

114TH CONGRESS
2D SESSION

H. R. 5072

To provide for tribal demonstration projects for the integration of early childhood development, education, including Native language and culture, and related services, for evaluation of those demonstration projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2016

Mrs. TORRES introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide for tribal demonstration projects for the integration of early childhood development, education, including Native language and culture, and related services, for evaluation of those demonstration projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Early Child-
5 hood, Education, and Related Services Integration Act of
6 2016”.

1 **SEC. 2. TRIBAL EARLY CHILDHOOD DEMONSTRATION**
2 **PROJECTS.**

3 The Native American Programs Act of 1974 is
4 amended by inserting after section 805 (42 U.S.C. 2991d)
5 the following:

6 **“SEC. 805A. TRIBAL EARLY CHILDHOOD DEMONSTRATION**
7 **PROJECTS.**

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

9 “(1) to promote coordination of tribal early
10 childhood education programs to meet the locally de-
11 termined needs of tribal communities, children, and
12 families, consistent with tribal values and traditions;

13 “(2) to support integration of quality early
14 childhood and family support systems, including
15 data systems, across various tribal programs that
16 serve Indian children, pregnant women, parents, pri-
17 mary caregivers, and families, from pregnancy to
18 kindergarten entry;

19 “(3) to strengthen the integration of Native
20 languages and cultures into tribal early childhood
21 education programs, services, and support;

22 “(4) to identify and address real and perceived
23 barriers to collaboration and systems improvement
24 across tribal early childhood education programs;

25 “(5) to foster—

1 “(A) further development in tribal commu-
2 nities of culturally informed early childhood
3 education programs;

4 “(B) ongoing research and continuous im-
5 provement in the quality of early childhood edu-
6 cational and professional development; and

7 “(C) effective evidence- or research-based
8 practices in tribal communities;

9 “(6) to develop, test, and disseminate inte-
10 grated locally designed and innovative tribal early
11 childhood education program variations that meet
12 the needs of the tribal community in accordance
13 with this section; and

14 “(7) to increase the quality and availability of
15 comprehensive tribal early childhood education serv-
16 ices available to Indian children and families, includ-
17 ing increasing—

18 “(A) the number of Indian children and
19 families receiving high quality services; and

20 “(B) the availability of full-day, full-year
21 preschool services in tribal communities.

22 “(b) DEFINITIONS.—In this section:

23 “(1) DEMONSTRATION PROGRAM.—The term
24 ‘demonstration program’ means the program estab-
25 lished under subsection (c).

1 “(2) DEMONSTRATION PROJECT.—The term
2 ‘demonstration project’ means a project carried out
3 under subsection (d).

4 “(3) EARLY CHILDHOOD EDUCATION PRO-
5 GRAM.—The term ‘early childhood education pro-
6 gram’ means—

7 “(A) a Head Start program or an Early
8 Head Start program carried out under the
9 Head Start Act (42 U.S.C. 9831 et seq.), in-
10 cluding—

11 “(i) a migrant or seasonal Head Start
12 program;

13 “(ii) an Indian Head Start program;
14 or

15 “(iii) a Head Start program or an
16 Early Head Start program that receives
17 State or tribal funding in addition to Fed-
18 eral funding;

19 “(B) a State or tribally licensed or regu-
20 lated child care program; and

21 “(C) a program that—

22 “(i) serves children from birth
23 through age 6;

24 “(ii) addresses the cognitive (including
25 language, early literacy, and early mathe-

1 matics), social, emotional, and physical de-
2 velopment of children; and

3 “(iii) is—

4 “(I) a State or tribal prekindergarten program;

5
6 “(II) a program authorized under
7 section 619 or part C of the Individ-
8 uals with Disabilities Education Act
9 (20 U.S.C. 1419; 20 U.S.C. 1431 et
10 seq.);

11 “(III) a program operated by a
12 local educational agency; or

13 “(IV) a program operated by an
14 Indian tribe.

15 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
16 tity’ means—

17 “(A) an Indian tribe;

18 “(B) a tribal organization, including—

19 “(i) a tribal education agency (as de-
20 fined in section 3 of the National Environ-
21 mental Education Act (20 U.S.C. 5502))
22 designated by an Indian tribe; and

23 “(ii) a Tribal College or University
24 designated by an Indian tribe; and

1 “(C) a consortium that includes as the pri-
2 mary member an entity described in subpara-
3 graph (A) or (B).

4 “(5) ELIGIBLE UNDERLYING PROGRAM.—The
5 term ‘eligible underlying program’ means any pro-
6 gram described in subsection (e).

7 “(6) GRANTEE.—The term ‘grantee’ means the
8 eligible entity carrying out a demonstration project
9 using financial assistance provided under subsection
10 (h).

11 “(7) INDIAN.—The term ‘Indian’ has the mean-
12 ing given the term in section 4 of the Indian Self-
13 Determination and Education Assistance Act (25
14 U.S.C. 450b).

15 “(8) INDIAN TRIBE.—

16 “(A) IN GENERAL.—The term ‘Indian
17 tribe’ has the meaning given the term in section
18 4 of the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 450b).

20 “(B) INCLUSION.—The term ‘Indian tribe’
21 includes a tribal organization that is designated
22 by an Indian tribe.

23 “(9) TRIBAL COLLEGE OR UNIVERSITY.—The
24 term ‘Tribal College or University’ has the meaning

1 given the term in section 316(b) of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1059c(b)).

