

*Patty Murray*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To amend title V of the Elementary and Secondary Education Act of 1965 to authorize early learning alignment and improvement grants.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. \_\_\_\_\_

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. MURRAY (for herself and Mr. ISAKSON) + Mr. Casey + Mr. Kirk

Viz:

- 1 At the end of title V, add the following:
- 2 **SEC. 5004. EARLY LEARNING ALIGNMENT AND IMPROVE-**
- 3 **MENT GRANTS.**

4 Title V (20 U.S.C. 7201 et seq.), as amended by sec-  
5 tion 5001, is further amended by adding at the end the  
6 following:

7 **“PART C—EARLY LEARNING ALIGNMENT AND**  
8 **IMPROVEMENT GRANTS**

9 **“SEC. 5301. PURPOSES; DEFINITIONS.**

10 **“(a) PURPOSES.—**The purposes of this part are to  
11 assist States with—

1           “(1) more efficiently using existing Federal re-  
2           sources to improve, strengthen, and expand existing  
3           high-quality early childhood education, as deter-  
4           mined by the State;

5           “(2) coordinating existing funding streams and  
6           delivery models to promote—

7                   “(A) program quality, while maintaining  
8           services;

9                   “(B) parental choice among high-quality  
10           early childhood education program providers;  
11           and

12                   “(C) early care and learning access for  
13           children from birth to kindergarten entry; and

14           “(3) improving access for children from low-in-  
15           come families to high-quality early childhood edu-  
16           cation programs in order to enhance school readi-  
17           ness.

18           “(b) DEFINITIONS.—In this part:

19                   “(1) CENTER OF EXCELLENCE.—The term  
20           ‘Center of Excellence’ means a local public or private  
21           nonprofit agency, including a community-based or  
22           faith-based organization, or a for-profit agency,  
23           within a community, that provides early learning  
24           and care services in the State, including the use of  
25           best practices for—

1           “(A) achieving school readiness, including  
2           the development of early literacy and mathe-  
3           matics skills;

4           “(B) acquisition of English language skills;  
5           and

6           “(C) providing high-quality comprehensive  
7           services for eligible children and their families.

8           “(2) ELIGIBLE CHILD.—The term ‘eligible  
9           child’ means an individual—

10           “(A) who is less than 6 years of age; and

11           “(B) whose family income does not ex-  
12           ceed—

13           “(i) 200 percent of the poverty line;

14           “(ii) 85 percent of the State median  
15           income for a family of the same size, and  
16           whose family assets do not exceed  
17           \$1,000,000 (as certified by a member of  
18           such family); or

19           “(iii) a State-determined threshold for  
20           eligibility that does not exceed the thresh-  
21           olds in clauses (i) and (ii).

22           “(3) ELIGIBLE PARTNERSHIP.—The term ‘eligi-  
23           ble partnership’ means a partnership that, at a min-  
24           imum, includes, as applicable and appropriate, the  
25           State Advisory Council on Early Childhood Edu-

1 cation and Care established under section 642B(b)  
2 of the Head Start Act, and all of the following part-  
3 ners, which may be represented on the Council:

4 “(A) One or more public and private (in-  
5 cluding nonprofit or for-profit) providers of  
6 early childhood education that serve eligible  
7 children residing in the State and meet applica-  
8 ble standards of licensing and quality as deter-  
9 mined by the State.

10 “(B) One or more Head Start agencies,  
11 which may include Early Head Start, migrant  
12 and seasonal Head Start, and Indian Head  
13 Start agencies that serve eligible children resid-  
14 ing in the State.

15 “(C) The State educational agency.

16 “(D) Other relevant State agencies with  
17 oversight of preschool, early education, and  
18 child care in the State.

19 “(E) One or more local educational agen-  
20 cies in the State.

21 “(F) One or more institutions of higher  
22 education in the State.

23 “(G) One or more representatives of busi-  
24 ness in the State.

1           “(4) INSTITUTION OF HIGHER EDUCATION.—

2           The term ‘institution of higher education’ has the  
3           meanings given the term in section 101 and sub-  
4           paragraphs (A) and (B) of section 102(a)(1) of the  
5           Higher Education Act of 1965.

6           “(5) STATE.—The term ‘State’ means each of  
7           the 50 States, the District of Columbia, and the  
8           Commonwealth of Puerto Rico.

9   **“SEC. 5302. STATE PRESCHOOL JUMP START GRANTS.**

10          “(a) GRANTS AUTHORIZED.—

11               “(1) IN GENERAL.—From amounts made avail-  
12               able under section 5303, the Secretary, in consulta-  
13               tion with the Secretary of Health and Human Serv-  
14               ices, shall award grants, on a competitive basis, to  
15               States to enable the States to carry out the activities  
16               described in subsection (d).

