

Public Law 110–134
110th Congress

An Act

To reauthorize the Head Start Act, to improve program quality, to expand access,
and for other purposes.

Dec. 12, 2007
[H.R. 1429]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

(a) **SHORT TITLE.**—This Act may be cited as the “Improving
Head Start for School Readiness Act of 2007”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act
is as follows:

- Sec. 1. Short title.
- Sec. 2. Statement of purpose.
- Sec. 3. Definitions.
- Sec. 4. Financial assistance for Head Start programs.
- Sec. 5. Authorization of appropriations.
- Sec. 6. Allotment of funds; limitations on assistance.
- Sec. 7. Designation of Head Start agencies.
- Sec. 8. Standards; monitoring of Head Start agencies and programs.
- Sec. 9. Powers and functions of Head Start agencies.
- Sec. 10. Head start transition and alignment with K–12 education.
- Sec. 11. Early childhood education, coordination, and improvement.
- Sec. 12. Submission of plans.
- Sec. 13. Administrative requirements and standards.
- Sec. 14. Participation in Head Start programs.
- Sec. 15. Early Head Start programs.
- Sec. 16. Appeals, notice, and hearing.
- Sec. 17. Records and audits.
- Sec. 18. Technical assistance and training.
- Sec. 19. Staff qualifications and development.
- Sec. 20. Research, demonstrations, and evaluation.
- Sec. 21. Reports.
- Sec. 22. Comparability of wages.
- Sec. 23. Limitation with respect to certain unlawful activities.
- Sec. 24. Political activities.
- Sec. 25. Parental consent requirement for health services.
- Sec. 26. Centers of Excellence in Early Childhood.
- Sec. 27. General provisions.
- Sec. 28. Compliance with Improper Payments Information Act of 2002.
- Sec. 29. References in other Acts.

SEC. 2. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended
to read as follows:

“SEC. 636. 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

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Start for School
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of 2007.
42 USC 9801
note.

“(C) a criminal record check as otherwise required by Federal law.”.

SEC. 20. RESEARCH, DEMONSTRATIONS, AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) by amending subsection (a)(1)(B) to read as follows:

“(B) use the Head Start programs to develop, test, and disseminate new ideas based on existing scientifically valid research, for addressing the needs of low-income preschool children (including children with disabilities, homeless children, children who have been abused or neglected, and children in foster care) and their families and communities (including demonstrations of innovative non-center-based program models such as home-based and mobile programs), and otherwise to further the purposes of this subchapter.”;

(2) in subsection (d)—

(A) in paragraph (8), by adding “and” at the end;

(B) by striking paragraphs (9) and (10), and inserting the following:

“(10)(A) contribute to understanding the impact of Head Start services delivered in classrooms which include both children with disabilities and children without disabilities, on all of the children; and

“(B) disseminate promising practices for increasing the availability and quality of such services and such classrooms.”;

(C) in paragraph (5), by striking “early childhood education, or child development services” and inserting “early childhood education and development or services programs”;

(D) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

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

“(5)(A) identify successful strategies that promote good oral health and provide effective linkages to quality dental services through pediatric dental referral networks, for infants and toddlers participating in Early Head Start programs and children participating in other Head Start programs; and

“(B) identify successful strategies that promote good vision health through vision screenings for such infants, toddlers, and children, and referrals for appropriate followup care for those identified as having a vision problem.”; and

(F) by striking the last sentence; and

(3) in subsection (e)(3), by striking “child care, early childhood education, or child development services” and inserting “early childhood education and development services or programs”;

(4) in subsection (g) by amending paragraph (7)(C) to read as follows:

“(C) TRANSMITTAL OF REPORT TO CONGRESS.—Not later than September 30, 2009, the Secretary shall transmit the final report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”; and

(5) by striking subsection (h) and inserting the following:

“(h) LIMITED ENGLISH PROFICIENT CHILDREN.—

“(1) STUDY.—Not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall conduct a study on the status of limited English proficient children and their families participating in Head Start programs (including Early Head Start programs).

