

107TH CONGRESS
1ST SESSION

H. R. 1118

To establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2001

Mrs. MINK of Hawaii introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the

5 “Comprehensive Early Childhood Education Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents for

7 this Act is as follows:

Sec. 1. Short Title; Table of contents.

Sec. 2. Findings.

Sec. 3. Purpose.

Sec. 4. Authorization of appropriations.

Sec. 5. Allocation of funds.

**TITLE I—COMPREHENSIVE EARLY CHILDHOOD EDUCATION
PROGRAMS**

Sec. 101. Program authorized.

Sec. 102. Prime sponsors of early childhood education programs.

Sec. 103. Early childhood education councils.

Sec. 104. Comprehensive early childhood education plans.

Sec. 105. Project applications.

Sec. 106. Special grants to States.

Sec. 107. Additional conditions for programs including construction.

Sec. 108. Use of public facilities for early childhood education programs.

Sec. 109. Payments.

**TITLE II—TRAINING, TECHNICAL ASSISTANCE, PLANNING, AND
EVALUATION**

Sec. 201. Preservice and inservice training.

Sec. 202. Technical assistance and planning.

Sec. 203. Evaluation.

Sec. 204. Federal standards for early childhood education.

Sec. 205. Development of uniform minimum code for facilities.

**TITLE III—MODEL FEDERAL GOVERNMENT CHILD
DEVELOPMENT PROGRAMS**

Sec. 301. Program authorized.

Sec. 302. Payments.

TITLE IV—RESEARCH AND DEMONSTRATIONS

Sec. 401. Declaration of purposes.

Sec. 402. Research and demonstration projects.

Sec. 403. Coordination of research.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definitions.

Sec. 502. Nutrition.

Sec. 503. Special provisions.

Sec. 504. Withholding grants.

Sec. 505. Public information.

1 SEC. 2. FINDINGS.

2 The Congress makes the following findings—

3 (1) comprehensive early childhood education
4 programs, including a full range of health and social
5 services, are essential to the achievement of the full
6 potential of the Nation's children and should be

1 available as a matter of right to all children whose
2 parents or legal guardians shall request them re-
3 gardless of economic, social, and family back-
4 grounds;

5 (2) children with special needs must receive full
6 consideration in planning any early childhood edu-
7 cation programs and, pending the availability of
8 such programs for all children, priority must be
9 given to preschool children with the greatest eco-
10 nomic and social need;

11 (3) no mother should be forced to work outside
12 the home as a condition for availing her children of
13 early childhood education programs;

14 (4) comprehensive early childhood education
15 programs not only provide a means of delivering a
16 full range of essential services to children, but can
17 also furnish meaningful employment opportunities
18 for many individuals, including older persons, par-
19 ents, young persons, and volunteers;

20 (5) it is essential that the planning and oper-
21 ation of such programs be undertaken as a partner-
22 ship of parents, community, and State and local gov-
23 ernment with appropriate assistance from the Fed-
24 eral Government.

1 **SEC. 3. PURPOSE.**

2 It is the purpose of this Act to provide every child
3 with a fair and full opportunity to reach his or her full
4 potential by establishing and expanding comprehensive
5 early childhood education through programs that—

6 (1) recognize and build upon the experience and
7 success gained through the Head Start program and
8 similar efforts;

9 (2) furnish early childhood education services
10 for those children who need them most, with special
11 emphasis on preschool programs for economically
12 disadvantaged children, and for children of working
13 mothers and single parent families; and

14 (3) provide that decisions on the nature of
15 funding of such programs be made at the commu-
16 nity level with the direct participation of parents of
17 the children and other individuals and organizations
18 in the community interested in early childhood edu-
19 cation;

20 (4) provide that the development, conduct, and
21 overall direction of programs be determined at the
22 community level; and

23 (5) promote the universal availability of early
24 childhood education services.

1 SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

2 (a) IN GENERAL.—For the purpose of carrying out
3 this Act, there is authorized to be appropriated
4 \$4,000,000,000 for the fiscal year beginning October 1,
5 2001, and such sums as may be necessary in each of the
6 succeeding fiscal years through 2006. Any amounts appro-
7 priated for such fiscal year which are not obligated at the
8 end of such fiscal year may be obligated in the succeeding
9 fiscal year.

10 (b) OTHER ACTIVITIES.—For the purpose of pro-
11 viding training, technical assistance, planning, and such
12 other activities as the Secretary deems necessary and ap-
13 proprie to prepare for the implementation of this Act,
14 there is authorized to be appropriated \$100,000,000 for
15 the fiscal year beginning October 1, 2001.

16 SEC. 5. ALLOCATION OF FUNDS.

17 (a) The amounts appropriated for carrying out this
18 Act for any fiscal year beginning on or after October 1,
19 2001, shall be made available in the following manner:

20 (1) \$1,000,000,000 shall be used for the pur-
21 pose of providing assistance under titles I, II, and
22 IV for early childhood education programs focused
23 upon young children from low-income families.

24 (2) Not to exceed 10 percent of the remaining
25 amounts so appropriated shall be used for the pur-

1 pose of carrying out titles II, III, and IV, as the
2 Secretary deems appropriate; and

3 (3) The remainder of such amounts shall be
4 used for the purpose of carrying out title I.

5 (b) RESERVATIONS.—

6 (1) IN GENERAL.—From the amount available
7 for carrying out comprehensive early childhood edu-
8 cation programs under title I of this Act, the Sec-
9 retary shall reserve the following:

10 (A) Not less than that proportion of the
11 total amount available for carrying out title I as
12 is equivalent to that proportion which the total
13 number of children of migrant agricultural
14 workers bears to the total number of economi-
15 cally disadvantaged children in the United
16 States, which shall be apportioned among pro-
17 grams serving children of migrant agricultural
18 workers on an equitable basis, and to the extent
19 practicable in proportion to the relative num-
20 bers of children served in each such program.

21 (B) Not less than that proportion of the
22 total amount available for carrying out title I as
23 is equivalent to that proportion which the total
24 number of children on Federal and State Indian
25 reservations bears to the total number of eco-

1 nomically disadvantaged children in the United
2 States, which shall be apportioned among pro-
3 grams serving children on Federal and State
4 Indian reservation on an equitable basis, and to
5 the extent practicable in proportion to the rel-
6 ative number of children residing on each such
7 reservation.

8 (C) Not less than that proportion of the
9 total amount available for carrying out title I as
10 is equivalent to that proportion which the total
11 number of Native Hawaiian children bears to
12 the total number of economically disadvantaged
13 children in the United States, which shall be
14 apportioned among programs serving Native
15 Hawaiian children on an equitable basis, and to
16 the extent practicable in proportion to the rel-
17 ative numbers of children served in each such
18 program.

19 (D) Not less than 10 percent of the total
20 amount available for carrying out title I, which
21 shall be made available for the purposes of sec-
22 tion 101(b)(2)(I) (relating to special activities
23 for children with disabilities).

