

116TH CONGRESS
1ST SESSION

S. 2996

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

DECEMBER 5, 2019

Mr. LEE (for himself, Mr. SCOTT of Florida, Mrs. BLACKBURN, 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 2019”.

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) **EDUCATION SAVINGS ACCOUNT.**—The
24 term ‘education savings account’ means a savings
25 account, authorized under State law, that is used by

1 a parent only for the educational expenses, including
2 prekindergarten expenses, of the parent's child.

3 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
4 tity’ means the recipient of a subgrant under section
5 639(d)(3)(A).

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

12 “(5) GRANT RECIPIENT.—The term ‘grant re-
13 cipient’ means the recipient of a grant under section
14 639(a).

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

24 “(7) LOCAL EDUCATIONAL AGENCY.—The term
25 ‘local educational agency’ has the meaning given

1 such term in section 9101 of the Elementary and
2 Secondary Education Act of 1965 (20 U.S.C. 7801).

3 “(8) LOW-INCOME CHILD.—The term ‘low-in-
4 come child’ means a child who is 3, 4, or 5 years
5 of age and is from a family with an income below
6 100 percent of the poverty line for the most recent
7 fiscal year for which satisfactory data are available.

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

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

17 “(B) adjusted for family size.

18 “(10) SECRETARY.—The term ‘Secretary’
19 means the Secretary of Health and Human Services.

20 “(11) STATE.—The term ‘State’ means a State,
21 the Commonwealth of Puerto Rico, the District of
22 Columbia, Guam, American Samoa, the Virgin Is-
23 lands of the United States, and the Commonwealth
24 of the Northern Mariana Islands. The term includes
25 the Republic of Palau, except during any period for

1 which a Compact of Free Association is in effect,
2 contains provisions for early childhood education or
3 development, and prohibits the assistance provided
4 under this subchapter.

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

6 “There is authorized to be appropriated to carry out
7 this subchapter \$10,063,095,000 for each of fiscal years
8 2020 through 2029.

9 **“SEC. 639. BLOCK GRANTS TO ELIGIBLE STATES AND IN-**
10 **DIAN TRIBES.**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of this subchapter, beginning on October 1 of the
13 first fiscal year following the date of enactment of the
14 Head Start Improvement Act of 2019, from the amounts
15 appropriated to carry out this subchapter under section
16 638 for a fiscal year, the Secretary shall award grants to
17 eligible States and Indian tribes from allotments made
18 under subsection (b) in accordance with this section.

19 “(b) ALLOTMENTS.—

20 “(1) FORMULA.—The Secretary shall allot the
21 amount appropriated under section 638 for a fiscal
22 year among the eligible States and Indian tribes in
23 proportion to the number of children, who are 3, 4,
24 or 5 years of age, who are from families with in-
25 comes below 100 percent of the poverty line for the

1 most recent fiscal year for which satisfactory data
2 are available and who are in an eligible State or In-
3 dian tribe, compared to the number of such children
4 for that fiscal year who are in all eligible States or
5 Indian tribes.

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

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

15 “(d) USE OF FUNDS.—

16 “(1) IN GENERAL.—A grant recipient under
17 this section shall use 100 percent of the grant
18 funds—

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

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

23 “(C) to provide direct technical assistance,
24 oversight, monitoring, research, and training

1 with respect to the programs described in sub-
2 paragraph (A).

3 “(2) CERTIFICATION.—The Governor, or other
4 chief executive, of each grant recipient shall certify
5 that all grant funds received under this section will
6 be used to directly or indirectly provide comprehen-
7 sive education to low-income children.

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

10 “(A) award subgrants to eligible entities
11 (as defined by the grant recipient) to enable
12 such entities to provide, directly or through a
13 delegate agency, prekindergarten education pro-
14 grams in the State or Indian tribe involved;

15 “(B) establish rules and standards for the
16 entities awarded subgrants under subparagraph
17 (A); and

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

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

22 “(A) to the extent permitted under State
23 law, a grant recipient may use the grant funds
24 to establish a portable voucher system that al-
25 lows a parent of a low-income child to use a

1 portion of the grant funds, other available pub-
2 lic funds, or private funds to pay some or all of
3 the costs of attendance at a private prekinderg-
4 garten education program; and

5 “(B) to the extent permitted under State
6 law, a grant recipient may use the grant funds
7 to establish an education savings account that
8 allows a parent of a low-income child to use a
9 portion of the grant funds, or other available
10 public or private funds added to the account,
11 for expenses related to prekindergarten edu-
12 cation.

13 “(5) MEMBERS OF INDIAN TRIBES.—A member
14 of an Indian tribe who is eligible to receive services
15 pursuant to a program funded under this section
16 may elect to receive such services from any eligible
17 entity for the State or Indian tribe in which the
18 member resides.

19 “(e) MATCHING FUNDS.—A grant recipient shall pro-
20 vide matching funds from non-Federal sources equal to
21 20 percent of the amount of the grant to carry out the
22 activities described in this section.

23 “(f) ADMINISTRATIVE COSTS.—No eligible entity
24 that receives a subgrant to provide a program under this

1 subchapter shall use more than 15 percent of the subgrant
2 funds for the administrative costs of the program.