“(2) REPORT.—The Secretary shall prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, not later than September 30, 2010, a report containing the results of the study, including information on—

“(A) the demographics of limited English proficient children from birth through age 5, including the number of such children receiving Head Start services and Early Head Start services, and the geographic distribution of children described in this subparagraph;

“(B) the nature of the Head Start services and of the Early Head Start services provided to limited English proficient children and their families, including the types, content, duration, intensity, and costs of family services, language assistance, and educational services;

“(C) procedures in Head Start programs and Early Head Start programs for the assessment of language needs and the transition of limited English proficient children to kindergarten, including the extent to which such programs meet the requirements of section 642A for limited English proficient children;

“(D) the qualifications and training provided to Head Start teachers and Early Head Start teachers who serve limited English proficient children and their families;

“(E) the languages in which Head Start teachers and Early Head Start teachers are fluent, in relation to the population, and instructional needs, of the children served;

“(F) the rate of progress made by limited English proficient children and their families in Head Start programs and in Early Head Start programs, including—

“(i) the rate of progress made by limited English proficient children toward meeting the additional educational standards described in section 641A(a)(1)(B)(ii) while enrolled in such programs;

“(ii) a description of the type of assessment or assessments used to determine the rate of progress made by limited English proficient children;

“(iii) the correlation between such progress and the type and quality of instruction and educational programs provided to limited English proficient children; and

“(iv) the correlation between such progress and the health and family services provided by such programs to limited English proficient children and their families; and

“(G) the extent to which Head Start programs and Early Head Start programs make use of funds under section 640(a)(2)(D) to improve the quality of such services

provided to limited English proficient children and their families.

“(i) RESEARCH AND EVALUATION ACTIVITIES RELEVANT TO DIVERSE COMMUNITIES.—For purposes of conducting the study described in subsection (h), activities described in section 640(1)(5)(A), and other research and evaluation activities relevant to limited English proficient children and their families, migrant and seasonal farmworker families, and other families from diverse populations served by Head Start programs, the Secretary shall award, on a competitive basis, funds from amounts made available under section 640(a)(2)(D) to 1 or more organizations with a demonstrated capacity for serving and studying the populations involved.

“(j) REVIEW OF ASSESSMENTS.—

“(1) APPLICATION OF STUDY.—When the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences is made available to the Secretary, the Secretary shall—

“(A) integrate the results of the study, as appropriate and in accordance with paragraphs (2) and (3), into each assessment used in Head Start programs; and

“(B) use the results of the study to develop, inform, and revise as appropriate the standards and measures described in section 641A, consistent with section 641A(a)(2)(C)(ii).

“(2) INFORM AND REVISE.—In informing and revising any assessment used in the Head Start programs, the Secretary shall—

“(A) receive recommendations from the Panel on Developmental Outcomes and Assessments for Young Children of the National Academy of Sciences; and

“(B) with respect to the development or refinement of such assessment, ensure—

“(i) consistency with relevant, nationally recognized professional and technical standards;

“(ii) validity and reliability for all purposes for which assessments under this subchapter are designed and used;

“(iii) developmental and linguistic appropriateness of such assessments for children assessed, including children who are limited English proficient; and

“(iv) that the results can be used to improve the quality of, accountability of, and training and technical assistance in, Head Start programs.

“(3) ADDITIONAL REQUIREMENTS.—The Secretary, in carrying out the process described in paragraph (2), shall ensure that—

“(A) staff administering any assessments under this subchapter have received appropriate training to administer such assessments;

“(B) appropriate accommodations for children with disabilities and children who are limited English proficient are made;

“(C) the English and Spanish (and any other language, as appropriate) forms of such assessments are valid and reliable in the languages in which they are administered; and

“(D) such assessments are not used to exclude children from Head Start programs.

“(4) SUSPENDED IMPLEMENTATION OF NATIONAL REPORTING SYSTEM.—The Secretary shall suspend implementation and terminate further development and use of the National Reporting System.