17               “(2) RESERVATION FOR STATES SERVING  
18               RURAL AREAS.—From the amounts appropriated  
19               under section 5303 for a fiscal year, the Secretary  
20               shall reserve not less than 30 percent for grants to  
21               States that propose to carry out the activities de-  
22               scribed in subsection (d) for eligible children living  
23               in rural areas. The Secretary shall reduce the  
24               amount described in the preceding sentence if the  
25               Secretary does not receive a sufficient number of ap-

1       plications that are deserving of a grant under this  
2       part for such purpose.

3           “(3) PRIORITY.—In awarding grants under this  
4       section, the Secretary shall give priority to a State  
5       that will use funds under this grant to focus on eli-  
6       gible children—

7           “(A) who are 3 and 4 years of age; and

8           “(B) whose family income does not exceed  
9       130 percent of the poverty line.

10          “(4) DURATION OF GRANTS.—A grant awarded  
11       under this section shall be for a period of not more  
12       than 3 years and may not be renewed by the Sec-  
13       retary.

14          “(5) LIMITATION.—

15           “(A) IN GENERAL.—Except as provided in  
16       subparagraph (B), a State may receive a grant  
17       under this section only once.

18           “(B) EXCEPTION.—Notwithstanding sub-  
19       paragraph (A), a State may receive more than  
20       1 grant under this section only—

21           “(i) if the State is proposing, for such  
22       additional grants, to carry out activities for  
23       eligible children living in rural areas; or

24           “(ii) after all States, which meet the  
25       requirements and have submitted an appli-

1 cation under this section, have received a  
2 grant, to the extent that funds for a grant  
3 are still available.

4 “(6) **EQUITABLE DISTRIBUTION.**—To the ex-  
5 tent practicable, the Secretary shall ensure an equi-  
6 table geographic distribution of grants under this  
7 section.

8 “(b) **STATE REQUIREMENTS.**—

9 “(1) **LEAD AGENCY.**—

10 “(A) **DESIGNATION.**—A State desiring a  
11 grant under this section shall designate an  
12 agency (which may be an appropriate collabo-  
13 rative agency) or establish a joint interagency  
14 office, that complies with the requirements of  
15 subparagraph (B), to serve as a lead agency for  
16 the State under this section.

17 “(B) **DUTIES.**—The lead agency des-  
18 igned under subparagraph (A) shall—

19 “(i) administer, directly or through  
20 other governmental or nongovernmental  
21 agencies, the Federal assistance received  
22 under this section by the State;

23 “(ii) develop the application submitted  
24 to the Secretary under subsection (c); and

1                   “(iii) coordinate the provision of ac-  
2                   tivities under this section with existing  
3                   Federal, State, and local early childhood  
4                   education programs.

5                   “(2) PARTNERS.—In order to be eligible for a  
6                   grant under this section, a State shall partner with  
7                   an eligible partnership.

8                   “(3) MATCHING REQUIREMENT.—Each State  
9                   that receives a grant under this part shall provide  
10                  from Federal or non-Federal sources (which may be  
11                  provided in cash or in-kind) to carry out the activi-  
12                  ties supported by the grant, an amount equal to—

13                   “(A) 30 percent of the amount of the  
14                   grant in the first year of such grant; and

15                   “(B) not less than 30 percent of the  
16                   amount of the grant in the second and third  
17                   year of such grant, respectively.

18                  “(c) APPLICATIONS.—A State desiring a grant under  
19                  this section shall submit an application at such time, in  
20                  such manner, and containing such information as the Sec-  
21                  retary may reasonably require. The application shall in-  
22                  clude—

23                   “(1) an identification of the lead agency that  
24                   the Governor of the State has appointed to be re-  
25                   sponsible for the grant under this section;

1           “(2) a description of the eligible partnership re-  
2           quired under subsection (b)(2), which will assist the  
3           State in developing the plan and implementing the  
4           activities under this part;

5           “(3) To the extent practicable, the unduplicated  
6           counts of the number of eligible children served  
7           using existing Federal, State, and local resources  
8           and programs that the State will coordinate to meet  
9           the purposes of this part, including—

10           “(A) programs carried out under the Head  
11           Start Act, including the Early Head Start pro-  
12           grams carried out under such Act;

13           “(B) programs carried out under section  
14           619 and parts B and C of the Individuals with  
15           Disabilities Education Act;

16           “(C) child care programs carried out under  
17           the Child Care and Development Block Grant  
18           Act of 1990 (42 U.S.C. 9858 et seq.) or section  
19           418 of the Social Security Act (42 U.S.C. 618);

