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109TH CONGRESS
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HOUSE OF REPRESENTATIVES
REPORT
109–229

# PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

SEPTEMBER 21, 2005.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. 455]

The Committee on Rules, having had under consideration House Resolution 455, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2123, the School Readiness Act of 2005, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report. The rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The Committee is not aware of any points of order against consideration of the bill. The waiver of all points of order against consideration of the bill is prophylactic in nature.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee record vote No. 120*

Date: September 21, 2005.
Measure: H.R. 2123, School Readiness Act of 2005.
Motion by: Mr. McGovern.
Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Davis of Illinois which provides stipends for each teacher with Associate's or Bachelor's degrees in early childhood education, increasing their salaries based upon their level of educational attainment, and scholarships for teachers working to earn their post-secondary degree in early childhood education.
Results: Defeated 4 to 8.
Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

*Rules Committee record vote No. 121*

Date: September 21, 2005.
Measure: H.R. 2123, School Readiness Act of 2005.
Motion by: Mr. Hastings of Florida.
Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative McCollum which authorizes the appropriation of $10 million for competitive grants to Head Start grantees that need assistance in complying with Congressional transportation mandates specific to Head Start and for assistance with the rising cost of gasoline prices.
Results: Defeated 4 to 9.
Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Matsui—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors)
1. Castle: Manager's Amendment. Revises the financial audit language in Section 17 to ensure that financial audit requirements for Head Start programs are consistent with those required under the Single Audit Act Amendments of 1986. Specifically extends to 270 days the time frame for completing program audits; clarifies that, upon the availability of resources, audit partners (not auditors) must be rotated every 5 years; and waives the board selection of a certified public accountant when public auditors are assigned by

State law. In addition the amendment builds on parental consent requirements included in H.R. 2123 as reported, to further clarify that any health service available to children in Head Start may not be performed without the prior written consent of the parent. Health services include but are not limited to any medical, dental, developmental, mental health, social, or behavioral screening. Parents must consent to each individual health service before a health service is administered by a Head Start or Early Head Start program. Technical, Clarifying, and Conforming Amendments includes a number of technical and conforming amendments, including language to: make consistent language for special populations (migrant and seasonal Head Start and Indian Head Start programs); correct the order of Sections 10 and 11 (Sections 642A and 642B of the Act) in the reported bill; require Head Start applicants as part of their plan for local collaboration, to describe plans to work with private entities and charter schools offering pre-kindergarten; and require either the chair of the parent policy council or a designee as approved by the council, to sit on the agency's Head Start governing board. (10 minutes)

2. Souder: Restores the current joint governance structure of the Head Start program by allowing the policy councils (which are composed of 51 percent current Head Start parents and 49 percent community representatives) to approve or disapprove most program planning and operation activities along with the board of directors. In the event of an impasse, the board and policy council would enter into a mediation process with a third party—as under current regulations. Gives the board the discretionary authority to act unilaterally without policy council approval in all cases involving serious fiscal management, fraud or criminal activity. (10 minutes)

3. DeLauro: Allows Head Start centers to develop or maintain partnerships with institutions of higher education and non-profit organizations to support college students that serve as mentors and reading coaches to preschool children. (10 minutes)

4. Stearns: In section 18, includes "Children with Disabilities," in the list of areas for training to be provided by the Secretary of Education. (10 minutes)

5. Davis (IL): Directs the Secretary to implement an outreach program to train and recruit African-American and Latino-American men to become Head Start teachers in order to increase the provision of quality services and instructions to children with diverse backgrounds.) (10 minutes)

6. Kind: Suspends further implementation of the National Reporting System while the National Academy of Sciences (NAS) conducts a review and provides guidance on appropriate child outcomes and assessments for young children, as authorized in H.R. 2123. (10 minutes)

7. Mica: Directs the Secretary of HHS to undergo a management reform initiative. Requires HHS to utilize an outside management consulting firm to recommend and support the implementation of internal reforms to improve the Head Start Bureau's operational effectiveness. (10 minutes)

