) who meets the requirements of  
2           subsection (b); and

3           “(ii) whose qualifying employment for  
4           purposes of such subsection is in an early  
5           childhood learning and development pro-  
6           gram—

7                       “(I) that is operated by an In-  
8                       dian tribe (as defined in section 4 of  
9                       the Indian Self-Determination and  
10                      Education Assistance Act (25 U.S.C.  
11                      450b)); or

12                     “(II) that serves a large percent-  
13                     age of Indian children, as defined by  
14                     the Secretary.”.

15           (b) CANCELLATION OF LOANS FOR TRIBAL EARLY  
16           CHILDHOOD EDUCATORS.—Subparagraph (B) of section  
17           465(a)(2) of the Higher Education Act of 1965 (20 U.S.C.  
18           1087ee(a)(2)) is amended to read as follows:

19                     “(B) as a full-time staff member with a  
20                     baccalaureate degree—

21                     “(i) in a preschool program carried  
22                     out under the Head Start Act (42 U.S.C.  
23                     9831 et seq.) that is operated for a period  
24                     which is comparable to a full school year in  
25                     the locality, if the salary of such staff

1 member is not more than the salary of a  
2 comparable employee of the local edu-  
3 cational agency for the locality;

4 “(ii) in a prekindergarten or child  
5 care program that is licensed or regulated  
6 by the State or an Indian tribe (as defined  
7 in section 4 of the Indian Self-Determina-  
8 tion and Education Assistance Act (25  
9 U.S.C. 450b)) that is operated for a period  
10 which is comparable to a full school year in  
11 the locality, if the salary is not more than  
12 the salary of a comparable employee of the  
13 local educational agency for the locality;

14 “(iii) in a center-based early childhood  
15 learning or development program operated  
16 through the family and child education  
17 program of the Bureau of Indian Edu-  
18 cation; or

19 “(iv) in an early childhood learning or  
20 development center operated by an Indian  
21 tribe (as so defined) utilizing funds from—

22 “(I) early childhood learning and  
23 development grants awarded under  
24 the Native American Programs Act of  
25 1974 (42 U.S.C. 2991 et seq.), in-

1 including such grants under section  
2 803C, 805A, or 805B of such Act;

3 “(II) grants awarded under the  
4 Child Care and Development Block  
5 Grant Act of 1990 (42 U.S.C. 9858 et  
6 seq.); or

7 “(III) any other early childhood  
8 learning and development grants ad-  
9 ministered by the Administration for  
10 Children and Families under the De-  
11 partment of Health and Human Serv-  
12 ices, as determined by the Assistant  
13 Secretary for the Administration for  
14 Children and Families.”.

○