20           “(D) other Federal, State, local, and In-  
21           dian tribe or tribal organization programs of  
22           early learning, childhood education, child care,  
23           and development in the State; and

24           “(E) as applicable—

1                   “(i) programs carried out under other  
2                   provisions of this Act;

3                   “(ii) programs carried out under sub-  
4                   title A of title XX of the Social Security  
5                   Act (42 U.S.C. 1397 et seq.);

6                   “(iii) programs carried out under the  
7                   Community Services Block Grant Act (42  
8                   U.S.C. 9901 et seq.);

9                   “(iv) programs serving homeless chil-  
10                  dren and services of local educational agen-  
11                  cy liaisons for homeless children and  
12                  youths designated under section  
13                  722(g)(1)(J)(ii) of the McKinney-Vento  
14                  Homeless Assistance Act (42 U.S.C.  
15                  11432(g)(1)(J)(ii));

16                  “(v) State agencies and programs  
17                  serving children in foster care and the fos-  
18                  ter families of such children; and

19                  “(vi) child care programs funded  
20                  through State veterans affairs offices;

21                  “(4) a description of how the State proposes to  
22                  coordinate such resources and programs identified  
23                  under paragraph (3) in order to meet the purposes  
24                  of this part;

1           “(5) a description of how the State will identify  
2 early childhood education program providers that  
3 demonstrate a high level of quality;

4           “(6) a description of how the State will define  
5 eligible children, in accordance with section  
6 5301(b)(2);

7           “(7) a description of how the State will expand  
8 access to existing high-quality early learning and  
9 care for eligible children in the State, or if no high-  
10 quality early learning and care is accessible for eligi-  
11 ble children, expand access to high-quality early  
12 learning and care for such children;

13           “(8) in the case of a State that has elected to  
14 use funds under this section to designate Centers of  
15 Excellence—

16           “(A) assurances that the State will des-  
17 ignate an entity, such as an agency, an institu-  
18 tion of higher education, a consortium of local  
19 educational agencies or Head Start centers, or  
20 another entity, to designate early childhood  
21 education programs as Centers of Excellence;

22           “(B) assurances that the designee will  
23 meet the definition of a Center of Excellence;

24           “(C) descriptions of the process by which  
25 an entity that carries out an early childhood

1 education program would be designated as a  
2 Center of Excellence, including evidence that  
3 the early childhood education program involved  
4 has demonstrated excellence in program deliv-  
5 ery in a manner designed to improve the school  
6 readiness of children who have participated in  
7 the program; and

8 “(D) descriptions of how the State will as-  
9 sist Centers of Excellence in the dissemination  
10 of best practices;

11 “(9) an assurance that the State will provide  
12 technical assistance to partners on methods by which  
13 Federal and State early learning and care funding  
14 can be coordinated and lead to cost-saving and effi-  
15 ciencies strategies, and other methods that will en-  
16 hance the quality of the early childhood education  
17 programs in the State;

18 “(10) a description of how the State will sus-  
19 tain early learning and care activities coordinated  
20 under this section, including for rural areas in the  
21 State, if applicable, once grant funding is no longer  
22 available under this section;

23 “(11) a description of the process that the  
24 State proposes to use to collect and disseminate, to  
25 parents and the general public, consumer informa-

1 tion that will promote informed early learning and  
2 care choices in the State;

3 “(12) a description of how the State will serve  
4 eligible children residing in rural areas, if applicable;  
5 and

6 “(13) an assurance that funds made available  
7 under this part shall be used to supplement, and not  
8 supplant, any other Federal, State, or local funds  
9 that would otherwise be available to carry out the  
10 activities assisted under this part.

11 “(d) USE OF FUNDS.—

12 “(1) IN GENERAL.—A State that receives a  
13 grant under this part shall use the grant funds to  
14 develop, implement, or improve a coordinated state-  
15 wide or locally implemented system of voluntary  
16 early care and learning, which includes a plan—

17 “(A) for coordinating funding available  
18 through existing Federal, State, and local  
19 sources; and

20 “(B) which is designed in collaboration  
21 with an eligible partnership.

22 “(2) AUTHORIZED ACTIVITIES.—Grant funds  
23 under this section may be used for the following:

24 “(A) Aligning existing Federal, State, and  
25 local funding and resources with a statewide or

1 locally designed system for delivering high-quality  
2 early learning and care for eligible children  
3 in the State, including developing evidence-  
4 based practices to improve staff quality, in-  
5 structional programming, and time in program.

6 “(B) Analyzing needs for expanded access  
7 to existing high-quality early childhood edu-  
8 cation programs in the State, including child  
9 care, preschool, and Early Head Start, Head  
10 Start, and special education for all children,  
11 particularly low-income children.