3 “(10) TRIBAL ORGANIZATION.—The term ‘trib-
4 al organization’ has the meaning given the term in
5 section 658P of the Child Care and Development
6 Block Grant Act of 1990 (42 U.S.C. 9858n).

7 “(11) WORK GROUP.—The term ‘Work Group’
8 means the tribal early childhood demonstration pro-
9 gram work group established under subsection
10 (i)(3).

11 “(c) ESTABLISHMENT OF DEMONSTRATION PRO-
12 GRAM.—

13 “(1) IN GENERAL.—The Secretary shall estab-
14 lish a demonstration program under which the Sec-
15 retary shall provide to eligible entities financial as-
16 sistance, using amounts appropriated to the 1 or
17 more underlying eligible programs identified by the
18 eligible entity in the application under subsection
19 (d)(3)(C), for tribal early childhood education dem-
20 onstration projects.

21 “(2) LIMITATION.—The Secretary shall select
22 for participation in the demonstration program not
23 more than 10 new eligible entities for each fiscal
24 year.

25 “(3) DURATION.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), each grantee shall carry out, during
3 the 5-year period beginning on the date of re-
4 ceipt, a demonstration project described in
5 paragraph (4).

6 “(B) EXTENSION.—The Secretary may ex-
7 tend the term of a demonstration project under
8 subparagraph (A) for 1 or more additional peri-
9 ods of such time as the Secretary determines to
10 be appropriate.

11 “(4) ELIGIBILITY.—To be eligible for partici-
12 pation in the demonstration program under this sub-
13 section, an eligible entity shall demonstrate to the
14 satisfaction of the Secretary that the demonstration
15 project proposed to be carried out by the eligible en-
16 tity is—

17 “(A) designed to test or assist in the devel-
18 opment of any new approach or method that—

19 “(i) addresses tribal community
20 needs;

21 “(ii) aids in overcoming unique tribal
22 community problems impacting the effec-
23 tive delivery of early childhood education
24 and development services;

1 “(iii) fosters continuous improvement
2 in the quality of early childhood services
3 and support in tribal communities; and

4 “(iv) enables participating Indian chil-
5 dren and families to thrive and succeed in
6 school and otherwise; and

7 “(B) focused on culturally based early
8 childhood education, Native language and cul-
9 tural revitalization and maintenance, and re-
10 lated services.

11 “(5) WAIVERS.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B)(i), the Secretary shall waive, with re-
14 spect to a demonstration project, any specific
15 provision of Federal law (including regulations),
16 policy, or procedure described in a waiver re-
17 quested under subsection (d)(3)(K), if the Sec-
18 retary determines that—

19 “(i) the provision, policy, or procedure
20 relates specifically to an eligible underlying
21 program from which the demonstration
22 project receives financial assistance; and

23 “(ii) the waiver—

24 “(I) will enhance the ability of
25 the grantee to coordinate and align

1 the eligible underlying program with
2 the demonstration project;

3 “(II) is consistent with the pur-
4 poses of this section; and

5 “(III) would not jeopardize the
6 health, safety, civil rights, or well-
7 being of the individuals to be served
8 by the demonstration project.

9 “(B) EXCEPTIONS.—

10 “(i) IN GENERAL.—In carrying out
11 this subsection, the Secretary may not
12 waive—

13 “(I) any specific Federal law (in-
14 cluding regulations), policy, or proce-
15 dure relating to operation of a Head
16 Start program or an Early Head
17 Start program carried out under the
18 Head Start Act (42 U.S.C. 9831 et
19 seq.); or

20 “(II) any specific statutory re-
21 quirement for recipients of Federal
22 funding relating to maintenance of ef-
23 fort or the use of Federal funds to
24 supplement, and not supplant, non-
25 Federal funds, unless the waiver au-

1 thority exists under the eligible under-
2 lying program.

3 “(ii) LIMITATION.—Notwithstanding
4 clause (i), the Secretary may waive a re-
5 quirement to provide non-Federal match-
6 ing funds.

7 “(6) SPECIAL RULE.—The Secretary shall en-
8 sure that all demonstration projects carried out
9 under this section respect and incorporate the pur-
10 poses of each eligible underlying program incor-
11 porated by the grantee into the demonstration
12 project.

13 “(d) APPLICATIONS.—

14 “(1) IN GENERAL.—Each eligible entity desir-
15 ing participation in the demonstration program shall
16 submit to the Secretary an application at such time,
17 in such manner, and containing such information as
18 the Secretary may require.

19 “(2) GENERAL APPLICATION.—An eligible enti-
20 ty may submit 1 general application under this sub-
21 section, which shall meet all grant application re-
22 quirements of each noncompetitively awarded eligible
23 underlying program identified by the eligible entity
24 under paragraph (3)(C).

