

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3289
OFFERED BY MR. CASTLE OF DELAWARE**

Page 3, beginning on line 5, strike “, in consultation with the Secretary of Health and Human Services,”.

Page 5, strike lines 7 through 21, and insert the following:

- 1 (i) Use of curricula that are based on
2 scientifically valid research, are age- and
3 developmentally appropriate, promote the
4 school readiness of children participating
5 in the program, reflect all areas of child
6 development and learning, are aligned with
7 the Head Start Child Outcomes Frame-
8 work, and include, at a minimum, each of
9 the following domains:
10 (I) Language Development.
11 (II) Literacy.
12 (III) Mathematics.
13 (IV) Science.
14 (V) Creative Arts.

1 (VI) Social and emotional devel-
2 opment.

3 (VII) Approaches to learning.

4 (VIII) Physical and health devel-
5 opment.

Page 6, strike lines 1 through 14 and insert the fol-
lowing:

6 (B)(i) The State shall ensure that each
7 State-funded preschool program is assigned 1
8 teacher who has demonstrated competency to
9 perform functions that include—

10 (I) planning and implementing learn-
11 ing experiences that advance the intellec-
12 tual and physical development of children,
13 including improving the readiness of chil-
14 dren for school by developing their literacy,
15 phonemic and print awareness, under-
16 standing and use of language, under-
17 standing and use of increasingly complex
18 and varied vocabulary, appreciation of
19 books, understanding of early math and
20 early science, problem-solving abilities, and
21 approaches to learning;

22 (II) establishing and maintaining a
23 safe, healthy learning environment;

1 (III) supporting the social and emo-
2 tional development of children; and

3 (IV) encouraging the involvement of
4 the families of the children in the State-
5 funded preschool program and supporting
6 the development of relationships between
7 children and their families.

8 (ii)(I) The State shall ensure that not later
9 than September 30, 2013, at least 50 percent
10 of State-funded preschool teachers statewide
11 have—

12 (aa) a baccalaureate or advanced de-
13 gree in early childhood education; or

14 (bb) a baccalaureate or advanced de-
15 gree and coursework equivalent to a major
16 relating to early childhood education, with
17 experience teaching preschool-age children.

18 (II) The State shall ensure that, not later
19 than September 30, 2013, all State-funded pre-
20 school teacher aides have—

21 (aa) at least a child development asso-
22 ciate credential;

23 (bb) enrolled in a program leading to
24 an associate or baccalaureate degree; or

1 (cc) enrolled in a child development
2 associate credential program to be com-
3 pleted within 2 years.

4 (iii) The State—

5 (I) shall ensure that State-funded pre-
6 school programs describe continuing
7 progress each year toward achieving the
8 goals described in clauses (i) and (ii); and

9 (II) annually shall submit to the Sec-
10 retary a report indicating the number and
11 percentage of classroom personnel de-
12 scribed in clauses (i) and (ii) in center-
13 based programs with child development as-
14 sociate credentials or associate, baccalaureate, or advanced degrees; and

15 (III) shall compile and submit a sum-
16 mary of all program reports described in
17 subclause (II) to the Committee on Edu-
18 cation and Labor of the House of Rep-
19 resentatives and the Committee on Health,
20 Education, Labor, and Pensions of the
21 Senate.
22

Page 7, after line 9, insert the following:

23 (F) The State shall ensure, before it re-
24 ceives a grant to support its State-funded pre-

1 school program or employs an individual under
2 such program, that it has—

3 (i) conducted an interview of such in-
4 dividual;

5 (ii) verified the personal and employ-
6 ment references provided by such indi-
7 vidual; and

8 (iii) obtained—

9 (I) a State, tribal, or Federal
10 criminal record check covering all ju-
11 risdictions where the State preschool
12 program provides services to children;

13 (II) a State, tribal, or Federal
14 criminal record check as required by
15 the law of the jurisdiction where the
16 State provides State preschool pro-
17 gram services; or

18 (III) a criminal record check as
19 otherwise required by Federal law.

Page 9, line 17, strike “and” and insert “, faith-
based organizations, nonprofit, for-profit, and private
providers, and”.