8. Filner: Initiates a study to assess the impact of new Head Start teacher qualification and development regulations upon teacher retention. (10 minutes)

9. Millender-McDonald: Encourages Head Start grantees to reduce barriers by directing them to increase their outreach to homeless and foster children. Encourages coordination between Head Start grantees and community service providers and homeless and foster children. Increases coordination for these populations as they transition out of Head Start to elementary school and increase reporting requirements. Allows homeless children and foster children to be automatically eligible for Head Start. (10 minutes)

10. Musgrave: Allows for profit providers of Head Start services to take profit from 15% administrative account. (10 minutes)

11. Thompson (MS): Directs the Secretary of Health and Human Services to assist Head Start programs in areas affected by Hurricane Katrina. Requires the Secretary to provide additional technical assistance, guidance, and resources to Head Start agencies in affected areas, waives documentation requirements for six months, and provides the Secretary with waiver authority to exempt programs from providing their local match. (10 minutes)

12. Boustany: Provides hiring protections for faith-based Head Start providers. This language is the same as the language from H.R. 2210 as passed by the House in the 108th Congress. (30 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTLE OF DELAWARE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 23, insert "and".

Page 9, line 2, strike "and".

Page 9, strike lines 3 and 4.

Page 9, line 15, before the semicolon insert ", as appropriate".

Page 12, line 10, strike the closing quotation mark and the period that follows.

Page 12, after line 10, insert the following:

> "(27) the term 'auditor' means a certified public accountant or a Federal, State, or local government audit organization, which meets the general standards specified in generally accepted government auditing standards.".

Page 13, line 25, insert "(including under any decision made by the Secretary under clause (ii) or (iv))" before the semicolon.

Page 14, line 10, strike "648(j)" and insert "648(i)".

Page 15, line 2, after "children" insert "based on the data collected, and in accordance with the requirements of, section 648(i), except that no future reduction in funding shall result in the termination of Head Start services provided to any eligible child 3 years of age or older who is participating in any such program on the date a reduction in funding occurs, and shall, to the extent possible, continue participation for children less than 3 years of age receiving services prior to such reduction in funding".

Page 26, line 22, strike "and".

Page 28, line 9, insert ", other State and local agencies administering the State prekindergarten program, as applicable,".

Page 35, line 3, insert "and developmentally" after "age".

Page 37, line 1, strike "PROGRESS" and insert "PROGRESS".

Page 38, line 13, strike "research," and insert "re-search".

Page 40, line 10, after "health," insert "providers of early childhood education,".

Page 46, line 25, before the semicolon insert ", including private entities and charter schools offering pre-kindergarten".

Page 49, line 7, strike "and" after the semicolon.

Page 49, after line 7, insert the following:

"(VI) approaches to learning related to child development and early learning; and

Page 49, line 8, strike "(VI)" and insert "(VII)".

Page 54, line 12, before the semicolon insert "as appropriate".

Page 62, beginning in line 11, strike "the program of a Head Start agency," and insert "a Head Start program," .

Page 62, beginning in line 13, strike "and reported by the agency (as required in paragraph (2))".

Page 67, line 9, strike "and (5)" and insert "(5), and (6)".

Page 67, line 16, strike "by," and insert "by".

Page 69, line 1, strike "(6)" and insert "(7)".

Page 72, line 14, after "chair of" insert "(or the designee of the chair, approved by)".

Page 74, line 2, insert "except when the auditor is assigned by the State under State law" before the semicolon.

Page 76, line 2, strike "committee" and insert "council".

Page 76, line 3, strike "committee" and insert "council".

Page 80, line 13, insert "to" before "refer".

Page 80, line 15, insert "To" before "provide".

Page 85, beginning in line 6, strike "as appropriate" and insert ", as appropriate,".

Page 86, line 6, strike "socio-emotional skills," and insert "socio-emotional development,".

