



Legislative Bulletin.....May 2, 2007

Contents:

H.R. 1429 —Improving Head Start Act of 2007 (Head Start Reauthorization)

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: several

Total Cost of Discretionary Authorizations: \$38.2 billion over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 1429 — Improving Head Start Act of 2007 (*Kildee, D-MI*)

Order of Business: The bill is scheduled for consideration on Wednesday, May 2, 2007, likely subject to a structured rule.

Note: In the 109th Congress, the House passed ([231-184](#)) the School Readiness Act of 2005 (H.R. 2123), which would have reauthorized the Head Start program at \$35.7 billion over five years. However, the Senate did not take up this legislation, and the program has remained unauthorized, but funded through the annual appropriations process.

Summary: H.R. 1429 would reauthorize the 1965 Head Start Act (last reauthorized in 1998 through 2003), which provides early childhood education programs for low-income children. Specific provisions are outlined below.

Funding Authorizations and Allocations

H.R. 1429 provides for the following funding authorizations and allocations:

- Authorizes \$7.35 billion for FY 2008, and “such sums as may be necessary” for FY 2009 through FY 2012.
- 13% of the annual appropriations to be allotted for Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs combined. Specifically, the migrant and seasonal programs would receive 5% of annual appropriations, the Indian programs would receive 3.5%, and these programs would receive, on a national basis, not less than the amount that was obligated for use by the programs during FY 2007. The bill also provides 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 programs on the date of reduction.”
- 2% of annual appropriations is for training and technical assistance, of which:
 - not less than 50% is for local Head Start agencies to make improvements for training and technical assistance activities;
 - not less than 30% is to support a state-based system or a national system of early childhood education training and technical assistance to local Higher Education agencies; and
 - the remainder of the funds from the 2% set-aside are to be used to help the local agencies to address weakness identified by “monitoring activities” by the Department of Education.
- 60% of funding appropriated above the FY06 funding level is for “quality improvement,” including teacher recruitment, training, and compensation, classroom improvements, and outreach to underserved populations (homeless, migrant and seasonal, and limited English proficient children); and
- Increases the set-aside in funding for Early Head Start programs, which provide programs for infants and toddlers, from 10% to the following amounts:
 - 12% in FY 2008;
 - 14% in FY 2009;
 - 16% in FY 2010;
 - 18% in FY 2011; and
 - 20% in FY 2012.

Early Head Start provides services for children *under the age of three*. **Some conservatives may be concerned regarding this increase in funding, and contend that providing education services to toddlers is not a legitimate responsibility of the Head Start program, or an appropriate function of the federal government.**

New Collaboration Grant Program

H.R. 1429 would require the Department of Education to establish a new grant program to provide “collaboration grants” to each state and to each national administrative office serving Indian Head Start program and migrant and season program to facilitate collaboration between Head Start agencies and entities that “carry out other activities designed to benefit low-income families and children from birth to school entry.” States that receive funding under this program would be required to appoint a State Director of Head Start Collaboration to serve as a liaison between the office of the Administration for Children and Families and various state and local agencies.

Program Administration

H.R. 1429 outlines the following provisions pertaining to management and administration of the Head Start program, as well as State Head Start agency and collaboration directives:

- Directs the Secretary to appoint the new positions of “National Migrant and Seasonal Head Start Collaboration Director” and a “National Indian Head Start Collaboration Director.”
- Allows the Secretary to provide a limited waiver of current vehicle safety regulations for Head Start agencies “in transporting children if such requirements pertain to child restraint systems and bus monitors, are in the best interest of the child, or the agency demonstrates that meeting the requirements will significantly disrupt their program.”
- Directs the Secretary to use internal regulation to issue rules to establish “policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs,” including to allow homeless families to apply to, enroll in, and attend Head Start programs.
- **Permits local Head Start agencies, upon approval by the Secretary, to increase their income eligibility for participation to 130% of poverty, provided that no more than 20% of children served by that agency may be from families above the poverty line.**
- Requires all curricula and instructional materials to be scientifically based and age appropriate and gives parents the ability to inspect any curricula or instructional material upon request.
- Directs the Department of Education to establish new procedures for the review of Head Start agency applications, and outlines the specific details of the nature of the new procedure, including the establishment of an “expert panel to make recommendations on the development of a transparent, reliable and valid system for evaluating grant renewal applications.”
- Establishes an extensive list of criteria upon which applicants should be evaluated during the review process, which would include among others, offering in-home visitation, providing mental and behavioral health services, extending outreach to fathers to “strengthen the role of fathers in families,” “providing culturally appropriate opportunities for direct father-child interaction,” ability to meet the needs of non-English speaking children, and providing mental health services to younger siblings.” **Some conservatives may be concerned that this legislation seeks to expand the Head Start program to provide services such as mental health services to toddlers and outreach to fathers, services which some contend do not fall within the original purpose of the Head Start program, which is to assist low-income children in being prepared for kindergarten.**