Page 11, after line 14, insert the following:

1 (17) A description of how the State-funded pre-
2 school programs will utilize scientifically based and
3 developmentally appropriate education performance
4 standards related to school readiness that are based
5 on the Head Start Child Outcomes Framework to
6 ensure that the children participating in the pro-
7 gram, at a minimum, develop and demonstrate—

8 (A) language knowledge and skills, includ-
9 ing oral language and listening comprehension;

10 (B) literacy knowledge and skills, including
11 phonological awareness, print awareness and
12 skills, and alphabetic knowledge;

13 (C) mathematics knowledge and skills;

14 (D) science knowledge and skills;

15 (E) cognitive abilities related to academic
16 achievement and child development;

17 (F) approaches to learning related to child
18 development and early learning;

19 (G) social and emotional development re-
20 lated to early learning, school success, and so-
21 cial problem solving;

22 (H) abilities in creative arts;

23 (I) physical development; and

24 (J) in the case of children with limited
25 English proficiency, progress toward acquisition

1 of the English language while making meaning-
2 ful progress in attaining the knowledge, skills,
3 abilities, and development described in subpara-
4 graphs (A) through (I), including progress
5 made through the use of culturally and linguis-
6 tically appropriate instructional services.

7 (18) A description of the extent to which a
8 State-funded preschool program will foster partner-
9 ships with service providers in a manner that will le-
10 verage the existing delivery systems of such services
11 and enhance the resource capacity of the State.

12 (19) A description of how the State-funded pre-
13 school program will remove barriers to the enroll-
14 ment and participation of homeless children, includ-
15 ing—

16 (A) implementing policies and procedures
17 to ensure that homeless children are identified
18 and prioritized for enrollment;

19 (B) allowing families of homeless children
20 to apply to, enroll in, and attend such programs
21 while required documents, such as proof of resi-
22 dency, immunization and other medical records,
23 birth certificates, and other documents, are ob-
24 tained within a reasonable time frame; and

1 (C) coordinating individual programs with
2 efforts to implement subtitle B of title VII of
3 the McKinney-Vento Homeless Assistance Act
4 (42 U.S.C. 11431 et seq.).

5 (20) A description of the proposed budget of
6 the State-funded preschool program and the plan of
7 the State to maintain strong fiscal controls and cost-
8 effective cost management.

9 (21) A description of how the State-funded pre-
10 school program will coordinate, collaborate, and pro-
11 mote partnerships, with other public or private enti-
12 ties providing early childhood education and develop-
13 ment programs and services for young children in
14 the community involved including—

15 (A) programs implementing grant agree-
16 ments under the Early Reading First and Even
17 Start programs under subparts 2 and 3 of part
18 B of title I of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6371 et seq.,
20 6381 et seq.);

21 (B) other preschool programs under title I
22 of that Act (20 U.S.C. 6301 et seq.);

23 (C) programs under section 619 and part
24 C of the Individuals with Disabilities Education
25 Act (20 U.S.C. 1419, 1431 et seq.);

1 (D) Head Start programs;
2 (E) child care programs; and
3 (F) the educational programs that the chil-
4 dren in the State-funded preschool program in-
5 volved will enter at the age of compulsory
6 school attendance.

7 (22) A description of how the State-funded pre-
8 school program will—

9 (A) facilitate the involvement of parents
10 (including grandparents and kinship caregivers,
11 as appropriate) of children participating in the
12 program, in activities (at home and, if prac-
13 ticable, at the location of the State-funded pre-
14 school program) designed to help such parents
15 become full partners in the education of their
16 children; and

17 (B) afford such parents the opportunity to
18 participate in the development and overall con-
19 duct of the program at the local level.

Page 14, after line 2, insert the following (and re-
designate provisions accordingly):

20 (c) LIMITATION.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, no Federal funds may be used to
23 pay any part of the compensation of an individual

1 employed by a State-funded preschool program, if
2 such compensation, including non-Federal funds, ex-
3 ceeds an amount equal to the rate payable for level
4 II of the Executive Schedule under section 5313 of
5 title 5, United States Code.

6 (2) COMPENSATION.—In this subsection, the
7 term “compensation”—

8 (A) includes salary, bonuses, periodic pay-
9 ments, severance pay, the value of any vacation
10 time, the value of a compensatory or paid leave
11 benefit not excluded by subparagraph (B), and
12 the fair market value of any employee per-
13 quisite or benefit not excluded by subparagraph
14 (B); and

15 (B) excludes any State-funded preschool
16 program expenditure for a health, medical, life
17 insurance, disability, retirement, or any other
18 employee welfare or pension benefit.