Page 87, after line 20, insert the following:

**SEC. 10. HEAD START ALIGNMENT WITH K–12 EDUCATION.**

Section 642A of the Head Start Act (42 U.S.C. 9837a) is amended—

(1) by amending the heading to read as follows:

**"SEC. 642A. HEAD START ALIGNMENT WITH K–12 EDUCATION."**;

(2) in paragraph (2)—

(A) by inserting "ongoing" after "establishing"; and

(B) by inserting "McKinney-Vento liaisons as established under section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii))," after "social workers,";

(3) by redesignating paragraphs (3) through (7) as paragraphs (5) through (9), respectively; and

(4) by inserting the following after paragraph (2):

"(3) developing continuity of developmentally appropriate curricula between Head Start and local educational agencies to ensure an effective transition and appropriate shared expectations for children's learning and development as they make such transition to school;

"(4) organizing and participating in joint training, including transition-related training for school staff and Head Start staff;";

(5) by amending paragraph (7), as so redesignated, to read as follows:

"(7) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 and family outreach and support efforts under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431–11435);";

(6) in paragraph (8), as so redesignated—

(A) by inserting "and continuity in parental involvement activities" after "developmental continuity"; and

(B) by striking "and" at the end;

(7) by amending paragraph (9), as so redesignated, to read as follows:

"(9) linking the services provided in such Head Start program with the education services, including services relating to language, literacy, and numeracy, provided by such local educational agency;"; and

(8) by adding at the end the following:

"(10) helping parents (including grandparents and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child's academic success while teaching them strategies for maintaining parental involvement as their child moves from Head Start to elementary school;

"(11) developing and implementing a system to increase program participation of underserved populations of eligible children; and

"(12) coordinating activities and collaborating to ensure that curricula used in the Head Start program is aligned with—

"(A) State early learning standards with regard to cognitive, social, emotional, and physical competencies that children entering kindergarten are expected to demonstrate; and

"(B) the Head Start Child Outcomes Framework developed by the Secretary.".

Page 87, line 21, strike "**10**" and insert "**11**".

Page 88, line 10, strike "Standards" and insert "standards".

Page 90, line 21, after "into" insert "within 30 days".

Page 96, strike line 6 and all that follows through page 98, line 21.

Page 105, strike line 6 and all that follows through page 106, line 3, and insert the following:

**"SEC. 645B. PARENTAL CONSENT REQUIREMENT FOR HEALTH CARE SERVICES, INCLUDING NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.**

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'health care service' includes—

"(A) any nonemergency intrusive physical examination; and

"(B) any screening, included but not limited to, a medical, dental, developmental, mental health, social, or behavioral screening.

"(2) The term 'nonemergency intrusive physical examination' means, with respect to a child, a physical examination that—

"(A) is not immediately necessary to protect the health or safety of such child, or the health or safety of another individual; and

"(B) includes incision or is otherwise invasive, or includes exposure of private body parts.

"(b) REQUIREMENT.—Before administering any health care service to a child (or referring a child to obtain such service) in connection with participation in a program under this subchapter, a Head Start agency or an entity that receives assistance under section 645A shall obtain the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

"(c) RULES OF CONSTRUCTION.—

"(1) Nothing in this section shall be construed to prohibit a Head Start agency or an entity that receives assistance under section 645A from using established methods for handling cases of suspected or known child abuse or neglect that are in compliance with applicable Federal, State, or tribal law.

"(2) Nothing in this subchapter shall be construed to permit a Head Start agency, an entity that receives assistance under section 645A, or the personnel of such agency or entity to administer any health care service to a child (or to refer a child to obtain such service) without the informed written consent of a parent of such child indicating consent for each specific health care service to be performed.

"(3) Nothing in this section shall be construed to require a Head Start agency or an entity that receives assistance under section 645A to provide separate consent forms for each specific health care service.".