Quality Monitoring and Program Evaluation

H.R. 1429 provides specific direction regarding quality monitoring of Head Start agencies and programs including the following:

- “language knowledge and skills, including oral language and listening comprehension;
- “prereading knowledge and skills that prepare children for early literacy in schools, including phonological awareness, print awareness and print skills, and alphabetic knowledge;
- “mathematics knowledge and skills;
- “cognitive abilities related to academic achievement and child development;
- **“social and emotional development related to early learning, school success, social problem-solving and overall well-being;**
- **creative arts; and**
- “in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development” required of other Head Start children.

The legislation directs the Department of Education to suspend the implementation and use of the National Reporting System. H.R. 1429 also prohibits the development of a national database of personally identifiable information on children participating in Head Start. H.R. 1429 requires the Department to develop and use a risk-based assessment system to conduct required reviews of Head Start agencies, which would include a full review at least once every three years, a review of newly designated agencies immediately following the completion of its first year in operation, follow-up reviews of agencies with deficiencies, and other “unannounced” reviews. H.R. 1429 outlines corrective actions to be taken if an agency or program fails to meet the quality and education standards.

In addition, H.R. 1429 directs local Head Start agencies to annually conduct a “comprehensive self-assessment” of its effectiveness and progress in meeting program goals. The agencies were required to report their findings to the Department. Agencies would also be required to report to the Department information on their total enrollment, as well as actual enrollment compared to funded enrollment. The legislation outlines specific instructions for the redistribution of funds held by the Department due to recapturing or withholding from deficient local agencies.

Local Head Start Agency Structure

H.R. 1429 significantly amends the structure and expands the responsibilities of local Head Start agencies. Specifically, the bill would require agencies to do the following, among other requirements:

- Establish procedures to increase involvement of parents;
- **Offer family literacy services and parenting skills training;**
- **Offer mental health services to parents;**
- Offer substance abuse counseling to parents;
- Consider providing mental health services to assist younger siblings of children participating in the program;
- Inform custodial parents in single-parent families about the availability of child support services for purposes of establishing paternity or acquiring child support;
- **Provide parents of children with limited English proficiency with services in a language that they can understand;**
- **Provide technical support needed to enable parents to secure on their own behalf, available assistance from public and private sources;** and
- Promote involvement of grandparents.

Some conservatives may be concerned that many of these activities, such as parent training and assisting parents in obtaining additional federal financial assistance, are not central activities of Head Start, which is designed to prepare children for kindergarten.

H.R. 1429 directs Head Start agencies to establish a formal structure of “shared governance” through which an independent governing body with legal and fiscal responsibility for administering and overseeing programs, and a parent policy council and a parent policy committee to ensure that the agency operates a highly qualified program. The legislation provides extensive guidelines for the new governance and structure of the local agencies, including the responsibilities of each entity participating in the shared governance of the agency.

H.R. 1429 requires each agency to coordinate with the local education agency and with schools in which Head Start children will enroll following Head Start (essentially local kindergarten schools), in order to promote a smooth transition from Head Start to the public school system. In addition each agency is directed to enter into an ongoing partnership with local education agencies and state-funded

preschools, in order to coordinate educational activities, curricula, instruction, technical assistance, staff training, and other activities. The bill authorizes the Secretary to **award early learning collaboration grants** to each state for the purpose of establishing a State Early Learning Council to enhance current collaboration between Head Start programs and state schools and state child care programs.

Early Head Start Programs

H.R. 1429 outlines activities to be conducted by Early Head Start grantees, which serves infants and toddlers, including the following:

- Providing “comprehensive” child development and family support services that will enhance the physical, social, emotional, and intellectual development of participants;
- Providing services to parents, such as parenting skills training; and
- Ensuring comprehensive services, such as health and mental health services.

Health Care Services

H.R. 1429 requires a Head Start agency to obtain **prior, written consent** from the parents before administering any health care service (including any non-emergency intrusive physical examination) to a child (or referring such child to obtain such service) in connection with participation in a Head Start program. (See additional information in Items of Note below.)