24 (E) Not to exceed 5 percent of the total
25 amount available for carrying out title I, which

1 shall be made available under section 102(f)(3)
2 (relating to model programs).

3 (2) REMAINING AMOUNTS.—The remainder of
4 the amounts available for carrying out title I shall
5 be allocated by the Secretary on an equitable basis,
6 and to the extent practicable such funds shall be ap-
7 portioned in such a manner that—

8 (A) 50 percent of such remainder shall be
9 apportioned among the States and localities
10 within each State in proportion to the relative
11 numbers of economically disadvantaged children
12 in each such State and locality, respectively;

13 (B) 25 percent of such remainder shall be
14 apportioned among the States and localities
15 within each State in proportion to the relative
16 numbers of children who have not attained six
17 years of age in each such State or locality, re-
18 spectively;

19 (C) 25 percent of such remainder shall be
20 apportioned among the States and localities
21 within each State in proportion to the relative
22 numbers of children of working mothers and
23 single parents in each such State and locality,
24 respectively.

1 For the purposes of clauses (A), (B), and (C) of this
2 paragraph, there shall be excluded those children
3 who are counted under clauses (A), (B), and (C) of
4 subsection (b)(1) of this section.

5 (3) DETERMINATION.—In determining the
6 numbers of children for purposes of allocating and
7 apportioning funds under this section, the Secretary
8 shall use the most recent satisfactory data available.

9 (c) SPECIAL GRANTS.—Not to exceed 5 percent of
10 the total funds apportioned for use within a State pursu-
11 ant to subsection (b)(2) may be made available for grants
12 to the State to carry out the provisions of section 106 of
13 this Act.

14 (d) FEDERAL REGISTER.—As soon as practicable
15 after funds are appropriated to carry out this Act for any
16 fiscal year, the Secretary shall publish in the Federal Reg-
17 ister the apportionments required by this section.

18 **TITLE I—COMPREHENSIVE
19 EARLY CHILDHOOD EDU-
20 CATION PROGRAMS**

21 **SEC. 101. PROGRAM AUTHORIZED.**

22 (a) IN GENERAL.—The Secretary of Education shall
23 provide financial assistance for carrying out early child-
24 hood education programs under this part to prime spon-
25 sors and to other public and private nonprofit agencies

1 and organizations pursuant to plans and applications ap-
2 proved in accordance with the provisions of this title.

3 (b) USE OF FUNDS.—Funds available for this part
4 may be used (in accordance with approved applications)
5 for the following services and activities—

6 (1) planning and developing early childhood
7 education programs, including the operation of pilot
8 programs to test the effectiveness of new concepts,
9 programs, and delivery systems;

10 (2) establishing, maintaining, and operating
11 early childhood education program, which include—

12 (A) comprehensive physical and mental
13 health, social, and cognitive development serv-
14 ices necessary for children participating in the
15 program to profit fully from their educational
16 opportunities and to attain their maximum po-
17 tential;

18 (B) food and nutritional services;

19 (C) rental, remodeling, renovation, alter-
20 ation, construction, or acquisition of facilities,
21 including mobile facilities, and the acquisition
22 of necessary equipment and supplies;

23 (D) programs designed (i) to meet the spe-
24 cial needs of minority groups, Native Ameri-
25 cans, Alaskan Natives and Native Hawaiians,

1 and migrant children with particular emphasis
2 on the needs of children with limited English
3 proficiency for the development of skills in
4 English and another language spoken in the
5 home, and (ii) to meet the needs of all children
6 to understand the history and cultural back-
7 grounds of the ethnic groups which belong to
8 their communities and the role of members of
9 such ethnic groups in the history and cultural
10 development of the Nation and of the region in
11 which they reside;

12 (E) full-day, year-round program of daily
13 activities designed to develop fully each child's
14 potential;

15 (F) other specially designed health, social,
16 and educational programs (including after
17 school, summer, weekend, vacation, and over-
18 night programs);

19 (G) medical, dental, psychological, edu-
20 cational, and other appropriate diagnosis, iden-
21 tification, and treatment of visual, hearing,
22 speech, nutritional, and other physical, mental,
23 and emotional barriers to full participation in
24 child education and development programs, in-

1 cluding programs for preschool and other chil-
2 dren who are emotionally disturbed;

3 (H) prenatal and other medical services to
4 expectant mothers who cannot afford such serv-
5 ices, designed to help reduce malnutrition, in-
6 fant and maternal mortality, and the incidence
7 of mental retardation and other disabling condi-
8 tions, and postpartum and other medical serv-
9 ices (including family planning information) to
10 such recent mothers;

11 (I) incorporation within early childhood
12 education programs of special activities de-
13 signed to identify and ameliorate physical, men-
14 tal, and emotional disabilities and special learn-
15 ing disabilities;

16 (J) preservice and inservice education and
17 other training for professional and paraprofes-
18 sional personnel;

19 (K) dissemination of information in the
20 functional language of those to be served to as-
21 sure that parents are well informed of early
22 childhood education programs available to them
23 and may participate in such programs;

24 (L) services, including in-home services,
25 and training in the fundamentals of child devel-

1 opment, for parents, older family members
2 functioning in the capacity of parents, youth,
3 and prospective parents;

4 (M) programs designed to extend comprehensive prekindergarten early childhood education techniques and gains (particularly parent participation) into kindergarten and early primary grades (one through three), in cooperation with local educational agencies, including—

10 (i) the use of former assistant Head Start teachers or similar early childhood education teachers as instructional aides (in addition to those employed by the schools involved) working closely with classroom teachers in the kindergarten and such early primary grades in which are enrolled children they taught in Head Start or other early childhood programs;

19 (ii) providing for full participation of parents of the children involved in program planning, implementation, and decision-making; and

23 (iii) for career development opportunities and advancement through continuing education and training for instructional

1 aides involved (including teaching salaries,
2 educational stipends for tuition, books, and
3 tutoring, career counseling, arrangements
4 for academic credit for independent study,
5 fieldwork based on their teaching assign-
6 ments, and preservice and inservice train-
7 ing) and for the classroom teachers and
8 principals involved; and
9 (N) such other services and activities as
10 the Secretary deems appropriate in furtherance
11 of the purposes of this part; and
12 (3) staff and other administrative expenses of
13 early childhood education councils established and
14 operated in accordance with this title.