1 “(3) CONTENT.—Each application under para-
2 graph (1) shall include a proposal that contains,
3 with respect to the proposed demonstration
4 project—

5 “(A) an identification of the population to
6 be served by the demonstration project, includ-
7 ing—

8 “(i) an identification of the geo-
9 graphical service area to be covered;

10 “(ii) a comprehensive assessment of
11 early childhood care and development
12 needs within that service area, including a
13 description of the assets of each tribal
14 community benefitting from the dem-
15 onstration project that will be used to im-
16 prove project quality and child and family
17 outcomes;

18 “(iii) a description of obstacles to ac-
19 cessing early childhood education programs
20 and opportunities in that service area, such
21 as—

22 “(I) a shortage of enrollment
23 slots in existing child care or early
24 learning programs;

1 “(II) problems in the recruitment
2 and retention of high quality staff;
3 and

4 “(III) a lack of sufficient trans-
5 portation or educational facility infra-
6 structure; and

7 “(iv) a description of the means by
8 which the proposal addresses the items
9 identified in clauses (ii) and (iii);

10 “(B) a plan for improving Indian family
11 and tribal community engagement and consulta-
12 tion services, including a description of—

13 “(i) the methods the demonstration
14 project—

15 “(I) has implemented for effec-
16 tive engagement with Indian families
17 and tribal community members living
18 in the covered geographical service
19 area during development of the dem-
20 onstration project application through
21 the notice and public comment proc-
22 ess; and

23 “(II) will use to continue con-
24 sultation and engagement with Indian
25 families and tribal community mem-

1 bers living in the covered geographical
2 service area during implementation of
3 the demonstration project; and

4 “(ii) how the demonstration project
5 will engage Indian parents in partnerships
6 to reach proposal goals;

7 “(C) an identification of the 1 or more eli-
8 gible underlying programs selected by the eligi-
9 ble entity for inclusion in the proposed dem-
10 onstration project;

11 “(D) a description of the framework for
12 center-based and family-based early childhood
13 educational programing to be used by the dem-
14 onstration project, including a description of
15 how the demonstration project will coordinate
16 with the eligible underlying programs proposed
17 under subparagraph (C) to promote in the ap-
18 plicable tribal community—

19 “(i) school readiness;

20 “(ii) family engagement;

21 “(iii) parenting skills; and

22 “(iv) healthy child development;

23 “(E) an explanation of the role of Native
24 language and culture in the demonstration
25 project;

1 “(F) a description of data that will be col-
2 lected for monitoring and evaluation purposes,
3 including—

4 “(i) the methods and systems for data
5 collection and management;

6 “(ii) identified metrics that will be
7 used to measure progress toward proposal
8 goals;

9 “(iii) any duplicative data or adminis-
10 trative systems that will be streamlined
11 through integration with the eligible under-
12 lying programs;

13 “(iv) the precautions that will be used
14 to ensure the privacy of participants who
15 have data collected in accordance with the
16 applicable privacy requirements of—

17 “(I) section 444 of the Family
18 Educational Rights and Privacy Act
19 (20 U.S.C. 1232g); and

20 “(II) the Health Insurance Port-
21 ability and Accountability Act of 1996
22 (42 U.S.C. 201 et seq.);

23 “(G) a description of technical assistance
24 and training the eligible entity will need to fur-

1 ther develop or implement the monitoring and
2 evaluation portion of the proposal;

3 “(H) a description of how programming
4 funded under the demonstration project will ad-
5 dress child and family mental health issues, in-
6 cluding issues relating to violence and substance
7 abuse;

8 “(I) the total projected expenditures of the
9 demonstration project, as reflected in a single
10 comprehensive budget;

11 “(J) an identification of the 1 or more spe-
12 cific tribal entities to administer and implement
13 the delivery of services using the funds received
14 from the underlying eligible programs identified
15 under subparagraph (C); and

16 “(K) an identification and explanation of
17 any specific provision of law (including regula-
18 tions), policy, or procedure of an eligible under-
19 lying program identified under subparagraph
20 (C) for which the eligible entity requests a waiv-
21 er.

22 “(4) APPROVAL OR DISAPPROVAL.—

23 “(A) IN GENERAL.—Not later than 90
24 days after receipt of an application under this
25 subsection, the Secretary shall notify an appli-

1 cant in writing of whether the application has
2 been approved or denied.

3 “(B) NOTIFICATION REQUIREMENTS.—In
4 each notification under subparagraph (A), the
5 Secretary shall include—

6 “(i) for each approved application—

7 “(I) the terms and conditions of
8 the approval in accordance with para-
9 graph (7); and

10 “(II) a notification of whether
11 any waiver request included in the ap-
12 plication under paragraph (3)(K) has
13 been approved or denied in accordance
14 with subsection (c)(5); and

15 “(ii) for each disapproved application
16 or waiver request, the reasons for the dis-
17 approval.

18 “(5) APPLICATION AMENDMENTS.—

19 “(A) IN GENERAL.—A grantee may submit
20 to the Secretary a proposed amendment to an
21 application approved under this subsection, in-
22 cluding any amendment to a waiver request
23 submitted under paragraph (3)(K), at such
24 time and in such manner as the Secretary may
25 require.

1 “(B) APPROVAL.—Subject to paragraph
2 (6), not later than 60 days after the date of re-
3 ceipt of a proposed amendment under subpara-
4 graph (A), the Secretary shall provide to the
5 grantee a written notice describing whether the
6 proposed amendment has been approved or dis-
7 approved.

8 “(6) APPEAL OF SECRETARIAL DECISIONS ON
9 WAIVERS AND AMENDMENTS.—

10 “(A) IN GENERAL.—A grantee may appeal
11 a determination of the Secretary to disapprove
12 a waiver request under subsection (c)(5) or an
13 amendment request under paragraph (5)(B)—

14 “(i) by amending and resubmitting to
15 the Secretary the request and explanation
16 in accordance with paragraph (3)(K) or
17 (5), as applicable; or

18 “(ii) by requesting reconsideration of
19 the request.