12 “(C) Developing or expanding eligible part-  
13 nerships to—

14 “(i) expand access for eligible children  
15 to existing high-quality providers or pro-  
16 grams or, if no high-quality early learning  
17 and care is accessible for eligible children,  
18 expand access to high-quality early learn-  
19 ing and care for eligible children;

20 “(ii) share best practices; and

21 “(iii) ensure that parents have max-  
22 imum choices in selecting the providers  
23 that meet their individual needs, consistent  
24 with State and local laws.

1                   “(D) Developing or expanding Centers of  
2 Excellence for the purposes of—

3                   “(i) disseminating best practices for  
4 achieving early academic success in the  
5 State, including best practices for—

6                   “(I) achieving school readiness,  
7 including developing early literacy and  
8 mathematics skills;

9                   “(II) achieving the acquisition of  
10 the English language for English  
11 learners; or

12                   “(III) providing high-quality  
13 comprehensive services to low-income  
14 and at-risk children and their fami-  
15 lies;

16                   “(ii) coordinating early education,  
17 child care, and other social services avail-  
18 able in the State and local communities for  
19 low-income and at-risk children and fami-  
20 lies; or

21                   “(iii) providing effective transitions  
22 between preschool programs and elemen-  
23 tary schools, including by facilitating ongo-  
24 ing communication between early education  
25 and elementary school teachers and by im-

1           proving the ability of teachers to work ef-  
2           fectively with low-income and at-risk chil-  
3           dren and their families.

4           “(E) Expanding existing high-quality early  
5           education and care for infants and toddlers, or  
6           if no high-quality early education and care is  
7           accessible for infants and toddlers, expand ac-  
8           cess to high quality education and care.

9           “(F) Carrying out other strategies deter-  
10          mined by the State to improve access to and ex-  
11          pand the overall quality of a coordinated State  
12          or locally designed system of voluntary early  
13          learning and care services in the State.

14          “(3) PRIORITY.—The activities implemented by  
15          a State under this subsection shall prioritize paren-  
16          tal choice of providers and evidence-based practices  
17          for improving early learning program quality and ac-  
18          cess to the extent permitted under State and local  
19          law.

20          “(e) REPORTING.—A State that receives a grant  
21          under this part shall submit to the Secretary, at such time  
22          and in such manner as the Secretary may reasonably re-  
23          quire, an annual report that includes—

24                 “(1) the number and percentage of children  
25          who are served in high-quality early childhood edu-

1 cation programs, as identified by the State, during  
2 each year of the grant duration using funds from—

3 “(A) only this part, as applicable;

4 “(B) the Child Care and Development  
5 Block Grant Act of 1990 (42 U.S.C. 9858 et  
6 seq.) or section 418 of the Social Security Act  
7 (42 U.S.C. 618);

8 “(C) the Head Start Act; and

9 “(D) other public and private providers, as  
10 applicable;

11 “(2) the quality improvements undertaken at  
12 the State level;

13 “(3) the extent to which funds are being blend-  
14 ed with other public and private funding; and

15 “(4) any other ways in which funds are used to  
16 meet the purposes of this part.

17 “(f) REPORT TO CONGRESS.—The Secretary, in con-  
18 sultation with the Secretary of Health and Human Serv-  
19 ices, shall prepare and submit to the Committee on  
20 Health, Education, Labor, and Pensions of the Senate and  
21 the Committee on Education and the Workforce of the  
22 House of Representatives a biennial report containing the  
23 information described in subsection (e) for all States re-  
24 ceiving funds under this part.

1       “(g) LIMITATIONS ON FEDERAL INTERFERENCE.—

2 Nothing in this part shall be construed to authorize the  
3 Secretary to establish any criterion that specifies, defines,  
4 or prescribes—

5           “(1) early learning and development guidelines,  
6 standards, or specific assessments, including the  
7 standards or measures that States use to develop,  
8 implement, or improve such guidelines, standards, or  
9 assessments;

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

12           “(A) the systems that States use to assess  
13 the quality of early childhood education pro-  
14 grams and providers, school readiness, and  
15 achievement; and

16           “(B) the term ‘high-quality’ early learning  
17 or care;

18          “(3) early learning or preschool curriculum,  
19 program of instruction, or instructional content;

20          “(4) teacher and staff qualifications and sala-  
21 ries;

22          “(5) class sizes and child-to-instructional staff  
23 ratios; and

1           “(6) any aspect or parameter of a teacher, prin-  
2           cipal, other school leader, or staff evaluation system  
3           within a State or local educational agency.

4   **“SEC. 5303. AUTHORIZATION OF APPROPRIATIONS.**

5           “There are authorized to be appropriated to carry out  
6 this part such sums as may be necessary for each of fiscal  
7 years 2016 through 2021.”.