15 **SEC. 102. PRIME SPONSORS OF EARLY CHILDHOOD DEVEL-**

16 **OPMENT PROGRAMS.**

17 (a) PRIME SPONSORSHIP.—In accordance with the
18 provisions of this section, a State, locality, combination of
19 localities, Indian tribe on a Federal or State reservation,
20 or public or private nonprofit agency or organization,
21 meeting the requirements of this Act may be designated
22 by the Secretary as prime sponsor for the purpose of en-
23 tering into arrangements to carry out early childhood edu-
24 cation programs under this part, upon the approval by the

1 Secretary of a prime sponsorship plan, which includes
2 provisions—

3 (1) describing the prime sponsorship area to be
4 served;

5 (2) setting forth satisfactory provisions of es-
6 tablishing and maintaining an Early Childhood Edu-
7 cation Council which meets the requirements of sec-
8 tion 103 of this Act;

9 (3) providing that the Early Childhood Edu-
10 cation Council shall be responsible for developing
11 and preparing a comprehensive early childhood edu-
12 cation plan for each fiscal year and any modification
13 thereof;

14 (4) setting forth arrangements under which the
15 Early Childhood Education Council will be respon-
16 sible for planning, supervising, coordinating, moni-
17 toring, and evaluating early childhood education pro-
18 grams in the prime sponsorship area;

19 (5) providing adequate assurances that staff
20 and other administrative expenses for the Early
21 Childhood Education Council under subsection (b)
22 paragraph (3) of section 101 will not exceed 5 per-
23 cent of the total cost of comprehensive early child-
24 hood education programs administered by the prime
25 sponsor unless such percentage limitation is in-

1 creased to give special consideration to initial costs
2 in the first operations year or to other special needs,
3 in accordance with regulations which the Secretary
4 shall prescribe; and

5 (6) providing assurances, to the extent nec-
6 essary to carry out comprehensive early childhood
7 education programs in the area to be served, of the
8 capacity to provide, or to enter into arrangements
9 with appropriate State, local or other agencies for
10 linkages to provide—

11 (A) coordination with educational agencies
12 and providers of educational services;

13 (B) health (including family planning) and
14 mental health services;

15 (C) nutrition services; and

16 (D) training of professional and para-
17 professional personnel.

18 (b) LOCAL APPROVAL.—The Secretary shall approve
19 a prime sponsorship plan submitted by a locality which
20 is a city, country, or other unit of general local govern-
21 ment, if the Secretary determines that the plan so sub-
22 mitted meets the requirements of subsection (a) and in-
23 cludes adequate provisions for carrying out comprehensive
24 early childhood education programs in area of such local-
25 ity. In the event that an area under the jurisdiction of

1 a unit of general local government, a city, county, or other
2 unit of local government, includes any common geo-
3 graphical area with that covered by another such unit of
4 general local government, the Secretary shall designate to
5 serve such area the unit of general local government which
6 the Secretary determines has the capability of more effec-
7 tively carrying out the purposes of this title with respect
8 to such area and which has submitted a plan which meets
9 the requirements of this section and includes adequate
10 provisions for carrying out comprehensive early childhood
11 education programs in such area.

12 (c) FAILURE TO MEET REQUIREMENTS.—

13 (1) IN GENERAL.—In the event that the Sec-
14 retary determines that a locality fails to meet the re-
15 quirements for designation as a prime sponsor under
16 subsection (b) for the reason that it lacks the capa-
17 bility of meeting the requirements of paragraph (5)
18 (concerning the limitation in administrative expenses
19 for Early Childhood Education Councils) or para-
20 graph (6) (concerning the capacity to provide or to
21 enter into arrangements for linkages to provide serv-
22 ices related to early childhood education) of sub-
23 section (a), the Secretary shall take steps to encour-
24 age the submission of a prime sponsorship plan, cov-
25 ering the area of such locality, by a combination of

1 localities which are adjoining and possess a suffi-
2 cient commonality of interest.

3 (2) MEETING REQUIREMENTS.—The Secretary
4 shall approve a prime sponsorship plan submitted by
5 a combination of localities if the Secretary deter-
6 mines that the plan so submitted meets the require-
7 ments of subsection (a) and includes adequate provi-
8 sions for carrying out comprehensive early childhood
9 education programs in the area covered by the com-
10 bination of such localities.

11 (d) APPROVAL OF PLAN.—The Secretary shall ap-
12 prove a prime sponsorship plan submitted by an Indian
13 tribe on a Federal or State reservation if the Secretary
14 determines that the plan so submitted meets the require-
15 ments of subsection (a) and includes adequate provisions
16 for carrying out comprehensive early childhood education
17 programs in the area to be served.

18 (e) APPROVAL FOR SPECIAL CIRCUMSTANCES.—In
19 the event that the Secretary determines, with respect to
20 the area of a particular locality, that a prime sponsorship
21 plan meeting the requirements of this section has not been
22 submitted by a locality or combination of localities cov-
23 ering such areas, or by an Indian tribe on a Federal or
24 State reservation, or in the event that prime sponsorship
25 designation has been withdrawn in accordance with sub-

1 section (h), the Secretary may, with respect to the impend-
2 ing fiscal year when no such prime sponsorship designa-
3 tion will be in effect, approve a plan submitted by the
4 State which meets the requirements of subsection (a) and
5 includes adequate provisions for carrying out comprehen-
6 sive early childhood education programs in each such area.

7 (f) AGENCY APPROVAL.—The Secretary may approve
8 a prime sponsorship plan submitted by a public or private
9 nonprofit agency, including but not limited to a commu-
10 nity action agency, single purpose Head Start agency,
11 community development corporation, parent cooperative,
12 organization of migrant agricultural workers, organization
13 of Native Americans, Alaskan Natives or Native Hawai-
14 ians, employer organizations, or public or private edu-
15 cational agency or institution if the Secretary determines
16 that the plan so submitted meets the requirements of sub-
17 section (a) of this section and includes—

18 (1) provisions setting forth arrangements for
19 serving children in a neighborhood or other area
20 possessing a commonality of interest in the area of
21 any locality with respect to which there is not prime
22 sponsorship designation in effect, or with respect to
23 any portion of an area where the prime sponsor is
24 found not to be satisfactorily implementing early
25 childhood education programs which adequately

1 meets the purposes of this part, or for making avail-
2 able special services, in accordance with criteria es-
3 tablished by the Secretary, designed to meet the
4 needs of economically disadvantaged or preschool
5 children;

6 (2) arrangements for providing comprehensive
7 early childhood education programs on a full-day
8 year-round; or

9 (3) arrangements for carrying out model pro-
10 grams especially designed to be responsive to the
11 needs of economically disadvantaged, minority
12 groups, or limited English proficient preschool chil-
13 dren.

14 (g) COMMENTS AND RECOMMENDATIONS.—The Gov-
15 ernor of the State shall in accordance with regulations
16 which the Secretary shall prescribe, be given a reasonable
17 opportunity to review and offer recommendations to any
18 applicant submitting a plan for prime sponsorship des-
19 ignation under this section, and to submit comments to
20 the Secretary with respect to any plan so submitted.

21 (h) DISAPPROVAL.—A prime sponsorship plan sub-
22 mitted under this section may be disapproved or a prior
23 designation of a prime sponsor may be withdrawn only if
24 the Secretary, in accordance with regulations prescribed
25 by the Secretary, has provided—

9 (i) APPEALS.—

1 to set it aside, in whole or in part. The judgment of
2 the court shall be subject to review by the Supreme
3 Court of the United States upon certiorari or certifi-
4 cation as provided in section 1254 of title 28, United
5 States Code.