20 “(B) TIMEFRAME.—An appeal under sub-
21 paragraph (A) shall be submitted to the Sec-
22 retary by not later than the 30 days after the
23 date of receipt of a notification of disapproval
24 of—

1 “(i) a waiver request under paragraph
2 (4)(B)(i)(II); or

3 “(ii) an amendment request under
4 paragraph (5)(B).

5 “(C) FINAL DETERMINATION.—Not later
6 than 30 days after the date of receipt of an ap-
7 peal under subparagraph (A), the Secretary
8 shall provide to the grantee a written notice of
9 the final approval or disapproval status of the
10 waiver or amendment request, as applicable.

11 “(7) TERMS AND CONDITIONS.—

12 “(A) IN GENERAL.—The Secretary shall
13 include in each notification of approval of an
14 application under paragraph (4) the terms and
15 conditions of that approval, including—

16 “(i) the date on which the eligible en-
17 tity may begin implementing the dem-
18 onstration project;

19 “(ii) the services and support to be
20 provided for the demonstration project by
21 the Administration for Children and Fami-
22 lies and the Department of Health and
23 Human Services;

1 “(iii) the responsibilities of the grant-
2 ee regarding implementation of the dem-
3 onstration project;

4 “(iv) the terms of distribution to the
5 demonstration project of funds from the el-
6 igible underlying programs identified in the
7 approved application, to be made in ac-
8 cordance with a payment schedule deter-
9 mined by the Secretary; and

10 “(v) a requirement that the grantee
11 shall comply with all legal requirements
12 applicable to the eligible underlying pro-
13 grams that have not been waived by the
14 Secretary pursuant to this section.

15 “(8) SELECTION CRITERIA.—The Secretary
16 may give priority to a demonstration project of suffi-
17 cient scope and scale to be the basis of a thorough
18 evaluation of any new approach or alternative meth-
19 od that best—

20 “(A) addresses the unique challenges and
21 barriers to effective and efficient programming;
22 and

23 “(B) ensures access to high-quality early
24 childhood education services in tribal commu-
25 nities.

1 “(e) ELIGIBLE UNDERLYING PROGRAMS.—

2 “(1) IN GENERAL.—A program eligible to be an
3 underlying program from which a demonstration
4 project receives financial assistance shall be one of
5 the following:

6 “(A) The social and economic development
7 strategies program carried out under section
8 803.

9 “(B) The Native American language pres-
10 ervation and maintenance program carried out
11 under section 803C, including the Esther Mar-
12 tinez initiative.

13 “(C) The early childhood infrastructure de-
14 velopment grant program carried out under sec-
15 tion 805B(c).

16 “(D) The early childhood professional de-
17 velopment grant program carried out under sec-
18 tion 805B(d).

19 “(E) The program of block grants to
20 States and Indian tribes for temporary assist-
21 ance for needy families for funding for childcare
22 carried out under section 418 of the Social Se-
23 curity Act (42 U.S.C. 618).

24 “(F) The tribal maternal, infant, and early
25 childhood home visiting program carried out

1 under section 511 of the Social Security Act
2 (42 U.S.C. 711).

3 “(G) A Head Start program or an Early
4 Head Start program carried out under the
5 Head Start Act (42 U.S.C. 9831 et seq.) (ex-
6 cept if there has been a determination under
7 section 641(c)(7)(A)(iii) of that Act (42 U.S.C.
8 9836(c)(7)(A)(iii)) that the Head Start or
9 Early Head Start agency of the Indian tribe
10 submitting an application under subsection (d)
11 has not been delivering a high-quality and com-
12 prehensive Head Start or Early Head Start
13 program).

14 “(H) The child care and development block
15 grant program carried out under the Child Care
16 and Development Block Grant Act of 1990 (42
17 U.S.C. 9858 et seq.).

18 “(I) Any additional program identified by
19 the Secretary under paragraph (2).

20 “(2) ADDITIONAL PROGRAMS.—

21 “(A) IN GENERAL.—After consultation
22 with the Work Group, the Secretary may in-
23 clude in a report under subsection (f)(2) a pro-
24 posal to designate any additional program ad-
25 ministered by the Secretary of Health and

1 Human Services as an eligible underlying pro-
2 gram for purposes of the demonstration pro-
3 gram under this section, subject to the condi-
4 tion that the additional program shall be con-
5 sistent with the purposes of the demonstration
6 program.

7 “(B) DEEMED APPROVAL.—If Congress
8 fails to act on a proposal of the Secretary under
9 subparagraph (A) by the date that is 180 days
10 after the date of receipt of the applicable re-
11 port, the proposal shall be deemed to be ap-
12 proved by Congress.

13 “(f) REPORTING REQUIREMENTS.—

14 “(1) ELIGIBLE ENTITIES.—

15 “(A) IN GENERAL.—Each grantee shall
16 submit to the Secretary semiannual reports de-
17 scribing the progress achieved and monitoring
18 conducted by the grantee in carrying out the
19 demonstration project.