Page 16, after line 22, insert the following (and re-
designate provisions accordingly):

19 **SEC. 9. FISCAL PROTOCOL.**

20 (a) IN GENERAL.—The Secretary shall conduct an
21 annual review to assess whether State-Funded preschool
22 programs are complying with applicable fiscal laws and
23 regulations.

1 (b) REPORT.—Not later than 30 days after the date
2 the Secretary completes the annual review under sub-
3 section (a), the Secretary shall report the findings and
4 conclusions of the annual review to the Committee on
5 Education and Labor of the House of Representatives and
6 the Committee on Health, Education, Labor, and Pen-
7 sions of the Senate.

Page 17, after line 20, insert the following (and re-
designate provisions accordingly):

8 (2) PRINCIPLES OF SCIENTIFIC RESEARCH.—
9 The term “principles of scientific research” means
10 principles of research that—

11 (A) applies rigorous, systematic, and objec-
12 tive methodology to obtain reliable and valid
13 knowledge relevant to education activities and
14 programs;

15 (B) presents findings and makes claims
16 that are appropriate to and supported by meth-
17 ods that have been employed; and

18 (C) includes, as appropriate to the re-
19 search being conducted—

20 (i) use of systematic, empirical meth-
21 ods that draw on observation or experi-
22 ment;

1 (ii) use of data analyses that are ade-
2 quate to support the general findings;

3 (iii) reliance on measurements or ob-
4 servational methods that provide reliable
5 and generalizable findings;

6 (iv) strong claims of causal relation-
7 ships, only with research designs that
8 eliminate plausible competing explanations
9 for observed results, such as, but not lim-
10 ited to, random assignment experiments;

11 (v) presentation of studies and meth-
12 ods in sufficient detail and clarity to allow
13 for replication or, at a minimum, to offer
14 the opportunity to build systematically on
15 the findings of the research;

16 (vi) acceptance by a peer-reviewed
17 journal or critique by a panel of inde-
18 pendent experts through a comparably rig-
19 orous, objective, and scientific review; and

20 (vii) consistency of findings across
21 multiple studies or sites to support the
22 generality of results and conclusions.

Page 17, after line 24, insert the following (and re-
designate provisions accordingly):

1 (4) SCIENTIFICALLY VALID RESEARCH.—The
2 term “scientifically valid research” includes applied
3 research, basic research, and field-initiated research
4 in which the rationale, design, and interpretation are
5 soundly developed in accordance with principles of
6 scientific research.

Page 17, line 26, through page 18, line 2, strike “in 9101” and all that follows and insert “in section 637 of the Head Start Act (42 U.S.C. 9832).”.

Page 20, strike lines 1 through 3 and insert the following (and redesignate provisions accordingly):

7 **SEC. 13. RULE OF CONSTRUCTION.**

8 (a) IN GENERAL.—Nothing in this Act shall be con-
9 strued to require a child to participate in a publicly funded
10 program, including a State-funded preschool program, or
11 to participate in any initial screening before participating
12 in a publicly funded program of early childhood education
13 and development, except as provided under sections
14 612(a)(3) and 635(a)(5) of the Individuals with Disabil-
15 ities Education Act (20 U.S.C. 1412(a)(3), 1435(a)(5)).

16 (b) CURRICULUM.—Nothing in this Act shall be con-
17 strued to authorize or permit the Secretary or any em-
18 ployee or contractor of the Department of Health and
19 Human Services to mandate, direct, or control, the selec-

1 tion of a curriculum, a program of instruction, or instruc-
2 tional materials, for a State-funded preschool program.
3 Parents shall have the opportunity to examine any such
4 curricula or instructional materials funded under this Act.

5 (c) SPECIAL RULE.—Nothing in this Act shall be
6 construed to authorize a State-funded preschool program
7 or a local educational agency to require the other to select
8 or implement a specific curriculum or program of instruc-
9 tion.

10 **SEC. 14. PARENTAL CONSENT REQUIREMENT FOR HEALTH**
11 **SERVICES.**

12 (a) DEFINITION.—The term “nonemergency intru-
13 sive physical examination” means, with respect to a child,
14 a physical examination that—

15 (1) is not immediately necessary to protect the
16 health or safety of the child involved or the health
17 or safety of another individual; and

18 (2) requires incision or is otherwise invasive, or
19 involves exposure of private body parts.