6 **SEC. 103. EARLY CHILDHOOD EDUCATION COUNCILS.**

7 (a) **MEMBERSHIP.**—Each prime sponsor designed
8 under section 102 shall establish and maintain an Early
9 Childhood Education Council consisting of not less than
10 ten members comprised as follows:

11 (1) **PARENTS.**—Not less than half of the mem-
12 bers of such Council shall be parents of children
13 served in early childhood education programs under
14 this Act.

15 (2) **REMAINING MEMBERS.**—The remaining
16 members of such Council shall be appointed by the
17 chief executive officer or officers of the prime spon-
18 sor to represent the public, but—

19 (A) not less than half of such members
20 shall be persons who are broadly representative
21 of the general public, including government
22 agencies, public and private agencies and orga-
23 nizations in such field as economic opportunity,
24 health, education, welfare, employment and
25 training, business or financial organizations or

1 institutions, labor unions, and employers, and
2 who are approved by the parent members de-
3 scribed in paragraph (1); and

4 (B) the remaining members the number of
5 which shall be either equal to or one less than
6 the number of members appointed under clause
7 (A), shall be persons who are particularly
8 skilled by virtue of training or experience in
9 early childhood education, child development,
10 child health, child welfare, or other child serv-
11 ices, except that the Secretary may waive the
12 requirements of this clause (B) to the extent
13 that the Secretary determines, in accordance
14 with regulations prescribed by the Secretary,
15 that such person are not available to the area
16 to be served.

17 (b) PROCEDURES.—In accordance with procedures
18 with the Secretary shall establish pursuant to regulations,
19 each prime sponsor designed under section 102 shall pro-
20 vide, with respect to the Early Childhood Education Coun-
21 cil established and maintained by such prime sponsor,
22 that—

23 (1) the parent members described in paragraph
24 (1) of subsection (a) of this section shall be chosen
25 by the membership of Head Start policy committees

1 where they exist, and, at the earliest practicable
2 time, by project policy committees established pursu-
3 ant to section 105(a)(2) of this Act;

4 (2) not less than one-fourth of the total mem-
5 bership of such Council shall be persons broadly rep-
6 resentative of the economically disadvantaged;

7 (3) the terms of office and any other policies
8 and procedures of an organizational nature, includ-
9 ing nomination and election procedures, are appro-
10 priate in accordance with the purposes of this Act;

11 (4) such Council shall have responsibility for
12 approving basic goals, policies, actions, and proce-
13 dures for the prime sponsor, including policies with
14 respect to planning, general supervision and over-
15 sight, overall coordination, personnel, budgeting,
16 funding of projects, and monitoring and evaluation
17 of projects; and

18 (5) such Council shall, upon its own initiatives
19 or upon request of a project applicant or any other
20 party in interest, conduct public hearings before act-
21 ing upon applications for financial assistance sub-
22 mitted by project applicants under this Act.

1 SEC. 104. COMPREHENSIVE EARLY CHILDHOOD EDU-
2 CATION PLANS.

3 (a) ASSISTANCE.—Financial assistance under this
4 part may be provided by the Secretary for any fiscal year
5 to a prime sponsor designated pursuant to section 102
6 only pursuant to a comprehensive early childhood edu-
7 cation plan which is submitted by such prime sponsor and
8 approved by the Secretary in accordance with the provi-
9 sions of this part. Any such plan shall set forth a com-
10 prehensive program providing early childhood education
11 services in the prime sponsorship area which—

12 (1) identifies all early childhood education
13 needs and goals within the area and describes the
14 purposes for which the financial assistance will be
15 used;

16 (2) meets the needs of children in the prime
17 sponsorship area, to the extent that available funds
18 can be reasonably expected to have an effective im-
19 pact, including infant care and before and after
20 school programs for children in school with priority
21 to children who have not attained six years of age;

22 (3) gives priority to meeting the special needs
23 of economically disadvantaged children by providing
24 that not less than 65 percent of the total cost of
25 programs receiving financial assistance under section

1 4(b) shall be for early childhood education programs
2 for economically disadvantaged children;

3 (4) gives priority thereafter to providing early
4 childhood education programs and services to chil-
5 dren of single parents and working mothers not cov-
6 ered under paragraph (3);

7 (5) provides procedures for the approval of
8 project applications submitted in accordance with
9 section 105;

10 (6) provides, in the case of a prime sponsor lo-
11 cated within or adjacent to a metropolitan area, for
12 coordination with other prime sponsors located with-
13 in such metropolitan area, and arrangements for co-
14 operative funding where appropriate, and particu-
15 larly for such coordination where appropriate meet
16 the needs for early childhood education services of
17 children of parents working or participating in train-
18 ing or otherwise occupied during the day within a
19 prime sponsorship area other than that in which
20 they reside;

21 (7) provides that, to the extent feasible, each
22 program within the prime sponsorship area will in-
23 clude children from a range of socioeconomic back-
24 grounds;

13 (9) provides equitably for the early childhood
14 education needs of children from each minority
15 group or significant segment of the economically dis-
16 advantaged residing within the area covered;

17 (10) provides, to the extent possible, for coordi-
18 nation of early childhood education programs so as
19 to keep family units intact or in close proximity dur-
20 ing the day;

21 (11) provides for the regular and frequent dis-
22 semination of information in the functional language
23 of those to be served, to assure that parents and in-
24 terested persons in the community are fully informed

1 of the activities of the Early Childhood Education
2 Council and of delegate agencies;

3 (12) provides that, to the extent possible, unem-
4 ployed or low-income persons residing in commu-
5 nities served by such projects will receive jobs pro-
6 viding career ladder opportunities, including in-home
7 and part-time jobs, and opportunities for training in
8 programs assisted under title II of this Act;

9 (13) assures that procedures and mechanisms
10 for coordination have been developed in cooperation
11 with preschool program administrators and adminis-
12 trators of local educational agencies and non-public
13 schools, at the local level, to provide continuity be-
14 tween programs for preschool and elementary school
15 children and to coordinate programs conducted
16 under this part and programs conducted pursuant to
17 the Head Start Act (42 U.S.C. 9831–9852) and the
18 Elementary and Secondary Education Act of 1965,
19 as amended;

20 (14) establishes arrangements in the area
21 served for the coordination of programs conducted
22 under the auspices of or with the support of busi-
23 ness or financial institutions or organizations, indus-
24 try, labor, employee and labor-management organi-
25 zations, and other community groups;

(15) contains any arrangements for the delegation, under the supervision of the Early Childhood Education Council, to any public or private non-profit agencies, institutions, or organizations, of responsibilities for the delivery of programs, services, and activities for which financial assistance is provided under this title, or for any planning or evaluation services to be made available with respect to programs under this title; and

10 (16) contains plans for regularly conducting
11 surveys and analyses of needs for early childhood
12 education programs in the prime sponsorship area
13 and for submitting to the Secretary a comprehensive
14 annual report and evaluation in such form and con-
15 taining such information as the Secretary shall re-
16 quire by regulation.