20 “(B) REPORT CONTENTS.—Subject to sub-
21 section (g)(4)(B), each report submitted under
22 subparagraph (A) shall include, with respect to
23 the period covered by the report—

24 “(i) an identification of—

1 “(I) all uses of Federal funding,
2 including all major activities and ac-
3 complishments; and

4 “(II) any problems in the imple-
5 mentation of the demonstration proj-
6 ect, including any delays and actions
7 taken to address the problems;

8 “(ii) a description of—

9 “(I) all services provided to chil-
10 dren and families under the dem-
11 onstration project, including—

12 “(aa) the number of children
13 and families directly benefitting
14 from the services; and

15 “(bb) the qualifications and
16 credentials of the employees of
17 the demonstration project;

18 “(II) the progress of the specific
19 objectives of the demonstration proj-
20 ect; and

21 “(III) activities planned under
22 the demonstration project for the fol-
23 lowing reporting period; and

24 “(iii) any additional information the
25 Secretary determines to be necessary—

1 “(I) to support the objectives of
2 the demonstration project; and

3 “(II) to ensure appropriate use of
4 Federal funding.

5 “(C) STANDARD FORM.—The Secretary, in
6 consultation with the Work Group, shall develop
7 a standard report form—

8 “(i) to be used by all grantees to
9 achieve compliance with this paragraph;
10 and

11 “(ii) that can be used with respect to
12 any eligible underlying program.

13 “(2) SECRETARIAL REPORTS TO CONGRESS.—

14 “(A) IN GENERAL.—Not later than 5 years
15 after the date on which the first demonstration
16 project is implemented under this section, and
17 not less frequently than once every 5 years
18 thereafter for the duration of the demonstration
19 program, the Secretary shall submit to the con-
20 gressional committees described in subpara-
21 graph (B) a report that describes—

22 “(i) any evidence-based developments
23 achieved as a result of the demonstration
24 program under this section;

1 “(ii) the progress and impacts of the
2 demonstration projects carried out under
3 this section; and

4 “(iii) with respect to the initial report
5 required under this subparagraph, a rec-
6 ommendation regarding the ways in which
7 the application process for competitively
8 awarded eligible underlying programs can
9 be reduced and streamlined for grantees
10 under this section.

11 “(B) CONGRESSIONAL COMMITTEES.—The
12 congressional committees referred to in sub-
13 paragraph (A) are—

14 “(i) in the Senate—

15 “(I) the Committee on Indian Af-
16 fairs; and

17 “(II) the Committee on Health,
18 Education, Labor, and Pensions; and

19 “(ii) in the House of Representa-
20 tives—

21 “(I) the Subcommittee on Indian,
22 Insular and Alaska Native Affairs;
23 and

24 “(II) the Committee on Edu-
25 cation and the Workforce.

1 “(g) MONITORING AND OVERSIGHT; TERMI-
2 NATION.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of law, the Secretary, in consultation with
5 the Work Group, shall implement a coordinated
6 monitoring and oversight system that applies to all
7 eligible underlying programs, including—

8 “(A) review of the reports described in
9 subsection (f); and

10 “(B) onsite visits to demonstration proj-
11 ects, as the Secretary determines to be nec-
12 essary.

13 “(2) COMPLIANCE.—For each demonstration
14 project, the Secretary shall use the reports described
15 in subsection (f) and other relevant information as
16 the basis for determining whether a grantee has
17 complied with—

18 “(A) the terms and conditions of the dem-
19 onstration project; and

20 “(B) any policy, procedure, or guidance
21 issued under paragraph (4).

22 “(3) TERMINATION.—The Secretary may termi-
23 nate funding to a demonstration project if—

1 “(A) pursuant to the monitoring and over-
2 sight system under paragraph (1), the Sec-
3 retary determines that—

4 “(i) the implementation of the dem-
5 onstration project deviates significantly
6 from the approved application without the
7 prior approval of the Secretary;

8 “(ii) noncompliance under paragraph
9 (2) has occurred; and

10 “(iii) the grantee has failed to correct
11 the noncompliance described in clause (ii)
12 after sufficient opportunity, as determined
13 by the Secretary, to correct the noncompli-
14 ance; or

15 “(B) the grantee submits to the Secretary
16 a written request to terminate the demonstra-
17 tion project, including an explanation of the
18 reasons for termination, as required by the Sec-
19 retary.

20 “(4) POLICIES AND PROCEDURES.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graph (B), the Secretary may issue policies,
23 procedures, and guidance relating to perform-
24 ance-based standards of accountability and in-
25 ternal controls necessary for a grantee and eli-

1 gible underlying program to ensure appropriate
2 use of Federal funding.

3 “(B) RESTRICTION.—The Secretary shall
4 not require a grantee to maintain a separate
5 record for each eligible underlying program that
6 traces the use of funds by the demonstration
7 project back to each individual eligible under-
8 lying program.

9 “(5) EVALUATION CRITERIA.—The Secretary,
10 in consultation with Indian tribes and grantees, shall
11 develop and promulgate regulations prescribing the
12 parameters and evaluation criteria for assessing the
13 quality of a demonstration project.

14 “(h) FUNDING.—

15 “(1) ALLOCATION.—

16 “(A) IN GENERAL.—The Secretary, acting
17 through the Assistant Secretary for Children
18 and Families (referred to in this subsection as
19 the ‘Secretary’), shall distribute to each grantee
20 financial assistance using amounts appropriated
21 to each applicable eligible underlying program
22 identified by the grantee in the application
23 under subsection (d)(3) in proportions to be de-
24 termined by the Secretary.

