

Omnibus Budget Reconciliation Act of 1981 [Aug. 13, 1981]).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.”

SUBCHAPTER II—HEAD START PROGRAMS

Editorial Notes

CODIFICATION

Subchapter is based on subchapter B of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, as amended.

§ 9831. Statement of purpose

It is the purpose of this subchapter to promote the school readiness of low-income children by enhancing their cognitive, social, and emotional development—

(1) in a learning environment that supports children’s growth in language, literacy, mathematics, science, social and emotional functioning, creative arts, physical skills, and approaches to learning; and

(2) through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.

(Pub. L. 97-35, title VI, § 636, Aug. 13, 1981, 95 Stat. 499; Pub. L. 101-501, title I, § 102, Nov. 3, 1990, 104 Stat. 1224; Pub. L. 105-285, title I, § 102, Oct. 27, 1998, 112 Stat. 2703; Pub. L. 110-134, § 2, Dec. 12, 2007, 121 Stat. 1363.)

Editorial Notes

AMENDMENTS

2007—Pub. L. 110-134 amended section generally. Prior to amendment, text read as follows: “It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.”

1998—Pub. L. 105-285 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) In recognition of the role which Project Head Start has played in the effective delivery of comprehensive health, educational, nutritional, social, and other services to economically disadvantaged children and their families, it is the purpose of this subchapter to extend the authority for the appropriation of funds for such program.

“(b) In carrying out the provisions of this subchapter, the Secretary of Health and Human Services shall continue the administrative arrangement responsible for meeting the needs of migrant, non-English language background, and Indian children and shall assure that appropriate funding is provided to meet such needs.”

1990—Subsec. (b). Pub. L. 101-501 inserted “, non-English language background,” after “migrant”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

SHORT TITLE

For short title of this subchapter as the “Head Start Act”, see section 635 of Pub. L. 97-35, set out as a note under section 9801 of this title.

PRESCHOOL DEVELOPMENT GRANTS

Pub. L. 114-95, title IX, § 9212, Dec. 10, 2015, 129 Stat. 2152, provided that:

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

“(1) to assist States to develop, update, or implement a strategic plan that facilitates collaboration and coordination among existing programs of early childhood care and education in a mixed delivery system across the State designed to prepare low-income and disadvantaged children to enter kindergarten and to improve transitions from such system into the local educational agency or elementary school that enrolls such children, by—

“(A) more efficiently using existing Federal, State, local, and non-governmental resources to align and strengthen the delivery of existing programs;

“(B) coordinating the delivery models and funding streams existing in the State’s mixed delivery system; and

“(C) developing recommendations to better use existing resources in order to improve—

“(i) the overall participation of children in a mixed delivery system of Federal, State, and local early childhood education programs;

“(ii) program quality while maintaining availability of services;

“(iii) parental choice among existing programs; and

“(iv) school readiness for children from low-income and disadvantaged families, including during such children’s transition into elementary school;

“(2) to encourage partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, private entities (including faith- and community-based entities), and local educational agencies, to improve coordination, program quality, and delivery of services; and

“(3) to maximize parental choice among a mixed delivery system of early childhood education program providers.

“(b) DEFINITIONS.—In this section:

“(1) ESEA DEFINITIONS.—The terms ‘elementary school’, ‘local educational agency’, and ‘State’ have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801].

“(2) CENTER OF EXCELLENCE IN EARLY CHILDHOOD.—The term ‘Center of Excellence in Early Childhood’ means a Center of Excellence in Early Childhood designated under section 657B(b) of the Head Start Act (42 U.S.C. 9852b(b)).

“(3) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ‘early childhood education program’ has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

“(4) EXISTING PROGRAM.—The term ‘existing program’ means a Federal, State, local, or privately-funded early childhood education program that—

“(A) was operating in the State on the day before the date of enactment of this Act [Dec. 10, 2015]; or

“(B) began operating in the State at any time on or after the date of enactment of this Act through funds that were not provided by a grant under this section.