“(k) INDIAN HEAD START STUDY.—The Secretary shall—

“(1) work in collaboration with the Head Start agencies that carry out Indian Head Start programs, the Indian Head Start collaboration director, and other appropriate entities, including tribal governments and the National Indian Head Start Directors Association—

“(A) to undertake a study or set of studies designed to focus on the American Indian and Alaska Native Head Start-eligible population, with a focus on issues such as curriculum development, availability and need for services, appropriate research methodologies and measures for these populations, and best practices for teaching and educating American Indian and Alaska Native Head Start Children;

“(B) to accurately determine the number of children nationwide who are eligible to participate in Indian Head Start programs each year;

“(C) to document how many of these children are receiving Head Start services each year;

“(D) to the extent practicable, to ensure that access to Indian Head Start programs for eligible children is comparable to access to other Head Start programs for other eligible children; and

“(E) to make the funding decisions required in section 640(a)(4)(D)(ii), after completion of the studies required in that section, taking into account—

“(i) the Federal government’s unique trust responsibility to American Indians and Alaska Natives;

“(ii) limitations faced by tribal communities in accessing non-Federal sources of funding to supplement Federal funding for early childhood programs; and

“(iii) other factors that uniquely and adversely impact children in American Indian and Alaska Native communities such as highly elevated poverty, unemployment and violent crime rates, as well as depressed levels of educational achievement and limited access to non-Federal health, social and educational resources;

“(2) in carrying out paragraph (1), consult with the Secretary of Education about the Department of Education’s systems for collecting and reporting data about, and maintaining records on, American Indian and Alaska Native students;

“(3) not later than 9 months after the effective date of this subsection, publish in the Federal Register a notice of how the Secretary plans to carry out paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before submitting a report to the Congress;

“(4) not later than 1 year after the effective date of this subsection, submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate,

Deadline.
Federal Register,
publication.

Deadline.
Reports.

detailing how the Department of Health and Human Services plans to carry out paragraph (1);

“(5) through regulation, ensure the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out Indian Head Start programs, and by State Directors of Head Start Collaboration, by the Indian Head Start Collaboration Project Director and by other appropriate entities pursuant to this subsection (such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act); and

Regulations.
Confidentiality.

“(6) ensure that nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this subsection.

“(1) MIGRANT AND SEASONAL HEAD START PROGRAM STUDY.—

“(1) DATA.—In order to increase access to Head Start services for children of migrant and seasonal farmworkers, the Secretary shall work in collaboration with providers of migrant and seasonal Head Start programs, the Secretary of Agriculture, the Secretary of Labor, the Bureau of Migrant Health, and the Secretary of Education to—

“(A) collect, report, and share data, within a coordinated system, on children of migrant and seasonal farmworkers and their families, including health records and educational documents of such children, in order to adequately account for the number of children of migrant and seasonal farmworkers who are eligible for Head Start services and determine how many of such children receive the services; and

“(B) identify barriers that prevent children of migrant and seasonal farmworkers who are eligible for Head Start services from accessing Head Start services, and develop a plan for eliminating such barriers, including certain requirements relating to tracking, health records, and educational documents, and increasing enrollment.

“(2) PUBLICATION OF PLAN.—Not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall publish in the Federal Register a notice about how the Secretary plans to implement the activities identified in paragraph (1) and shall provide a period for public comment. To the extent practicable, the Secretary shall consider comments received before implementing any of the activities identified in paragraph (1).

Deadline.
Federal Register,
publication.

“(3) REPORT.—Not later than 18 months after the date of enactment of the Improving Head Start for School Readiness Act of 2007, and annually thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate detailing how the Secretary plans to implement the activities identified in paragraph (1), including the progress made in reaching out to and serving eligible children of migrant and seasonal farmworkers, and information on States where such children are still underserved.

Regulations.