1 “(B) DETERMINATION.—The Secretary
2 shall determine the amounts allocated to each
3 grantee from each applicable eligible underlying
4 program using the funding schedules or for-
5 mulas employed by the applicable eligible un-
6 derlying program.

7 “(2) UNUSED FUNDS.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (C), any grant amounts that are
10 not obligated or expended by the grantee on or
11 before September 30 of the fiscal year for which
12 the amounts were distributed under paragraph
13 (1) shall remain available to the grantee until
14 September 30 of the following fiscal year.

15 “(B) REVERSION OF FUNDS.—Any grant
16 amounts that are not obligated or expended by
17 the grantee on or before the deadline described
18 in subparagraph (A) shall revert to the Sec-
19 retary for reallocation to the eligible underlying
20 programs for grants to eligible entities in the
21 original proportions described in paragraph (1).

22 “(C) EXCEPTION FOR CONSTRUCTION
23 PROJECTS.—

24 “(i) IN GENERAL.—Notwithstanding
25 subparagraph (A), grant amounts specifi-

1 cally reserved in the budget described in
2 subsection (d)(3)(I) for construction proj-
3 ects shall remain available to the grantee
4 until the end of the 5th fiscal year fol-
5 lowing the fiscal year for which the
6 amounts were distributed under paragraph
7 (1).

8 “(ii) REVERSION OF FUNDS.—Any
9 grant amounts described in clause (i) that
10 are not obligated or expended by the
11 grantee on or before the deadline described
12 in that clause shall revert to the Secretary
13 for reallocation to the eligible underlying
14 programs for grants to eligible entities in
15 the original proportions described in para-
16 graph (1).

17 “(3) ADMINISTRATION.—Notwithstanding any
18 other provision of law, of amounts available to the
19 Secretary and not otherwise obligated, the Secretary
20 shall reserve each fiscal year \$3,000,000 for admin-
21 istration of the demonstration program, of which—

22 “(A) not less than 80 percent shall be used
23 for technical assistance and evaluation capacity
24 building activities under subsection (i); and

1 “(B) not more than 20 percent shall be
2 used for oversight, grant application technical
3 assistance, and demonstration program evalua-
4 tion.

5 “(4) CONSOLIDATION OF FUNDS.—Notwith-
6 standing any other provision of law and in propor-
7 tions determined by the grantee, a grantee may con-
8 solidate financial assistance received from each eligi-
9 ble underlying program, subject to the condition that
10 the grantee shall stipulate in the application under
11 subsection (d)(3) that the grantee shall use the
12 funds for the respective statutory and integrated
13 purposes of the eligible underlying programs.

14 “(5) ADMINISTRATIVE COSTS.—Notwithstand-
15 ing any other provision of law, a grantee may use
16 not more than 15 percent of the total amount of fi-
17 nancial assistance received under this section for ad-
18 ministrative costs.

19 “(6) FUNDING LEVEL MAINTENANCE.—The
20 Secretary shall not reduce the amount of funding al-
21 located to an eligible underlying program as a result
22 of the eligible underlying program being part of a
23 demonstration project.

24 “(i) TECHNICAL ASSISTANCE AND TRAINING.—

1 “(1) IN GENERAL.—The Secretary, in consulta-
2 tion with the Work Group, shall provide to grantees
3 technical assistance and training relating to—

4 “(A) demonstration project administration;

5 “(B) monitoring and evaluation capacity
6 development;

7 “(C) coordination with tribal, Federal,
8 State, and local agencies; or

9 “(D) any other activity to achieve the ob-
10 jectives of this section that is—

11 “(i) authorized by the Secretary; or

12 “(ii) recommended by the Work
13 Group.

14 “(2) COORDINATION ASSISTANCE.—The Sec-
15 retary may provide to an entity approved by the
16 Work Group financial assistance to carry out—

17 “(A) an evaluation of the demonstration
18 program to quantify any changes resulting from
19 the demonstration program, based on perform-
20 ance indicators and outcome measurements
21 used by grantees to evaluate progress in achiev-
22 ing the objectives of each demonstration
23 project;

24 “(B) development and implementation of
25 unified data collection and reporting systems;

1 “(C) semiannual training and technical as-
2 sistance meetings and other activities sponsored
3 by the Administration for Children and Fami-
4 lies; or

5 “(D) any other technical assistance and
6 training activity authorized under paragraph
7 (1).

8 “(3) TRIBAL EARLY CHILDHOOD WORK
9 GROUP.—

10 “(A) IN GENERAL.—To assist in achieving
11 the purposes of the demonstration program
12 under this section, the Secretary shall establish
13 a tribal early childhood demonstration program
14 work group.

15 “(B) MEMBERSHIP.—The Work Group
16 shall be comprised of representatives of—

17 “(i) the National Indian Child Care
18 Association;

19 “(ii) the Early Head Start Tribal
20 Partnership;

21 “(iii) the National Indian Head Start
22 Directors Association;

23 “(iv) the Indian Health Service;

24 “(v) Tribal Child Care Development
25 Fund Program Administrators;

1 “(vi) early childhood research centers
2 with expertise in tribal early childhood pro-
3 grams, including the Tribal Early Child-
4 hood Research Center at the University of
5 Colorado;

6 “(vii) to the extent feasible, a diverse
7 sampling of Indian tribes participating in
8 the demonstration program under this sec-
9 tion;

10 “(viii) the Administration for Native
11 Americans;

12 “(ix) the Tribal Home Visiting Pro-
13 gram;

14 “(x) the National Indian Education
15 Association;

16 “(xi) the American Indian Higher
17 Education Consortium; and

18 “(xii) such other organizations, agen-
19 cies, and entities as the Secretary deter-
20 mines to be appropriate.