“(5) MIXED DELIVERY SYSTEM.—The term ‘mixed delivery system’ means a system—

“(A) of early childhood education services that are delivered through a combination of programs, providers, and settings (such as Head Start, licensed family and center-based child care programs, public schools, and community-based organizations); and

“(B) that is supported with a combination of public funds and private funds.

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

“(7) STATE ADVISORY COUNCIL.—The term ‘State Advisory Council’ means a State Advisory Council on

Early Childhood Education and Care designated or established under section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)).

“(c) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From amounts made available under subsection (k), the Secretary, jointly with the Secretary of Education, shall award grants to States to enable the States to carry out the activities described in subsection (f).

“(2) AWARD BASIS.—Grants under this subsection shall be awarded—

“(A) on a competitive basis; and

“(B) with priority for States that meet the requirements of subsection (e)(3).

“(3) DURATION OF GRANTS.—A grant awarded under paragraph (1) shall be for a period of not more than 1 year and may be renewed by the Secretary, jointly with the Secretary of Education, under subsection (g).

“(4) MATCHING REQUIREMENT.—Each State that receives a grant under this section shall provide funds from non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, in an amount equal to not less than 30 percent of the amount of such grant.

“(d) INITIAL APPLICATION.—A State desiring a grant under subsection (c)(1) shall submit an application at such time and in such manner as the Secretary may reasonably require. The application shall contain—

“(1) an identification of the State entity that the Governor of the State has appointed to be responsible for duties under this section;

“(2) a description of how such State entity proposes to accomplish the activities described in subsection (f) and meet the purposes of this section described in subsection (a), including—

“(A) a timeline for strategic planning activities; and

“(B) a description of how the strategic planning activities and the proposed activities described in subsection (f) will increase participation of children from low-income and disadvantaged families in high-quality early childhood education and preschool programs as a result of the grant;

“(3) a description of the Federal, State, and local existing programs in the State for which such State entity proposes to facilitate activities described in subsection (f), including—

“(A) programs carried out under the Head Start Act (42 U.S.C. 9801 et seq.) [42 U.S.C. 9831 et seq.], including the Early Head Start programs carried out under such Act;

“(B) child care programs carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) [42 U.S.C. 9857 et seq.] or section 418 of the Social Security Act (42 U.S.C. 618); and

“(C) other Federal, State, and local programs of early learning and development, early childhood education, and child care, operating in the State (including programs operated by Indian tribes and tribal organizations and private entities, including faith- and community-based entities), as of the date of the application for the grant;

“(4) a description of how the State entity, in collaboration with Centers of Excellence in Early Childhood, if appropriate, will provide technical assistance and disseminate best practices;

“(5) a description of how the State plans to sustain the activities described in, and carried out in accordance with, subsection (f) with non-Federal sources after grant funds under this section are no longer available, if the State plans to continue such activities after such time; and

“(6) a description of how the State entity will work with the State Advisory Council and Head Start collaboration offices.

“(e) REVIEW PROCESS.—The Secretary shall review the applications submitted under subsection (d) to—

“(1) determine which applications satisfy the requirements of such subsection;

“(2) confirm that each State submitting an application has, as of the date of the application, a mixed delivery system in place; and

“(3) determine if a priority is merited in accordance with subsection (c)(2)(B) because the State has never received—

“(A) a grant under subsection (c); or

“(B) a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act.

“(f) USE OF FUNDS.—A State, acting through the State entity appointed under subsection (d)(1), that receives a grant under subsection (c)(1) shall use the grant funds for all of the following activities:

“(1) Conducting a periodic statewide needs assessment of—

“(A) the availability and quality of existing programs in the State, including such programs serving the most vulnerable or underserved populations and children in rural areas;

“(B) to the extent practicable, the unduplicated number of children being served in existing programs; and

“(C) to the extent practicable, the unduplicated number of children awaiting service in such programs.