Technical Assistance

H.R. 1429 authorizes the Department of Education to **provide grants** to public or private nonprofit entities, training for Head Start personnel in the use of the “performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children.” In addition, the Department would be authorized to **provide grants** to support an organization to administer a “centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs.” H.R. 1429 directs the Department to establish a program to **“recruit and train minority men to become Head Start teachers in order to reflect the communities in which Head Start children live and to increase the provision of quality services and instruction to children with diverse backgrounds”** (emphasis added).

Indoor Air Quality

Directs the Department to consult with experts on issues of air quality related to children’s health and inform Head Start agencies of existing programs that provide methods for improving indoor air quality.

Tribal College Career Ladder Partnerships

Authorizes the Department of Education to create a new grant program to provide funding to tribal colleges and universities to implement education programs such as tribal culture and language programs, increasing the number of degrees earned by Indian Head Start agency staff members, parents of children served by the agency, and members of the tribal community involved, and technology literacy programs.

New Teacher Requirements

H.R. 1429 outlines the following requirements for Head Start teachers:

- Requires that by September 30, 2013, at least 50% of all Head Start teachers have a baccalaureate or advanced degree in early childhood education or a related field. (Current law requires at least 50% of all teachers to have an associate degree.)
- Requires that within two years of enactment, all new teachers hired by Head Start must have an associate, baccalaureate or advanced degree in early childhood education or a related field, or be currently enrolled in a program of study leading to that degree within three years from the date of hire.
- Permits the Secretary to require that individuals receiving Head Start grants to receive an education work as a Head Start teacher following graduation for a number of years equal to the time they received the assistance.

Obesity Prevention

Directs the Department of Education to evaluate and publish regulations on the issue of, and concerns related to, preventing and reducing obesity in children who participate in Head Start programs. **Some conservatives may be concerned that preventing obesity in children aged 3 to 5 is not a central activity of Head Start, which is designed to prepare children for kindergarten.**

Items of Note:

Hiring for Faith-Based Head Start Agencies (not included in underlying bill)

Currently, faith-based organizations receiving Head Start grants (approximately five percent of all Head Start grantees), are required to forfeit their right to include religious preferences in the hiring process. According to Committee Report 109-136, an amendment was offered in Committee by Mr. Fortuno that would have allowed faith-based organizations that receive Head Start funding to be able to hire individuals based upon religious affiliation or belief. The amendment failed (19-26).

Had this amendment been adopted, the change in Head Start law would extend to local Head Start agencies the current federal exemption offered to religious organizations under Title VII of the Civil Rights Act, which allows those organizations to hire on a religious basis. In the Committee Report for H.R. 2123 (last year's reauthorization bill), the Committee noted that several pieces of legislation, including the Welfare Reform Act of 1996 and the Community Service Block Grant Act of 1998, both signed by President Clinton, extended the hiring exemption to faith-based groups receiving funds through these programs. The amendment would bring Head Start up-to-date with the other major social service programs governing legislation.

If amendments are allowed during consideration, it is likely that this amendment will be offered on the floor.

Parental Notification of all Head Start Medical Exams

According to the Committee Report for H.R. 2123 (the Head Start reauthorization passed by the 109th Congress), all Head Start grantees and agencies are required by the Head Start Program Performance Standards to "obtain linguistically and age appropriate screening procedures to identify concerns regarding a child's developmental, sensory, behavioral, motor, language, social, cognitive, perceptual, and emotional skills within 45 days of the child's entry into the program." However, current federal law does not require parental consent for the "appropriate screening procedures" Head Start grantees must provide. One case in Oklahoma serves as an example for the need for Head Start parental consent requirements. In 1998, 13 Head Start children ages three through five were subjected to intrusive genital exams conducted without parental permission. H.R. 1429 addresses this by requiring

a Head Start agency to obtain prior, written consent from the parents before “administering any health care service (including any non-emergency intrusive physical examination) to a child (or referring such child to obtain such service) in connection with participation in a program.”

Committee Action: H.R. 1429 was introduced on March 9, 2005, and referred to the Committee on Education and the Workforce, which considered it, held a mark up, and reported it to the House by a vote of 47-1, on March 23, 2007.

Cost to Taxpayers: According to the text, H.R. 1429 authorizes \$7.35 billion in FY 2008, and such sums as necessary for FY 2008-FY 2012. CBO estimates authorizations included in H.R. 1429 will total \$38.21 billion over the 2008-2012 period, subject to appropriations.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates several new grant programs authorized under the Head Start program.

Earmark Compliance: According to Committee Report 110-67, the “H.R. 493 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(t) of rule XXI.”

Constitutional Authority: The Education and the Workforce Committee, in House Report 109-136, cites Article I, Section 8, Clause 1 (general welfare).

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