Page 106, line 20 through page 108 line 2, strike section 17 and insert the following:

**SEC. 17. AUDITS.**

Section 647 of the Head Start Act (42 U.S.C. 9842) is amended by adding at the end the following:

"(c)(1) Not later than 270 days after the end of each fiscal year, each Head Start agency and each entity that receives assistance under section 645A shall, with financial assistance provided by this subchapter—

"(A) undergo a single audit under the requirements of the Single Audit Act and submit its financial statement audit and compliance audit of Federal assistance to the Secretary and to the Federal Audit Clearinghouse an independent financial audit of the Head Start program if subject to the Single Audit Act Amendments of 1996; or

"(B) undergo a financial statement audit in accordance with the generally accepted government auditing standards issued by the American Institute of Certified Public Accountants and Government Auditing Standards issued by the Comptroller General of the United States, if not subject to the Single Audit Act.

"(2) Audits described in subparagraph (A) and (B) shall be carried out by an auditor selected through a competitive process by the board described in section 642(b)(4) except when conducted by the State auditor as required by State law.

"(3) No audit partner shall perform audits of such agency for a period exceeding 5 consecutive fiscal years except when such agency notifies the Secretary that rotation is not possible because an alternate audit partner is not available or would present a significant challenge to the agency.

"(4) Not later than 60 days after receiving such audit, the Secretary shall provide to such agency or such entity, and to the chief executive officer of the State in which such program is operated, a notice identifying the actions such agency or such entity is required to take to correct all deficiencies identified in such audit.

"(d) Each recipient of financial assistance under this subchapter shall—

"(1) maintain, and annually submit to the Secretary, a complete accounting of its administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses); and

"(2) provide such additional documentation as the Secretary may require.".

Page 111, line 5, insert "and Indian Head Start programs" after "programs".

Page 111, line 6, insert "the Indian Head Start Collaboration Director," after "Collaboration,".

Page 111, line 7, insert ", including tribal governments" after "appropriate entities".

Page 111, line 10, insert "and Indian" after "seasonal".

Page 111, line 15, insert "and Indian" after "seasonal".

Page 111, line 22, insert "and American Indian and Alaska Native students" before the period.

Page 112, line 14, insert "American Indian and Alaska Native children" after "farmworkers,".

Page 112, line 22, insert "and Indian" after "seasonal".

Page 113, line 1, insert "by the Indian Head Start Collaboration Project Director," after "Director,".

Page 116, line 20, strike "(7)" and insert "(8)".

Page 116, line 22, strike "(8)" and insert "(9)".

Page 116, line 24, strike "(9)" and insert "(10)".

Page 122, line 22, strike line 21 through page 123, line 6, and insert the following:

(1) by amending the first sentence to read as follows: "At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, a report concerning the status of children (including disabled, homeless, and limited English proficient children) in Head Start programs, including the number of children and the services being provided to such children."; and

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOUDER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike page 71, line 22 through page 77, line 13, and insert the following:

"(4) Implement a system of shared governance for oversight of the Head Start program, which includes the following:

"(A) An independent board of directors selected from among eligible individuals who shall serve on the board of directors (or may designate an existing entity whose members are eligible individuals, that shall be such board) for a period not to exceed 5 years, except that board members who oversee a public entity and who are selected by election (or members of a board of a local educational agency or a local council, appointed by an elected official or an official of a general purpose local government), may serve for such period as may be determined by the electing or appointing authority, as the case may be. An individual who has a conflict of interest is ineligible to serve as a member of the board of directors. Members of the board of all nonpublic entities shall include representatives of the local community (including at least 1 member with significant financial management or accounting experience and the chair of the council described in section 642(b)(4)(B)). Additional members shall be selected for their expertise in education, business administration, community affairs, government, legal affairs, and such other areas of expertise as may contribute to effective governance of the Head Start agency. All members of the board of directors shall adopt practices that assure active, independent and informed governance of the Head Start agency, including independent oversight of the financial and management practices of such agency. The board of directors shall provide direction to the executive director of the Head Start agency and shall operate as an entity independent of staff employed by the Head Start agency, entity, or applicant and have the following duties and responsibilities:

"(i) To provide independent oversight to ensure that the Head Start agency under the direction of the executive director is delivering high quality services to children and families in compliance with all applicable standards in effect under this subchapter and with the applicable performance measures established by the Secretary under section 644.