17 (b) PLAN AND PLAN MODIFICATIONS.—No com-
18 prehensive early childhood education plan or modification
19 thereof submitted by a prime sponsorship under this sec-
20 tion shall be approved by the Secretary unless the Sec-
21 retary determines, in accordance with regulations pre-
22 scribed by the Secretary, that—

1 grams under this part or under the Head Start Act
2 (42 U.S.C. 9831–9852) has had an opportunity to
3 submit comments to the prime sponsor and to the
4 Secretary;

5 (2) the local educational agency for the area to
6 be served, and other appropriate educational and
7 training agencies and institutions, have had an op-
8 portunity to submit comments to the prime sponsor
9 and to the Secretary; and

10 (3) the Governor of the State has had an op-
11 portunity to submit comments to the prime sponsor
12 and to the Secretary.

13 (c) DISAPPROVAL.—A comprehensive early childhood
14 education plan submitted under this section may be dis-
15 approved or a prior approval withdrawn only if the Sec-
16 retary, in accordance with regulations prescribed by the
17 Secretary, had provided—

18 (1) written notice of intention to disapprove
19 such plan, including a statement of the reasons,

20 (2) reasonable time to submit corrective amend-
21 ments to such plan or undertake for a public hearing
22 upon which basis an appeal to the Secretary may be
23 taken as of right.

24 (d) JOINT SUBMISSIONS.—In order to contribute to
25 the effective administration of this Act, the Secretary shall

1 establish appropriate procedures to permit prime sponsors
2 to submit jointly a single comprehensive early childhood
3 education plan for the areas served by such prime spon-
4 sors.

5 SEC. 105. PROJECT APPLICATIONS.

6 (a) ASSISTANCE TO PROJECT APPLICANT.—Finan-
7 cial assistance under this Act may be provided to a project
8 applicant for any fiscal year only pursuant to a project
9 application which is submitted by a public or private agen-
10 cy and which provides that—

11 (1) funds will be provided for carrying out any
12 early childhood education program under this part
13 only to a qualified public or private agency or orga-
14 nization, including but not limited to a community
15 action agency, single purpose Head Start agency,
16 community development corporation, parent coopera-
17 tive, organization of migrant agricultural workers,
18 organization of Native Americans, Alaskan Natives,
19 and Native Hawaiians, private organization inter-
20 ested in early childhood education, employer or busi-
21 ness organization, labor union, employee or labor
22 management organization, or public or private edu-
23 cational agency or institution;

4 (A) not less than half of the members of
5 each such committee shall be parents of chil-
6 dren served in such projects, and

9 (i) of persons who are representative
10 of the community and who shall be ap-
11 proved by the parent members, and

12 (ii) of persons, the number of which
13 shall be not less than one-third nor more
14 than one-half of the number of members
15 appointed under clause (i), who are par-
16 ticularly skilled by virtue of training or ex-
17 perience in early childhood education, child
18 health, child welfare, or other child serv-
19 ices, except that the Secretary may waive
20 the requirement of this clause (ii) to the
21 extent that he/she determines, in accord-
22 ance with regulations prescribed by the
23 Secretary, that such persons are not avail-
24 able to the area to be served;

17 (9) children will in no case be excluded from the
18 programs operated pursuant to this part because of
19 their participation in non-public preschool or school
20 programs or because of the intention of their par-
21 ents to enroll them in non-public schools when they
22 attain school age;

(10) program will, to the extent appropriate,
employ paraprofessional aides and volunteers, espe-
cially parents, older children, students, older per-

1 sons, and persons preparing for careers in early
2 childhood education programs;

3 (11) there are assurances satisfactory to the
4 Secretary that the non-Federal share requirements
5 will be met; and

6 (12) provisions will be made for such fiscal con-
7 trol and fund accounting procedures as the Sec-
8 retary shall prescribe to assure proper disbursement
9 of and accounting for Federal funds.

10 (b) PROJECT APPLICATION APPROVAL.—A project
11 application submitted in accordance with subsection (a) of
12 this section may be approved by the Secretary if deter-
13 mined that it meets the purpose of this title.

14 **SEC. 106. SPECIAL GRANTS TO STATES.**

15 Upon application submitted by any State, the Sec-
16 retary is authorized to provide financial assistance for use
17 by such State for carrying out activities for the purposes
18 of—

19 (1) identifying early childhood education goals
20 and needs within the State;

21 (2) assisting in the establishing of Early Child-
22 hood Education Councils and strengthening the ca-
23 pability of such Councils to effectively plan, super-
24 vise, coordinate, monitor, and evaluate early child-
25 hood education programs;

12 (5) disseminating the results of research on
13 early childhood education programs;

14 (6) conducting programs for the exchange of
15 personnel involved in early childhood education pro-
16 grams within the State;

21 (8) assessing State and local licensing codes as
22 they relate to early childhood education programs
23 within the State; and

24 (9) developing information useful in reviewing
25 prime sponsorship plans under section 102(g) and of

1 Comprehensive Early Childhood Education Plans
2 under section 104(b)(3).

3 **SEC. 107. ADDITIONAL CONDITIONS FOR PROGRAMS IN-**
4 **CLUDING CONSTRUCTION.**

5 (a) CONSTRUCTION.—Applications for financial as-
6 sistance for projects, including construction, may be ap-
7 proved only if the Secretary determines that construction
8 of such facilities is essential to the provision of adequate
9 early childhood education services, and that rental, ren-
10 ovation, remodeling, or leasing of adequate facilities is not
11 practicable.

12 (b) RECOVERY OF FUNDS.—If any facility assisted
13 under this title shall cease to be used for the purpose for
14 which it was constructed, the United States shall be enti-
15 tled to recover from the applicant or other owner of the
16 facility an amount which bears to the then value of the
17 facility (or so much thereof as constituted an approved
18 project) the same ratio as the amount of such Federal
19 funds bore to the cost of the facility financed with the
20 aid of such funds, unless the Secretary determines in ac-
21 cordance with regulations that there is good cause for re-
22 leasing the applicant or other owner from the obligation
23 to do so. Such value shall be determined by agreement
24 of the parties or by action brought in the United States

1 district court for the district in which the facility is situ-
2 ated.

3 (c) DAVIS-BACON APPLICATION.—All laborers and
4 mechanics employed by contractors or subcontractors on
5 all construction, remodeling, renovation, or alteration
6 projects assisted under this part shall be paid wages at
7 rates not less than those prevailing on similar construction
8 in the locality as determined by the Secretary of Labor
9 in accordance with the Davis-Bacon Act, as amended (40
10 U.S.C. 276a–276a–5).

11 (d) GRANTS.—Any Federal assistance for construc-
12 tion shall be in the form of grants, and shall not be paid
13 to other than public or private nonprofit agencies and or-
14 ganizations. Not more than 15 percent of the total finan-
15 cial assistance provided to a prime sponsor under this part
16 shall be used for construction of facilities.