“(2) Developing a strategic plan that recommends collaboration, coordination, and quality improvement activities (including activities to improve children’s transition from early childhood education programs into elementary schools) among existing programs in the State and local educational agencies. Such plan shall include information that—

“(A) identifies opportunities for, and barriers to, collaboration and coordination among existing programs in the State, including among State, local, and tribal (if applicable) agencies responsible for administering such programs;

“(B) recommends partnership opportunities among Head Start providers, local educational agencies, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities) that would improve coordination, program quality, and delivery of services;

“(C) builds on existing plans and goals with respect to early childhood education programs, including improving coordination and collaboration among such programs, of the State Advisory Council while incorporating new or updated Federal, State, and local statutory requirements, including—

“(i) the requirements of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) [42 U.S.C. 9857 et seq.]; and

“(ii) when appropriate, information found in the report required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113-186; 128 Stat. 2002); and

“(D) describes how accomplishing the activities described in subparagraphs (A) through (C) will better serve children and families in existing programs and how such activities will increase the overall participation of children in the State.

“(3) Maximizing parental choice and knowledge about the State’s mixed delivery system of existing programs and providers by—

“(A) ensuring that parents are provided information about the variety of early childhood education programs for children from birth to kindergarten entry in the State’s mixed delivery system; and

“(B) promoting and increasing involvement by parents and family members, including families of low-income and disadvantaged children, in the development of their children and the transition of such children from an early childhood education program into an elementary school.

“(4) Sharing best practices among early childhood education program providers in the State to increase collaboration and efficiency of services, including to

improve transitions from such programs to elementary school.

“(5) After activities described in paragraphs (1) and (2) have been completed, improving the overall quality of early childhood education programs in the State, including by developing and implementing evidence-based practices that meet the requirements of section 8101(21)(A)(i) of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7801(21)(A)(i)], to improve professional development for early childhood education providers and educational opportunities for children.

“(g) RENEWAL GRANTS.—

“(1) IN GENERAL.—The Secretary, jointly with the Secretary of Education, may use funds available under subsection (k) to award renewal grants to States described in paragraph (2) to enable such States to continue activities described in subsection (f) and to carry out additional activities described in paragraph (6).

“(2) ELIGIBLE STATES.—A State shall be eligible for a grant under paragraph (1) if—

“(A) the State has received a grant under subsection (c)(1) and the grant period has concluded; or

“(B)(i) the State has received a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act, and the grant period for such grant has concluded; and

“(ii) the Secretary allows such State to apply directly for a renewal grant under this subsection, rather than an initial grant under subsection (c)(1), and the State submits with its application the needs assessment completed under the preschool development grant (updated as necessary to reflect the needs of the State as of the time of the application) in place of the activity described in subsection (f)(1).

“(3) DURATION OF GRANTS.—A grant awarded under this subsection shall be for a period of not more than 3 years and shall not be renewed.

“(4) MATCHING REQUIREMENT.—Each State that receives a grant under this subsection shall provide funds from non-Federal sources (which may be provided in cash or in kind) to carry out the activities supported by the grant, in an amount equal to not less than 30 percent of the amount of the grant.

“(5) APPLICATION.—A State described in paragraph (2) that desires a grant under this subsection shall submit an application for renewal at such time and in such manner as the Secretary may reasonably require. The application shall contain—

“(A) applicable information required in the application described in subsection (d), and in the case of a State described in paragraph (2)(A), updated as the State determines necessary;

“(B) in the case of a State described in paragraph (2)(A), a description of how funds were used for the activities described in subsection (f) in the initial grant period and the extent to which such activities will continue to be supported in the renewal period;

“(C) in the case of a State described in paragraph (2)(B), how a needs assessment completed prior to the date of the application, such as the needs assessment completed under the preschool development grant program (as such program existed prior to the date of enactment of this Act), and updated as necessary in accordance with paragraph (2)(B)(ii), will be sufficient information to inform the use of funds under this subsection, and a copy of such needs assessment;

“(D) a description of how funds will be used for the activities described in paragraph (6) during the renewal grant period, if the State proposes to use grant funds for such activities; and

“(E) in the case of a State that proposes to carry out activities described in paragraph (6) and to continue such activities after grant funds under this subsection are no longer available, a description of how such activities will be sustained with non-Federal sources after such time.