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

4 “Nothing in this subchapter shall be construed to re-
5 quire a grant recipient to establish a publicly funded pro-
6 gram of early childhood education and development, or to
7 require any child to participate in such a publicly funded
8 program, including a preschool program funded by a grant
9 recipient, or to participate in any initial screening (other
10 than a health screening) before participating in a publicly
11 funded program of early childhood education and develop-
12 ment, except as provided under sections 612(a)(3) and
13 635(a)(5) of the Individuals with Disabilities Education
14 Act (20 U.S.C. 1412(a)(3), 1435(a)(5)).

15 **“SEC. 641. GOALS; MONITORING.**

16 “(a) SELF-ASSESSMENTS.—Not less frequently than
17 once each program year, each grant recipient shall conduct
18 a comprehensive self-assessment of the effectiveness and
19 progress of the grant recipient’s program under this sub-
20 chapter in meeting program goals established by the grant
21 recipient. The self-assessment shall include a determina-
22 tion of the number of low-income children served by the
23 program carried out by the grant recipient under this sub-
24 chapter.

1 “(b) REPORTS.—The grant recipient shall develop,
2 and make available to the public, an online and searchable
3 report containing the self-assessment, and an improve-
4 ment plan to strengthen any areas identified in the self-
5 assessment as weaknesses or in need of improvement. The
6 report shall include the number of low-income children
7 served by the program carried out by the grant recipient
8 under this subchapter.

9 “(c) ONGOING MONITORING.—Each grant recipient
10 shall establish and implement procedures for the ongoing
11 monitoring of the respective programs of each recipient,
12 to ensure that the operations of the programs work toward
13 meeting the program goals.

14 **“SEC. 642. ADMINISTRATIVE REQUIREMENTS.**

15 “(a) IN GENERAL.—Each grant recipient shall make
16 available to the public a report published online at least
17 once in each fiscal year that discloses the following infor-
18 mation, from the most recently concluded fiscal year, ex-
19 cept that reporting such information shall not reveal per-
20 sonally identifiable information about an individual child
21 or parent:

22 “(1) The total amount of Federal, State, local,
23 and private funds received and the amount from
24 each source.

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

3 “(3) The total number of children served, the
4 average monthly enrollment (as a percentage of
5 funded enrollment), and the percentage of eligible
6 children served.

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

9 “(5) Information about the grant recipient’s ef-
10 forts to prepare children for kindergarten.

11 “(b) ANNUAL REPORTS.—Not later than October 1
12 following the first full fiscal year after the date of enact-
13 ment of this Act, and annually thereafter, the Secretary
14 shall compile the information described in subsection(a),
15 from the most recently concluded fiscal year, into a report
16 and submit the report to Congress.

17 **“SEC. 643. RECORDS.**

18 “Each recipient of financial assistance under this
19 subchapter shall keep records, including records which
20 fully disclose the amount and disposition by such recipient
21 of the proceeds of such financial assistance, the total cost
22 of the program or activity in connection with which such
23 financial assistance is given or used, and the amount of
24 that portion of the cost of the program or activity supplied
25 by other sources.

1 **“SEC. 644. RESEARCH.**

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

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

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

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

15 **“SEC. 645. NONDISCRIMINATION PROVISIONS.**

16 “No grant recipient shall provide financial assistance
17 for any program or activity under this subchapter unless
18 the grant or contract relating to the financial assistance
19 specifically provides that no person with responsibilities in
20 the operation of the program or activity will discriminate
21 with respect to any such program or activity because of
22 race, creed, color, national origin, biological sex, political
23 affiliation, or religion, or because of a disability in viola-
24 tion of section 504 of the Rehabilitation Act of 1973 (29
25 U.S.C. 794).

1 **“SEC. 646. POLITICAL ACTIVITIES.**

2 “(a) RESTRICTIONS.—A program assisted under this
3 subchapter, and any individual employed by, or assigned
4 to or in, a program assisted under this subchapter (during
5 the hours in which such individual is working on behalf
6 of such program), shall not engage in—

7 “(1) any partisan or nonpartisan political activ-
8 ity or any other political activity associated with a
9 candidate, or contending faction or group, in an
10 election for public or party office;

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

14 “(3) assisting, promoting, or deterring union
15 organization.

16 “(b) REGISTRATION.—No funds appropriated under
17 this subchapter may be used to conduct voter registration
18 activities. Nothing in this subchapter prohibits the avail-
19 ability of Head Start facilities during hours of operation
20 for the use of any nonpartisan organization to increase
21 the number of eligible citizens who register to vote in elec-
22 tions for Federal office.

23 **“SEC. 647. ADVANCE FUNDING.**

24 “For the purpose of affording adequate notice of
25 funding available under this subchapter, appropriations
26 for carrying out this subchapter are authorized to be in-

1 cluded in an appropriation Act for the fiscal year pre-
2 ceding the fiscal year for which they are available for obli-
3 gation.

4 **“SEC. 648. GENERAL PROVISIONS.**

5 “Nothing in this subchapter shall be construed to au-
6 thorize or permit the Secretary or any employee or con-
7 tractor of the Department of Health and Human Services
8 to mandate, direct, or control, the selection of a cur-
9 riculum, a program of instruction, or instructional mate-
10 rials, for a prekindergarten education program carried out
11 by an eligible entity.”.

12 **SEC. 3. EFFECTIVE DATE.**

13 The amendment made by this Act shall apply begin-
14 ning on October 1 of the first fiscal year following the
15 date of enactment of the Head Start Improvement Act of
16 2019.

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