17 **SEC. 108. USE OF PUBLIC FACILITIES FOR CHILD DEVELOP-
18 MENT PROGRAMS.**

19 (a) REPORT.—The Secretary, after consultation with
20 other appropriate officials of the Federal Government,
21 shall within sixteen months after enactment of this title
22 report to the Congress with respect to the extent to which
23 facilities owned or leased by Federal departments, agen-
24 cies, and independent authorities could be made available
25 to public and private nonprofit agencies and organizations,

1 through appropriate arrangements, for use as facilities for
2 early childhood education programs under this title during
3 times and periods when not utilized fully for their usual
4 purposes, together with his/her recommendations (includ-
5 ing recommendations for changes in legislation) or pro-
6 posed actions for such use.

7 (b) REVIEW.—The Secretary may require, as a condi-
8 tion to the receipt of assistance under this title, that any
9 prime sponsor under this title agree to conduct a review
10 and provide the Secretary with a report as to the extent
11 to which facilities owned or leased by such prime sponsor,
12 or by other agencies in the prime sponsorship area, could
13 be made available, through appropriate arrangements, for
14 use as facilities for early childhood education programs
15 under this title, during times and periods when not utilized
16 for their usual purposes, together with the prime sponsor's
17 proposed actions for such use.

18 **SEC. 109. PAYMENTS.**

19 (a) FEDERAL SHARE.—In accordance with this sec-
20 tion, the Secretary shall pay from the applicable allocation
21 or apportionment under section 4 the Federal share of the
22 costs of programs, services, and activities, in accordance
23 with plans or applications which have been approved as
24 provided in this part.

25 (b) PAYMENT.—

1 (c) NON-FEDERAL SHARE.—The non-Federal share
2 of the costs of programs, services, and activities assisted
3 under this part may be provided through public or private
4 funds and may be in the form of cash, goods, services,
5 or facilities (or portions thereof that area used for pro-
6 gram purposes), reasonably evaluated, and employee and
7 employer contributions.

8 (d) FEES.—Fees collected for services pursuant to
9 section 105(a)(8) shall be deemed financial assistance for
10 purposes of section 104(a)(3).

11 (e) EXPRESS AMOUNTS.—If, with respect to any fis-
12 cal year, a prime sponsor or project applicant provides
13 non-Federal contributions for any program, service, or ac-
14 tivity exceeding its requirements, such excess may be ap-
15 plied toward meeting the requirements for such contribu-
16 tions for the subsequent fiscal year under this part.

17 (f) NO REDUCTION OF FUNDS.—No State or locality
18 shall reduce its expenditures for early childhood education
19 or child care programs by reason of assistance under this
20 part.

1 **TITLE II—TRAINING, TECHNICAL
2 ASSISTANCE, PLANNING, AND
3 EVALUATION**

4 **SEC. 201. PRESERVICE AND INSERVICE TRAINING.**

5 The Secretary is authorized to make payments to
6 provide financial assistance to enable individuals employed
7 or preparing for employment in early childhood education
8 program assisted under this Act, including volunteers, to
9 participate in programs of preservice or inservice training
10 for professional and nonprofessional personnel, to be con-
11 ducted by any agency carrying out an early childhood edu-
12 cation program, or any institution of higher education, in-
13 cluding a community college, or by any combination there-
14 of.

15 **SEC. 202. TECHNICAL ASSISTANCE AND PLANNING.**

16 The Secretary shall, directly or through grant or con-
17 tract, make technical assistance available to prime spon-
18 sors and to project applicants participating or seeking to
19 participate in programs assisted under this title on a con-
20 tinuing basis to assist them in planning, developing, and
21 carrying out early childhood education programs.

22 **SEC. 203. EVALUATION.**

23 (a) EVALUATION.—The Secretary shall make an eval-
24 uation of Federal involvement in early childhood education
25 activities and services, which shall include—

5 (3) determination of the effectiveness of such
6 activities and services;

13 (b) REPORT.—The results of the evaluation required
14 by subsection (a) of this section shall be reported to Con-
15 gress not later than two years after enactment of this title.

16 (c) EVALUATION.—The Secretary shall establish such
17 procedures as may be necessary to conduct an annual eval-
18 uation of Federal involvement in early childhood education
19 programs, and shall report the results of each such evalua-
20 tion to Congress.

21 (d) AVAILABILITY OF INFORMATION.—Prime spon-
22 sors and project applicants assisted under this Act and
23 departments and agencies of the Federal Government
24 shall, upon request by the Secretary, make available, con-
25 sistent with other provisions of law, such information as

1 the Secretary determines is necessary for purposes of
2 making the evaluation required under subsection (c) of
3 this section.

4 (e) CONTRACTS.—The Secretary may enter into con-
5 tracts with public or private agencies, organizations, or in-
6 dividuals to carry out the provisions of this section.

7 (f) RESERVATION.—The Secretary shall reserve for
8 the purposes of this section not less than 1 percent, and
9 may reserve for such purposes not more than 2 percent,
10 of the amounts available under paragraphs (2) and (3)
11 of section 5(a) of this Act for any fiscal year.

12 **SEC. 204. FEDERAL STANDARDS FOR EARLY CHILDHOOD**
13 **EDUCATION SERVICES.**

14 (a) PROGRAM STANDARDS.—The Secretary shall,
15 after consultation with other Federal agencies and with
16 the Committee established pursuant to subsection (c) of
17 this section, promulgate a common set of program stand-
18 ards which shall be applicable to all programs providing
19 early childhood education services with Federal assistance
20 under this Act, to be known as the Federal Standards for
21 Early Childhood Education. If the Secretary disapproves
22 the Committee's recommendations, the Secretary shall
23 state the reasons therefor.

24 (b) COMMITTEE APPOINTMENTS.—The Secretary
25 shall, within sixty days after enactment of this title, ap-

1 point a Special Committee on Federal Standards for Early
2 Childhood Education, which shall include parents of chil-
3 dren enrolled in early childhood education programs, rep-
4 resentatives of public and private agencies administering
5 early childhood education programs, and organization spe-
6 cialists, and others interested in the development of chil-
7 dren. Not less than one-half of the membership of the
8 Committee shall consist of parents of children partici-
9 pating in programs conducted under title I of this Act.
10 Such Committee shall participate in the development of
11 Federal Standards for Early Childhood Education and
12 modifications thereof as provided in subsection (a).

13 **SEC. 205. DEVELOPMENT OF UNIFORM MINIMUM CODE FOR**
14 **FACILITIES.**

15 (a) UNIFORM MINIMUM CODE.—The Secretary shall,
16 within sixty days after enactment of this bill appoint a
17 special committee to develop a uniform minimum code for
18 facilities, to be used in licensing early childhood education
19 facilities. Such standards shall deal principally with those
20 matters essential to the health, safety, and physical com-
21 fort of the children and the relationship of such matters
22 to the Federal Standards for Early Childhood Education.