"(ii) To establish 1 or more standing committees to facilitate governance of the Head Start agency which shall include the following: an audit and finance committee whose primary responsibility shall be—

"(I) to approve annually the operating budget of the Head Start agency;

"(II) to review and recommend to the board of directors the selection of independent auditors who shall report all critical accounting policies and practices to the finance and audit committee;

"(III) to review and recommend to the board of directors the termination or extension of the existing audit firm at least once every 5 years;

"(IV) to review and advise the board of directors of the audit management letter provided pursuant to the chapter 75 of title 31 of the United States Code, and of any audit findings; and

"(V) to monitor agency actions to correct any such audit findings or other actions necessary to comply with applicable laws (including regulations) governing financial statements and accounting practices.

"(iii) To approve the selection and dismissal of the Head Start director, and to review annually the human resources available to ensure the effective operation of the Head Start agency.

"(iv) To consult on a regular basis, with the policy council and to take actions on recommendations submitted by such council.

"(v) To review and approve the major operational policies of the Head Start agency, including policies addressing accounting, financial management, procurement, record confidentiality, and personnel (including specific standards governing salaries, salary adjustments, travel and per diem allowances, and other employee benefits);

"(vi) To ensure that the Head Start agency is operated in compliance with applicable Federal, State, and local laws (including regulations), and to monitor agency implementation of any corrective action necessary to comply with applicable laws (including regulations);

"(vii) To oversee the program planning of the Head Start agency, including adoption of the Head Start agency philosophy and mission statement, adoption of policies for determining community needs, setting long- and short-range goals and objectives, establishment of criteria for selecting families in Head Start programs or Early Head Start programs, and to oversee and approve the agency's applications to receive funds made available under this subchapter; and

"(viii) To establish, to adopt, and to periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing and resolving—

"(I) any conflict of interest, and any appearance of a conflict of interest by board members, officers, employees, consultants, and agents who provide services or furnish goods to the Head Start agency; and

"(II) complaints, including investigations, when appropriate.

"(ix) To develop processes, in consultation with the policy council, to resolve internal disputes in the instance when the board of directors and the policy

council have reached an impasse on an issue of dispute relative to matters of joint governance.

"(x) In all matters of serious fiscal mismanagement, fraud, or criminal activity, the board of directors will have discretionary authority to act unilaterally without policy council approval.

"(B) A policy council, a majority of whose representatives shall be parents of children participating in a Head Start program or in an Early Head Start program, or of children who participated in an Early Head Start program in the then most recent 5-year period preceding the selection of the particular representative involved, and whose primary responsibilities shall be to serve as a link between parents and the board of directors and to share joint responsibilities with the board of directors in making recommendations and approving or disapproving the following program planning and operation activities:

"(i) Program planning, including—

"(I) program design and management, including long- and short-term planning goals, all funding applications and amendments to funding applications and objectives based on the annual community assessment and self-assessment;

"(II) program recruitment, selection, and enrollment priorities;

"(III) budget planning for program expenditures, including policies for reimbursement and participation in policy council activities; and

"(IV) the operating budget of the Head Start agency.

"(ii) Program operation policies, including standards of conduct for program staff and volunteers, and policies governing employment and dismissal of program staff.

"(iii) Selection and dismissal of the Head Start director and program staff.

"(iv) Activities to support the active involvement of parents in supporting program operations.

"(v) Classroom activities and staffing.

"(vi) Program responsiveness to community and parent needs.

"(vii) Processes to resolve internal disputes in the instance when the board of directors and the policy council have reached an impasse on an issue of dispute relative to matters of joint governance.

"(vii) Other areas the council identifies as necessary to improve program operations.

"(C) Training for all members of the board of directors and policy council in the management responsibilities and obligations, ethics, and financial literacy and management.".