“(6) ADDITIONAL ACTIVITIES.—

“(A) IN GENERAL.—Each State that receives a grant under this subsection may use grant funds to award subgrants to programs in a mixed delivery system across the State designed to benefit low-income and disadvantaged children prior to entering kindergarten, to—

“(i)(I) enable programs to implement activities addressing areas in need of improvement as determined by the State, through the use of funds for the activities described in paragraph (5)(C) or subsection (f), as applicable; and

“(II) as determined through the activities described in paragraph (5)(C) or subsection (f), as applicable, expand access to such existing programs; or

“(ii) develop new programs to address the needs of children and families eligible for, but not served by, such programs, if the State ensures that—

“(I) the distribution of subgrants under this subparagraph supports a mixed delivery system; and

“(II) funds made available under this subparagraph will be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this section.

“(B) PRIORITY.—In awarding subgrants under subparagraph (A), a State shall prioritize activities to improve areas in which there are State-identified needs that would improve services for low-income and disadvantaged children living in rural areas.

“(C) SPECIAL RULE.—A State receiving a renewal grant under this subsection that elects to award subgrants under subparagraph (A) shall not—

“(i) for the first year of the renewal grant, use more than 60 percent of the grant funds available for such year to award such subgrants; and

“(ii) for each of the second and third years of the renewal grant, use more than 75 percent of the grant funds available for such year to award such subgrants.

“(h) STATE REPORTING.—

“(1) INITIAL GRANTS.—A State that receives an initial grant under subsection (c)(1) shall submit a final report to the Secretary not later than 6 months after the end of the grant period. The report shall include a description of—

“(A) how, and to what extent, the grant funds were utilized for activities described in subsection (f), and any other activities through which funds were used to meet the purposes of this section, as described in subsection (a);

“(B) strategies undertaken at the State level and, if applicable, local or program level, to implement recommendations in the strategic plan developed under subsection (f)(2);

“(C)(i) any new partnerships among Head Start providers, State and local governments, Indian tribes and tribal organizations, and private entities (including faith- and community-based entities); and

“(ii) how these partnerships improve coordination and delivery of services;

“(D) if applicable, the degree to which the State used information from the report required under section 13 of the Child Care and Development Block Grant Act of 2014 to inform activities under this section, and how this information was useful in coordinating, and collaborating among, programs and funding sources;

“(E) the extent to which activities funded by the initial grant led to the blending or braiding of other public and private funding;

“(F) how information about available existing programs for children from birth to kindergarten entry was disseminated to parents and families, and how involvement by parents and family was improved; and

“(G) other State-determined and voluntarily provided information to share best practices regarding early childhood education programs and the coordination of such programs.

“(2) RENEWAL GRANTS.—A State receiving a renewal grant under subsection (g) shall submit a follow-up report to the Secretary not later than 6 months after the end of the grant period that includes—

“(A) information described in subparagraphs (A) through (G) of paragraph (1), as applicable and updated for the period covered by the renewal grant; and

“(B) if applicable, information on how the State was better able to serve children through the distribution of funds in accordance with subsection (g)(5), through—

“(i) a description of the activities conducted through the use of subgrant funds, including, where appropriate, measurable areas of program improvement and better use of existing resources; and

“(ii) best practices from the use of subgrant funds, including how to better serve the most vulnerable, underserved, and rural populations.