20 (b) REQUIREMENT.—A State shall obtain written pa-
21 rental consent before administration of any nonemergency
22 intrusive physical examination of a child in connection
23 with participation in a State-funded preschool program
24 under this Act.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to prohibit agencies from using es-
3 tablished methods, for handling cases of suspected or
4 known child abuse and neglect, that are in compliance
5 with applicable Federal, State, or tribal law.

6 **SEC. 15. ADMINISTRATIVE REQUIREMENTS AND STAND-**
7 **ARDS.**

8 (a) IN GENERAL.—A State shall observe standards
9 of organization, management, and administration that will
10 ensure, so far as reasonably possible, that all program ac-
11 tivities are conducted in a manner consistent with the pur-
12 poses of this Act and the objective of providing assistance
13 effectively, efficiently, and free of any taint of partisan po-
14 litical bias or personal or family favoritism. A State shall
15 establish or adopt rules to carry out this section, which
16 shall include rules to assure full staff accountability in
17 matters governed by law, regulations, or agency policy. A
18 State shall also provide for reasonable public access to in-
19 formation, including public hearings at the request of ap-
20 propriate community groups and reasonable public access
21 to books and records of the agency or other agencies en-
22 gaged in program activities or operations involving the use
23 of authority or funds for which it is responsible.

24 (b) REPORT.—A State shall make available to the
25 public a report published at least once in each fiscal year

1 that discloses the following information from the most re-
2 cently concluded fiscal year, except that reporting such in-
3 formation shall not reveal personally identifiable informa-
4 tion about an individual child or parent:

5 (1) The total amount of public and private
6 funds received and the amount from each source.

7 (2) An explanation of budgetary expenditures
8 and proposed budget for the fiscal year.

9 (3) The total number of children and families
10 served, the average monthly enrollment (as a per-
11 centage of funded enrollment), and the percentage of
12 eligible children served.

13 (4) The results of the most recent review by the
14 Secretary and the financial audit, if applicable.

15 (5) The percentage of enrolled children that re-
16 ceived medical and dental exams.

17 (6) Information about parent involvement ac-
18 tivities.

19 (7) The State's efforts to prepare children for
20 kindergarten.

21 (8) Any other information required by the Sec-
22 retary.

23 (c) RULES.—A State shall adopt rules designed to—

1 (1) establish specific standards governing sala-
2 ries, salary increases, travel and per diem allow-
3 ances, and other employee benefits;

4 (2) assure that only persons capable of dis-
5 charging their duties with competence and integrity
6 are employed and that employees are promoted or
7 advanced under impartial procedures calculated to
8 improve agency performance and effectiveness;

9 (3) guard against personal or financial conflicts
10 of interest; and

11 (4) define employee duties in an appropriate
12 manner that will in any case preclude employees
13 from participating, in connection with the perform-
14 ance of their duties, in any form of picketing, pro-
15 test, or other direct action that is in violation of law.

16 **SEC. 16. POLITICAL ACTIVITIES.**

17 (a) IN GENERAL.—A State shall implement policies
18 and procedures prohibiting an individual employed by, or
19 assigned to or in, a State-funded preschool program as-
20 sisted under this Act (during the hours in which such indi-
21 vidual is working on behalf of such program), from engag-
22 ing in—

23 (1) any partisan or nonpartisan political activ-
24 ity or any other political activity associated with a

1 candidate, or contending faction or group, in an
2 election for public or party office; or

3 (2) any activity to provide voters or prospective
4 voters with transportation to the polls or similar as-
5 sistance in connection with any such election.

6 (b) REGISTRATION.—No funds appropriated under
7 this Act may be used to conduct voter registration activi-
8 ties. Nothing in this Act prohibits the availability of State-
9 funded preschool facilities during hours of operation for
10 the use of any nonpartisan organization to increase the
11 number of eligible citizens who register to vote in elections
12 for Federal office.

13 (c) RULES AND REGULATIONS.—The Secretary, after
14 consultation with the Director of the Office of Personnel
15 Management, may issue rules and regulations to provide
16 for the enforcement of this section, which may include pro-
17 visions for summary suspension of assistance or other ac-
18 tion necessary to permit enforcement on an emergency
19 basis.