23 (b) MEMBERSHIP.—The special committee appointed
24 under this section shall include parents of children partici-
25 pating in child development programs and representatives

1 of State and local licensing agencies, public health offi-
2 cials, fire prevention officials, the construction industry
3 and unions, public and private agencies or organizations
4 administering early childhood education programs, and
5 national agencies or organizations interested in the devel-
6 opment of children. Not less than one-third of the mem-
7 bership of the committee shall consist of parents of chil-
8 dren enrolled in such programs.

9 (c) PUBLIC HEARINGS.—Within one year after its
10 appointment, the special committee shall complete a pro-
11 posed uniform minimum code for facilities and shall hold
12 public hearings on the proposed code prior to submitting
13 its final recommendation to the Secretary for approval.

14 (d) PROMULGATION OF STANDARDS.—After consid-
15 ering the recommendations submitted by the special com-
16 mittee in accordance with subsection (c), the Secretary
17 shall promulgate standards which shall be applicable to
18 all facilities receiving Federal financial assistance under
19 this Act or in which programs receiving Federal financial
20 assistance under this Act are operated. If the Secretary
21 disapproves the committee's recommendations, the Sec-
22 retary shall state the reasons therefor. The Secretary shall
23 also distribute such standards and urge their adoption by
24 States and local governments. The Secretary may from

1 time to time modify the uniform code for facilities in ac-
2 cordance with procedures set forth in this section.

3 **TITLE III—MODEL FEDERAL**
4 **GOVERNMENT EARLY CHILD-**
5 **HOOD EDUCATION PRO-**
6 **GRAMS**

7 **SEC. 301. PROGRAM AUTHORIZED.**

8 (a) MODEL PROGRAMS.—The Secretary is authorized
9 to provide financial assistance for the purpose of estab-
10 lishing and operating model early childhood education pro-
11 grams (including the lease, rental, or construction of nec-
12 essary facilities and the acquisition of necessary equip-
13 ment and supplies) for the children of civilian employees
14 of the Federal Government.

15 (b) AGENCY COMMITTEE.—Civilian employees of any
16 Federal agency or group of such agencies employing eighty
17 working parents of young children who desire to partici-
18 pate in a program eligible for assistance under this part
19 shall—

20 (1) designate or create for such purpose an
21 agency committee, the membership of which shall be
22 broadly representative of the working parents inter-
23 ested in utilizing these services who are employed by
24 the agency or agencies; and

(A) provides that the early childhood education program shall be administered under the direction of the agency committee;

12 (C) provides a means of determining pri-
13 ority of eligibility among parents wishing to use
14 the service program;

15 (D) provides for a scale of fees based upon
16 the parents' financial status; and

17 (E) provides for competent management,
18 staffing, and facilities for such program.

19 (c) OFFICIAL PLAN APPROVAL.—The Secretary shall
20 not make payments under this section unless the Secretary
21 has received approval of the plan from the official in
22 charge of the agency whose employees will be served by
23 the early childhood education program.

1 **SEC. 302. PAYMENTS.**

2 (a) IN GENERAL.—Not more than 80 percent of the
3 total cost of the early childhood education program under
4 this part shall be paid from Federal funds available under
5 this title.

6 (b) PUBLIC OR PRIVATE FUNDS.—The share of the
7 total cost not available under paragraph (a) may be pro-
8 vided through public or private funds and may be in the
9 form of cash, goods, services, or facilities (or portions
10 thereof that are used for program purposes), reasonable
11 evaluated, fees collected from parents, and union and em-
12 ployer contributions.

13 (c) EXCESS AMOUNTS.—If, with respect to any fiscal
14 year, a program under this part provides contributions ex-
15 ceeding its requirements under this section, such excess
16 may be used to meet the requirements of such contribu-
17 tions for the subsequent fiscal year.

18 **TITLE IV—RESEARCH AND
19 DEMONSTRATIONS**

20 **SEC. 401. DECLARATION OF PURPOSES.**

21 The purposes of this part are to focus national re-
22 search efforts to attain a fuller understanding of the proc-
23 ess of early child development and the effects of organized
24 programs upon these processes; to develop effective pro-
25 grams for research into child development; and to assure
26 that the result of research and development efforts are re-

1 flected in the conduct of programs affecting children
2 through the improvement and expansion of early childhood
3 education and related programs.

4 **SEC. 402. RESEARCH AND DEMONSTRATION PROJECTS.**

5 (a) RESEARCH AND DEMONSTRATION PROJECTS.—
6 In order to further the purposes of this part, the Secretary
7 shall carry out a program of research and demonstration
8 projects, which shall include but not be limited to—

9 (1) research to determine the nature of child
10 development processes and the impact of various in-
11 fluences upon them, to develop techniques to meas-
12 ure and evaluate child development, to develop
13 standards to evaluate professional and paraprofes-
14 sional early childhood education personnel, to deter-
15 mine how early childhood development and education
16 and related programs conducted in either home or
17 institutional settings affect child development proc-
18 esses;

19 (2) research to test alternative methods of pro-
20 viding early childhood education and related services,
21 and to develop and test innovative approaches to
22 achieve maximum development of children and pro-
23 grams for training adolescent youth in child develop-
24 ment;

4 (4) dissemination and application of research
5 and development efforts and demonstration projects
6 to early childhood education and related programs,
7 using regional demonstration centers and advisory
8 services where feasible.

9 (b) AUTHORITY.—In order to carry out the program
10 provided for in subsection (a), the Secretary is authorized
11 to make grants to or enter into contracts or other arrange-
12 ments with public or private nonprofit agencies (including
13 other Government agencies), organizations, and institu-
14 tions, and to enter into contracts with private agencies,
15 organizations, institutions, and individuals.

16 SEC. 403. COORDINATION OF RESEARCH.

17 (a) FUND TRANSFERS.—Funds available to any Fed-
18 eral department or agency for the purposes stated in sec-
19 tion 401 or the activities stated in section 402(a) shall
20 be available for transfer, with the approval of the head
21 of the department or agency involved, in whole or in part,
22 to the Secretary for such use as is consistent with the pur-
23 poses for which such funds were provided, and the funds
24 so transferred shall be expendable by the Secretary for the
25 purpose for which the transfer was made.

1 (b) COORDINATION.—The Secretary shall coordinate
2 all early childhood education research, training, and devel-
3 opment efforts conducted with the Federal Government
4 and, to the extent feasible, by other agencies, organiza-
5 tions, and individuals.