Page 78, line 6, strike "section 642(b)(4)(B)(ii)" and insert "section 642(b)(4)(B)".

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 87, line 4, strike the close quotation marks and the period at the end.

Page 87, after line 4, insert the following:

"(11) Head Start agencies may develop or maintain partnerships with institutions of higher education and non-profit organizations that recruit, train, place, and support college students to serve as mentors and reading coaches to preschool children in Head Start programs.".

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 110, line 7, after "families," insert "families with one or more children with disabilities,".

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 110, after line 19, insert the following new subsection (and redesignate subsequent subsections proposed to be added by the relevant provision accordingly):

"(h) The Secretary shall develop and implement an outreach program to train and recruit African-American and Latino-American men to become Head Start teachers in order to increase the provision of quality services and instruction to children with diverse backgrounds.".

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KIND OF WISCONSIN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 122, after line 17, insert the following (and make such technical and conforming changes as may be appropriate):

(e) NATIONAL ASSESSMENT SYSTEM.—Section 649 of the Head Start Act (42 U.S.C. 9834), as amended by subsection (d), is amended by adding at the end the following:

"(j) NATIONAL REPORTING SYSTEM.—The Secretary shall temporarily suspend the implementation of the National Reporting System pending the completion of the recommendations required by subsection (h), and shall integrate such recommendations to develop a national assessment system, as appropriate, that will inform improving Head Start program success.".

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MICA OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert the following new sections:

**SECTION _____. QUALITY STANDARDS; MONITORING OF HEAD START AGENCIES AND PROGRAMS.**

Section 641A of the Head Start Act (42 U.S.C. 9836a) is further amended by adding at the end the following new subsection:

"(g) In carrying out the provisions of section 641A, and in addition to the use of whatever other resources the Secretary deems appropriate, the Secretary shall—

"(1) contract with an intermediary organization which, in the determination of the Secretary, meets each of the following criteria—

"(A) focuses on improving the performance management and the use of technology for non-profit, educational, and social service organizations;

"(B) has demonstrated experience in providing a range of assistance, including but not limited to—

"(i) assessing performance metrics;

"(ii) the use of technology;

"(iii) improving financial management; and

"(iv) developing recommendations to improve performance and the use of technology;

"(C) has a proven methodology for systemic change in the not-for-profit sector, including governmental and non-governmental entities;

"(D) has demonstrated results in providing performance management support to small-, mid- and large-size not-for-profit organizations annually on a pro bono basis;

"(E) has demonstrated the ability to identify areas for program improvement related to—

"(i) accomplishing the goals and objectives as outlined in Head Start regulations, reporting criteria and measurement of program outcomes;

"(ii) meeting reporting requirements

"(iii) using technology in classrooms and enabling its use by administrators;

"(F) has demonstrated the ability to develop an implementation plan for recommended improvements by the organizations it assists;

"(G) has demonstrated the ability to assist with and provide on-site, hands-on guidance with the implementation of the recommendations;

"(H) has demonstrated the ability to tailor the assessment and implementation process to the children and communities served (where appropriate); and

"(I) has demonstrated the ability to create an online community that allows Head Start administrators, teachers, service providers, parents, policy makers, and other stakeholders to communicate and provide support during and following the assessment and subsequent implementation process;

"(2) utilize the intermediary organization selected in paragraph (1) not later than 90 days from the date of enactment of this Act to—

"(A) assess the performance of the Secretary in overseeing the Head Start Bureau and ensuring the effective management of the Head Start program in the areas of finance, operations, human capital, and customer service;

"(B) evaluate the Department's organizational structure, policies, and procedures for managing Head Start grant recipients, make recommendations to improve national pro-

gram quality and maximize the efficiency in the use of program dollars, and support implementation of the recommendations;

"(C) evaluate the Secretary's administrative resource allocations to determine if investment is properly targeted based on risk assessment to address the program's most significant national and local challenges, and propose adjustments as appropriate;