“(4) PROTECTION OF CONFIDENTIALITY.—The Secretary shall, through regulation, ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary, by Head Start agencies that carry out migrant or seasonal Head Start programs, by the State director of Head Start Collaboration, and by the Migrant and Seasonal Farmworker Collaboration project Director (such regulations shall provide the policies, protections, and rights equivalent to those provided a parent, student, or educational agency or institution under section 444 of the General Education Provisions Act (20 U.S.C. 1232g)).

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the development of a nationwide database of personally identifiable data, information, or records on individuals involved in studies or other collections of data under this subsection.

“(m) PROGRAM EMERGENCY PREPAREDNESS.—

“(1) PURPOSE.—The purpose of this subsection is to evaluate the emergency preparedness of the Head Start programs, including Early Head Start programs, and make recommendations for how Head Start shall enhance its readiness to respond to an emergency.

“(2) STUDY.—The Secretary shall evaluate the Federal, State, and local preparedness of Head Start programs, including Early Head Start programs, to respond appropriately in the event of a large-scale emergency, such as the hurricanes Katrina, Rita, and Wilma, the terrorist attacks of September 11, 2001, or other incidents where assistance may be warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(3) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of the Improving Head Start for School Readiness Act of 2007, the Secretary shall prepare and submit to Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing the results of the evaluation required under paragraph (2), including—

“(A) recommendations for improvements to Federal, State, and local preparedness and response capabilities to large-scale emergencies, including those that were developed in response to hurricanes Katrina, Rita, and Wilma, as they relate to Head Start programs, including Early Head Start programs, and the Secretary’s plan to implement such recommendations;

“(B) an evaluation of the procedures for informing families of children in Head Start programs about the program protocols for response to a large-scale emergency, including procedures for communicating with such families in the event of a large-scale emergency;

“(C) an evaluation of such procedures for staff training on State and local evacuation and emergency protocols; and

“(D) an evaluation of procedures for Head Start agencies and the Secretary to coordinate with appropriate Federal, State, and local emergency management agencies in

the event of a large scale emergency and recommendations to improve such procedures.”.

SEC. 21. REPORTS.

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

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “Education and the Workforce” and inserting “Education and Labor”;

(ii) by striking “Labor and Human Resources” and inserting “Health, Education, Labor, and Pensions”; and

(iii) by striking “(including disabled and non-English language background children)” and inserting “(including children with disabilities, limited English proficient children, homeless children, children in foster care, and children participating in Indian Head Start programs and migrant or seasonal Head Start programs)”;

(B) in paragraph (2), by inserting before the semicolon the following: “, and information on the number of children served under this subsection, disaggregated by type of eligibility criterion”;

(C) in paragraph (3), by striking “funds expended” and all that follows through “640(a)(3),” and inserting “funds made available under section 640(a)”;

(D) in paragraph (8), by inserting “homelessness, whether the child is in foster care or was referred by a child welfare agency,” after “background,”;

(E) in paragraph (12), by inserting “vision care,” after “dental care,”;

(F) in paragraph (14)—

(i) by striking “Alaskan Natives” and inserting “Alaska Natives”; and

(ii) by striking “seasonal farmworkers” and inserting “seasonal farmworker families”; and

(G) in the flush matter at the end—

(i) by striking “Education and the Workforce” and inserting “Education and Labor”; and

(ii) by striking “Labor and Human Resources” and inserting “Health, Education, Labor, and Pensions”;

(2) in subsection (b)—

(A) by striking “Education and the Workforce” and inserting “Education and Labor”;

(B) by striking “Labor and Human Resources” and inserting “Health, Education, Labor, and Pensions”; and

(C) by striking “Native Alaskan” and inserting “Alaska Native”; and

(3) by adding at the end the following:

“(c) FISCAL PROTOCOL.—

“(1) IN GENERAL.—The Secretary shall conduct an annual review to assess whether the design and implementation of the triennial reviews described in section 641A(c) include compliance procedures that provide reasonable assurances that Head Start agencies are complying with applicable fiscal laws and regulations.