6 (c) ANNUAL MEETINGS.—Representatives from the
7 National Institute for Early Childhood Development, the
8 Federal agencies administering the Social Security Act
9 and the Elementary and Secondary Education Act, the
10 Department of Health and Human Services Administra-
11 tion for Children and Families, the Department of Labor,
12 and other appropriate agencies, shall meet at least annu-
13 ally and at such more frequent times as they may deem
14 necessary, in order to assure coordination of child develop-
15 ment and early childhood education and related activities
16 under their respective jurisdictions and to carry out the
17 provisions of this title so as to assure—

18 (1) maximum utilization of available resources
19 through the prevention of duplication of activities;
20 (2) a division of labor, insofar as is compatible
21 with the purposes of each of the agencies or authori-
22 ties specified in this paragraph, to assure maximum
23 progress toward the achievement of the purposes of
24 this title; and

5 TITLE V—GENERAL PROVISIONS

6 SEC. 501. DEFINITIONS.

7 As used in this Act, the term—

8 (1) "children" means individuals who have not
9 attained the age of 8;

10 (2) "children with disabilities" any such child
11 as defined in section 602 of the Individuals With
12 Disabilities Education Act;

13 (3) "early childhood education programs" means programs provided on a full-day basis which
14 provide the educational, nutritional, social, medical,
15 psychological, and physical services needed for young
16 children to attain their full potential;

18 (4) "economically disadvantaged children" means any child of a family having an annual income below the lower living standards budget (adjusted for regional and metropolitan, urban, and rural differences, and family size), as determined annually by the Bureau of Labor Statistics of the Department of Labor;

21 (10) "parent" means any person who has day-
22 to-day parental responsibility for any child;

1 schools, in neighborhood centers, or in homes, or
2 which provides early childhood education for children
3 whose parents are working or receiving education or
4 training;

5 (12) “Secretary” means the Secretary of Edu-
6 cation;

7 (13) “single parent” means any person who has
8 sole day-to-day responsibility for any child;

9 (14) “State” means each of the fifty States, the
10 District of Columbia, and the Commonwealth of
11 Puerto Rico, Guam, American Samoa, the Virgin Is-
12 lands, the Commonwealth of the Northern Mariana
13 Islands, and Palau (until the effective date of the
14 Compact of Free Association with the Government
15 of Palau); and

16 (15) “working mother” means any mother who
17 requires child care services under this Act in order
18 to undertake or continue full or part-time work,
19 training, or education outside the home.

20 **SEC. 502. NUTRITION SERVICES.**

21 In accordance with the purposes of this Act, the Sec-
22 retary of Education shall establish procedures to assure
23 that adequate nutrition services will be provided in early
24 childhood education programs under this Act. Such serv-
25 ices shall make use of the Special Food Services Program

1 for children as defined under the National School Lunch
2 Act of 1946 and the Child Nutrition Act of 1966 to the
3 fullest extent appropriate and consistent with the provi-
4 sions of such Acts.

5 **SEC. 503. SPECIAL PROVISIONS.**

6 (a) **GENERAL AUTHORITY.**—The Secretary may
7 make such grants, contracts, or agreements, establish
8 such procedures, policies, rules, and regulations, and make
9 such payments, in installments and in advance or by way
10 of reimbursement, or otherwise allocate or expend funds
11 made available under this title, including necessary adjust-
12 ments in payments on account of overpayment or under-
13 payment. Subject to the provisions of section 504, the Sec-
14 retary may also withhold funds otherwise payable under
15 this Act in order to recover any amounts expended in the
16 current or immediately prior fiscal year in violation of any
17 provision of this title or any term or condition of assist-
18 ance under this title.

19 (b) **REGULATIONS.**—The Secretary shall prescribe
20 regulations to assure that programs under this title have
21 adequate internal administrative controls, accounting re-
22 quirements, personnel standards, evaluation procedures,
23 and other policies as may be necessary to promote the ef-
24 fective use of funds.

1 (c) PROHIBITION ON DISCRIMINATION.—The Sec-
2 retary shall not provide financial assistance for any pro-
3 gram under this Act unless the grant, contract, or agree-
4 ment with respect thereto specifically provides that no per-
5 son with responsibilities in the operation of such program
6 will discriminate with respect to any program participant
7 or any applicant for participation in such program because
8 of race, creed, color, national origin, sex, sexual orienta-
9 tion, political affiliation, or beliefs.

10 (d) PROHIBITION ON POLITICAL ACTIVITIES.—The
11 Secretary shall not provide financial assistance for any
12 program under this Act which involves political activities;
13 and neither the program, the funds provided therefor, nor
14 personnel employed in the administration thereof, shall be,
15 in any way or to any extent, engaged in the conduct of
16 political activities.

17 (e) PROHIBITION ON SECTARIAN INSTRUCTION.—
18 The Secretary shall not provide financial assistance for
19 any program under this Act unless the Secretary deter-
20 mines that no funds will be used for, and no person will
21 be employed under the program on, the construction, oper-
22 ation, or maintenance of so much of any facility as is for
23 use for sectarian instruction or as a place for religious
24 worship.

1 (f) PROHIBITION ON MEDICAL OR PSYCHOLOGICAL
2 EXAMINATION.—A child participating in a program as-
3 sisted under this Act shall not be required to undergo
4 medical or psychological examination (except to the extent
5 related to learning ability), or treatment, if the child's par-
6 ent or guardian objects thereto.

7 **SEC. 504. WITHHOLDING OF GRANTS.**

8 Whenever the Secretary, after reasonable notice and
9 opportunity for a hearing to any prime sponsor or project
10 applicant, finds—

11 (1) that there has been a failure to comply sub-
12 stantially with any requirement set forth in the plan
13 of any such prime sponsor approved under section
14 104;

15 (2) that there has been a failure to comply sub-
16 stantially with any requirement set forth in the ap-
17 plication of any such project applicant approved pur-
18 suant section 105; or

19 (3) that in the operation of any program or
20 project carried out by any such prime sponsor or
21 project applicant under this Act there is a failure to
22 comply substantially with any applicable provision of
23 this Act or regulation promulgated thereunder; the
24 Secretary shall notify such prime sponsor or project
25 applicant of his/her findings and that no further

1 payments may be made to such sponsor or applicant
2 under this Act until the Secretary is satisfied that
3 there is no longer any such failure to comply, or the
4 noncompliance will be promptly corrected. The Sec-
5 retary may authorize the continuation of payments
6 with respect to any project assisted under this Act
7 which is being carried out pursuant to such plan or
8 application and which is not involved in the non-
9 compliance.

10 **SEC. 505. PUBLIC INFORMATION.**

11 (a) PUBLIC ACCESS.—Applications for designation as
12 prime sponsors, comprehensive early childhood education
13 plans, project applications, and all written material per-
14 taining thereto shall be made readily available without
15 charge on the public by the prime sponsor, the applicant,
16 and the Secretary.

17 (b) NO EXPERIMENTATION.—The Secretary is di-
18 rected to establish appropriate procedures to ensure that
19 no child shall be the subject of any research or experimen-
20 tation under this Act other than routine testing and nor-
21 mal program evaluation unless the parent or guardian of
22 such child is informed of such research or experimentation
23 and is given an opportunity as of right to except such child
24 therefrom.

1 (c) CONSTRUCTION.—Nothing in this Act shall be
2 construed or applied in such a manner as to infringe upon
3 or usurp the moral and legal rights and responsibilities
4 of parents or guardians with respect to the moral, mental,
5 emotional, or physical development of their children. Nor
6 shall any section of this Act be construed or applied in
7 such a manner as to permit any invasion of privacy other-
8 wise protected by law, or to abridge any legal remedies
9 for any such invasion which is otherwise provided by law.

○