“(i) RULES OF CONSTRUCTION.—

“(1) LIMITATIONS ON FEDERAL INTERFERENCE.—Nothing in this section shall be construed to authorize the Secretary or the Secretary of Education to establish any criterion for grants made under this section that specifies, defines, or prescribes—

“(A) early learning and development guidelines, standards, or specific assessments, including the standards or measures that States use to develop, implement, or improve such guidelines, standards, or assessments;

“(B) specific measures or indicators of quality early learning and care, including—

“(i) the systems that States use to assess the quality of early childhood education programs and providers, school readiness, and achievement; and

“(ii) the term ‘high-quality’ as it relates to early learning, development, or care;

“(C) early learning or preschool curriculum, programs of instruction, or instructional content;

“(D) teacher and staff qualifications and salaries;

“(E) class sizes and ratios of children to instructional staff;

“(F) any new requirement that an early childhood education program is required to meet that is not explicitly authorized in this section;

“(G) the scope of programs, including length of program day and length of program year; and

“(H) any aspect or parameter of a teacher, principal, other school leader, or staff evaluation system within a State, local educational agency, or early childhood education program.

“(2) LIMITATION ON GOVERNMENTAL REQUIREMENTS.—Nothing in this section shall be construed to authorize the Secretary, Secretary of Education, the State, or any other governmental agency to alter requirements for existing programs for which coordination and alignment activities are recommended under this section, or to force programs to adhere to any recommendations developed through this program. The Secretary, Secretary of Education, State, or other governmental agency may only take an action described in the preceding sentence as otherwise authorized under Federal, State, or local law.

“(3) SECRETARY OF EDUCATION.—Nothing in this section shall be construed to authorize the Secretary of Education to have sole decision-making or regulatory authority in carrying out the program authorized under this section.

“(j) PLANNING AND TRANSITION.—

“(1) IN GENERAL.—The recipient of an award for a preschool development grant for development or expansion under such program as it existed on the day before the date of enactment of this Act may continue to receive funds in accordance with the terms of such existing award.

“(2) TRANSITION.—The Secretary, jointly with the Secretary of Education, shall take such steps as are necessary to ensure an orderly transition to, and implementation of, the program under this section from the preschool development grants for development or expansion program as such program was operating prior to the date of enactment of this Act, in accordance with subsection (k).

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section \$250,000,000 for each of fiscal years 2017 through 2020.”

REVIEW OF FEDERAL EARLY CHILDHOOD EDUCATION PROGRAMS

Pub. L. 114-95, title IX, §9213, Dec. 10, 2015, 129 Stat. 2160, provided that:

“(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall conduct an interdepartmental review of all early childhood education programs for children less than 6 years of age in order to—

“(1) develop a plan for the elimination of overlapping programs, as identified by the Government Accountability Office’s 2012 annual report (GAO-12-342SP);

“(2) determine if the activities conducted by States using grant funds from preschool development grants under section 9212 [set out above] have led to better utilization of resources; and

“(3) make recommendations to Congress for streamlining all such programs.

“(b) REPORT AND UPDATES.—The Secretary of Health and Human Services, in consultation with the heads of all Federal agencies that administer Federal early childhood education programs, shall—

“(1) not later than 2 years after the date of enactment of this Act [Dec. 10, 2015], prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a detailed report that—

“(A) outlines the efficiencies that can be achieved by, and specific recommendations for, eliminating overlap and fragmentation among all Federal early childhood education programs;

“(B) explains how the use by States of preschool development grant funds under section 9212 has led to the better utilization of resources; and

“(C) builds upon the review of Federal early learning and care programs required under section 13 of the Child Care and Development Block Grant Act of 2014 (Public Law 113-186; 128 Stat. 2002); and

“(2) annually prepare and submit to such Committees a detailed update of the report described in paragraph (1).”

§ 9832. Definitions

For purposes of this subchapter:

(1) The term “child with a disability” means—

(A) a child with a disability, as defined in section 1401(3) of title 20; and

(B) an infant or toddler with a disability, as defined in section 1432(5) of title 20.

(2) The term “deficiency” means—

(A) a systemic or substantial material failure of an agency in an area of performance that the Secretary determines involves—

(i) a threat to the health, safety, or civil rights of children or staff;

(ii) a denial to parents of the exercise of their full roles and responsibilities related to program operations;

(iii) a failure to comply with standards related to early childhood development