21 “(C) DUTIES.—The Work Group shall ad-
22 vise the Secretary regarding the development
23 and implementation of—

24 “(i) the demonstration project report-
25 ing forms described in subsection (f)(1)(C);

1 “(ii) the coordinated monitoring and
2 oversight system described in subsection
3 (g)(1); and

4 “(iii) the technical assistance and
5 training described in this section.

6 **“SEC. 805B. EARLY CHILDHOOD INFRASTRUCTURE DEVEL-**
7 **OPMENT GRANT PROGRAM; EARLY CHILD-**
8 **HOOD PROFESSIONAL DEVELOPMENT GRANT**
9 **PROGRAM.**

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

11 “(1) to increase the number of highly qualified
12 early childhood care and development service pro-
13 viders—

14 “(A) who are Indian; or

15 “(B) who work for programs serving tribal
16 communities; and

17 “(2) to ensure tribal early childhood care and
18 development center infrastructure is safe and condu-
19 cive to serving the needs of the tribal communities
20 that use that infrastructure.

21 “(b) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means a demonstration project carried out
24 under section 805A that identified in the application
25 under subsection (c)(3)(C)(iii) of that section the

1 program carried out under subsection (c) or (d), as
2 applicable, as one of the eligible underlying pro-
3 grams to be used by the demonstration project.

4 “(2) INDIAN.—The term ‘Indian’ has the mean-
5 ing given the term in section 7151 of the Elemen-
6 tary and Secondary Education Act of 1965 (20
7 U.S.C. 7491).

8 “(c) EARLY CHILDHOOD INFRASTRUCTURE DEVEL-
9 OPMENT GRANT PROGRAM.—The Secretary shall establish
10 a program under which the Secretary shall make grants
11 to eligible entities—

12 “(1) to build facilities for early childhood care
13 and development centers; or

14 “(2) to upgrade existing childhood learning and
15 development facilities.

16 “(d) EARLY CHILDHOOD PROFESSIONAL DEVELOP-
17 MENT GRANT PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall estab-
19 lish a program under which the Secretary shall make
20 grants to eligible entities to reimburse early child-
21 hood educators for out-of-pocket costs associated
22 with obtaining early childhood certification or cre-
23 dentials.

24 “(2) SPECIAL RULE.—

1 “(A) SERVICE FOR REIMBURSEMENT.—El-
2 igible entities receiving a grant under para-
3 graph (1) shall require early childhood edu-
4 cators who receive reimbursement under the
5 grant to fulfill a period of obligated service with
6 the demonstration project of the eligible entity
7 in accordance with subparagraph (B).

8 “(B) PERIOD OF OBLIGATED SERVICE.—

9 “(i) IN GENERAL.—The Secretary
10 shall provide each eligible entity receiving a
11 grant under paragraph (1) with a form
12 contract for obligated service that the eligi-
13 ble entity shall use to carry out subpara-
14 graph (A).

15 “(ii) REQUIREMENT.—Before receiv-
16 ing reimbursement, the early childhood ed-
17 ucator and the eligible entity shall enter
18 into a contract described in clause (i).

19 “(e) ALLOCATION OF GRANTS.—

20 “(1) EARLY CHILDHOOD INFRASTRUCTURE DE-
21 VELOPMENT GRANTS.—In making grants under sub-
22 section (c), the Secretary shall—

23 “(A) allocate to an eligible entity such
24 amounts as are requested in the application of
25 the eligible entity; or

1 “(B) if funding is insufficient to fulfill the
2 total amount requested by all eligible entities,
3 fully fund a selection of eligible entities based
4 on the following criteria:

5 “(i) The likelihood of completing the
6 proposed infrastructure project within the
7 timeframe of the demonstration project.

8 “(ii) The ability of the infrastructure
9 project to address outstanding health and
10 safety concerns.

11 “(iii) Any other criteria identified by
12 the Secretary, in consultation with the
13 tribal early childhood demonstration pro-
14 gram work group established under section
15 805A(i)(3).

16 “(2) EARLY CHILDHOOD PROFESSIONAL DE-
17 VELOPMENT GRANT.—In making grants under sub-
18 section (d), the Secretary shall—

19 “(A) allocate to an eligible entity such
20 amounts as are requested in the application of
21 the eligible entity; or

22 “(B) if funding is insufficient to fulfill the
23 total amount requested by all eligible entities,
24 allocate funds to each eligible entity based on
25 the proportion that—

1 “(i) the number of children served by
2 the eligible entity; bears to

3 “(ii) the total number of children
4 served by all eligible entities approved for
5 funding under subsection (d).

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) EARLY CHILDHOOD INFRASTRUCTURE DE-
8 VELOPMENT GRANT PROGRAM.—There are author-
9 ized to be appropriated to carry out subsection (c)—

10 “(A) \$4,000,000 for each of fiscal years
11 2017 through 2021; and

12 “(B) such sums as are necessary for each
13 fiscal year thereafter.