"(D) evaluate and identify best practice Head Start models and build process models to enable their replication;

"(E) develop early warning systems to identify Head Start programs that need intervention;

"(F) evaluate processes to assist Head Start programs that need intervention in implementing necessary program improvements;

"(G) evaluate the effectiveness of the current process for selecting Head Start organizations and develop and implement improvements to ensure that performance metrics emerge as a key criteria for evaluating successful Head Start applicants, including the creation of evaluation criteria that ensure the selection of quality Head Start applicants;

"(H) evaluate how the Department targets resources to remedy ongoing problems or deficiencies in the program's management or governance, and propose solutions as appropriate; and

"(I) conduct a detailed assessment of the Secretary's ability to monitor grantees.".

**SEC. _____. ALLOTMENT OF FUNDS.**

Section 640(a)(2) of the Head Start Act (42 U.S.C. 9835) is further amended by adding at the end the following new clause:

"(v) not less than $7,500,000 of the amount in clause (iii) appropriated for fiscal years 2006 and 2007 shall be made available to carry out activities described in section 641A(g)."

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FILNER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

**SEC. _____. TEACHER RETENTION REPORT.**

Not later than one year after implementation of the Head Start teacher qualifications and development under amendments made by this Act, the Secretary of Health and Human Services shall submit to Congress a report on Head Start teacher retention levels.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLENDER-MCDONALD OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

**SEC. _____. IMPROVING HEAD START ACCESS FOR HOMELESS AND FOSTER CHILDREN.**

(a) DEFINITIONS.—Section 637 of the Head Start Act (42 U.S.C. 9832) is amended by adding at the end the following:

"(18) The term 'family' means all persons living in the same household who are—

"(A) supported by the income of at least 1 parent or guardian (including any relative acting in place of a parent, such as a grandparent) of a child enrolling or participating in the Head Start program; and

"(B) related to the parent or guardian by blood, marriage, or adoption.

"(19) The term 'homeless child' means a child described in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)).

"(20) The term 'homeless family' means the family of a homeless child.".

(b) ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE.—

(1) QUALITY IMPROVEMENT.—Section 640(a)(3) of the Head Start Act (42 U.S.C. 9835(a)(3)) is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by inserting "children in foster care, children referred to Head Start programs by child welfare agencies," after "background"; and

(ii) in clause (v), by inserting ", including collaboration to increase program participation by underserved populations, including homeless children, eligible children in foster care, and children referred to Head Start programs by child welfare agencies" before the period; and

(B) in subparagraph (C)—

(i) in clause (ii)(IV)—

(I) by inserting "homeless children, children in foster care, children referred to Head Start programs by child welfare agencies," after "dysfunctional families"; and

(II) by inserting "and families" after "communities";

(ii) in clause (v)—

(I) by inserting "homeless children, children in foster care, children referred to Head Start programs by child welfare agencies," after "dysfunctional families"; and

(II) by inserting "and families" after "communities";

(iii) by redesignating clause (vi) as clause (viii); and

(iv) by inserting after clause (v) the following:

"(vi) To conduct outreach to homeless families and to increase Head Start program participation by homeless children.".

(2) COLLABORATION GRANTS.—Section 640(a)(5)(C)(iv) of the Head Start Act (42 U.S.C. 9835(a)(5)(C)(iv)) is amended—

(A) by inserting "child welfare (including child protective services)," after "child care,";

(B) by inserting "home-based services (including home visiting services)," after "family literacy services"; and

(3) ALLOCATION OF FUNDS.—Section 640(g)(2) of the Head Start Act (42 U.S.C. 9835(g)(2)) is amended—

(A) in subparagraph (C)—

(i) by inserting "organizations and agencies providing family support services, child abuse prevention services, protective services, and foster care, and" after "(including"; and

(ii) by striking "and public entities serving children with disabilities" and inserting ", public entities, and individuals serving children with disabilities and homeless children (including local educational agency liaisons designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)))";

(B) in subparagraph (H), by inserting "(including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)))" after "community involved".