14 “(2) EARLY CHILDHOOD PROFESSIONAL DE-
15 VELOPMENT GRANT PROGRAM.—There are author-
16 ized to be appropriated to carry out subsection (d)—

17 “(A) \$1,000,000 for each of fiscal years
18 2017 through 2021; and

19 “(B) such sums as are necessary for each
20 fiscal year thereafter.”.

21 **SEC. 3. TRIBAL EARLY CHILDHOOD EDUCATOR RECRUIT-**
22 **MENT AND RETENTION.**

23 (a) LOAN FORGIVENESS FOR EARLY CHILDHOOD
24 EDUCATORS.—

1 (1) FFEL LOANS.—Section 428J of the Higher
2 Education Act of 1965 (20 U.S.C. 1078–10) is
3 amended—

4 (A) in subsection (b)(1)(A), by striking
5 “section 465(a)(2)(A)” and inserting “subpara-
6 graph (A) or (B) of section 465(a)(2)”; and

7 (B) in subsection (c)(3)—

8 (i) in the paragraph heading, by strik-
9 ing “OR SPECIAL EDUCATION” and insert-
10 ing “SPECIAL EDUCATION, OR TRIBAL
11 EARLY CHILDHOOD DEVELOPMENT PRO-
12 GRAMS”;

13 (ii) in subparagraph (A)(ii), by strik-
14 ing “and” after the semicolon;

15 (iii) in subparagraph (B)(iii), by strik-
16 ing the period and inserting “; and”; and

17 (iv) by adding at the end the fol-
18 lowing:

19 “(C) an early childhood teacher—

20 “(i) who meets the requirements of
21 subsection (b); and

22 “(ii) whose qualifying employment for
23 purposes of such subsection is in an early
24 childhood learning and development pro-
25 gram—

1 “(I) that is operated by an In-
2 dian tribe (as defined in section 4 of
3 the Indian Self-Determination and
4 Education Assistance Act (25 U.S.C.
5 450b)); or

6 “(II) that serves a large percent-
7 age of Indian children, as defined by
8 the Secretary.”.

9 (2) FEDERAL DIRECT LOANS.—Section 460 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1087j) is amended—

12 (A) in subsection (b)(1)(A), by striking
13 “section 465(a)(2)(A)” and inserting “subpara-
14 graph (A) or (B) of section 465(a)(2)”; and

15 (B) in subsection (c)(3)—

16 (i) in the paragraph heading, by strik-
17 ing “OR SPECIAL EDUCATION” and insert-
18 ing “SPECIAL EDUCATION, OR TRIBAL
19 EARLY CHILDHOOD DEVELOPMENT PRO-
20 GRAMS”;

21 (ii) in subparagraph (A)(ii), by strik-
22 ing “and” after the semicolon;

23 (iii) in subparagraph (B)(iii), by strik-
24 ing the period and inserting “; and”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(C) an early childhood teacher—

4 “(i) who meets the requirements of
5 subsection (b); and

6 “(ii) whose qualifying employment for
7 purposes of such subsection is in an early
8 childhood learning and development pro-
9 gram—

10 “(I) that is operated by an In-
11 dian tribe (as defined in section 4 of
12 the Indian Self-Determination and
13 Education Assistance Act (25 U.S.C.
14 450b)); or

15 “(II) that serves a large percent-
16 age of Indian children, as defined by
17 the Secretary.”.

18 (b) CANCELLATION OF LOANS FOR TRIBAL EARLY
19 CHILDHOOD EDUCATORS.—Subparagraph (B) of section
20 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C.
21 1087ee(a)(2)) is amended to read as follows:

22 “(B) as a full-time staff member with a
23 baccalaureate degree—

24 “(i) in a preschool program carried
25 out under the Head Start Act (42 U.S.C.

1 9831 et seq.) that is operated for a period
2 which is comparable to a full school year in
3 the locality, if the salary of such staff
4 member is not more than the salary of a
5 comparable employee of the local edu-
6 cational agency for the locality;

7 “(ii) in a prekindergarten or child
8 care program that is licensed or regulated
9 by the State or an Indian tribe (as defined
10 in section 4 of the Indian Self-Determina-
11 tion and Education Assistance Act (25
12 U.S.C. 450b)) that is operated for a period
13 which is comparable to a full school year in
14 the locality, if the salary is not more than
15 the salary of a comparable employee of the
16 local educational agency for the locality;

17 “(iii) in a center-based early childhood
18 learning or development program operated
19 through the family and child education
20 program of the Bureau of Indian Edu-
21 cation; or

22 “(iv) in an early childhood learning or
23 development center operated by an Indian
24 tribe (as so defined) utilizing funds from—

1 “(I) early childhood learning and
2 development grants awarded under
3 the Native American Programs Act of
4 1974 (42 U.S.C. 2991 et seq.), in-
5 cluding such grants under section
6 803C, 805A, or 805B of such Act;

7 “(II) grants awarded under the
8 Child Care and Development Block
9 Grant Act of 1990 (42 U.S.C. 9858 et
10 seq.); or

11 “(III) any other early childhood
12 learning and development grants ad-
13 ministered by the Administration for
14 Children and Families under the De-
15 partment of Health and Human Serv-
16 ices, as determined by the Assistant
17 Secretary for the Administration for
18 Children and Families.”.

○