(c) RESEARCH, DEMONSTRATIONS, AND EVALUATION.—Section 649 of the Head Start Act (42 U.S.C. 9844) is amended in subsection (a)(1)(B), by striking "disabilities)" and inserting "disabilities, homeless children, children who have been abused or neglected, and children in foster care".

(d) REPORTS.—Section 650(a) of the Head Start Act (42 U.S.C. 9846(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "disabled and" and inserting "disabled children, homeless children, children in foster care, and";

(2) in paragraph (8), by inserting "homelessness, whether the child is in foster care or was referred by a child welfare agency," after "background".

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MUSGRAVE OF COLORADO, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, insert the following new section:

**SEC. ___. ADMINISTRATIVE REQUIREMENTS AND STANDARDS.**

Section 644 of the Head Start Act (42 U.S.C. 9839) is amended—

(1) in subsection (b), by inserting immediately before "exceed 15 percent" the following: ", and any reasonable amounts, in excess of allowable direct and indirect costs, normally incurred or recognized by an entity eligible under section 641(a)(1) by virtue of its organization,"; and

(2) in subsection (c), by inserting after the second sentence the following: "For purposes of this section, the Secretary shall prescribe no rules or regulations that prohibit an entity eligible under section 641(a)(1) from effectively competing for or administering a grant by virtue of its organization.".

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF MISSISSIPPI, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

**SEC. _____. CHILDREN AFFECTED BY HURRICANE KATRINA.**

(a) DEFINITIONS.—For the purposes of this section, the following definitions apply:

(1) CHILDREN AFFECTED BY HURRICANE KATRINA.—The term "children affected by Hurricane Katrina" means a child who is not older than 5 and who resides or who resided on August 22, 2005, in an area in which the President has declared that a major disaster exists.

(2) IMPACTED HEAD START AGENCIES.—The term "impacted Head Start Agencies" means a Head Start agency receiving a significant number of children from an area in which a major disaster has been declared.

(3) MAJOR DISASTER.—The term "major disaster" means a major disaster declared by the President in accordance with section 401 of the Robert T. Stafford Disaster Relief Emergency Assistance Act (42 U.S.C. 4170), related to Hurricane Katrina.

(b) TECHICAL ASSISTANCE, GUIDANCE, AND RESOURCES.—The Secretary shall provide technical assistance, guidance, and resources through the Region 4 and Region 6 offices of the Administration for Children and Families (and may provide technical assistance, guidance, and resources, through other regional offices of the Administration, at the request of such offices, that administer affected Head Start agencies) to Head Start agencies in areas in which a major disaster has been declared, and to affected Head Start agencies, to assist the agencies involved in providing Head Start services to children affected by Hurricane Katrina.

(c) WAIVER.—For such period up to March 31, 2006, and to such extent as the Secretary considers appropriate, the Secretary of Health and Human Services—

(1) may waive section 640(b) of the Head Start Act.

(2) shall waive requirements of documentation for children affected by Hurricane Katrina who participate in Head Start programs and Early Head Start programs funded under the Head Start Act.

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOUSTANY OF LOUISIANA, OR HIS DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of the bill, insert the following new section:

**SEC. _____. DISCRIMINATION PROVISIONS.**

Section 654 of the Head Start Act is amended to read as follows:

**"SEC. 654 NONDISCRIMINATION PROVISIONS.**

"(a)(1) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because

of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(2) Paragraph (1) shall not apply to a recipient of financial assistance under this subchapter that is a religious corporation, association, educational institution, or society, with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. Such recipients shall comply with the other requirements contained in this subsection.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment (except as provided in subsection (a)(2)), in the administration of any program, project, or activity receiving assistance under this subchapter.

"(c) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract relating to the financial assistance specifically provides that no person with responsibilities in the operation of the program, project, or activity will discriminate against any individual because of a handicapping condition in violation of section 504 of the Rehabilitation Act of 1973, except as provided in subsection (a)(2).".

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