



Legislative Bulletin.....September 22, 2005

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H.R. 2123—Amendments to the School Readiness Act of 2005

H.R. 2123, the School Readiness Act of 2005 (sponsored by Rep. Castle), is scheduled to be considered on the House floor on Thursday, September 22nd, subject to a structured rule (H.Res. 455). Below are the summaries of the 12 amendments made in order under the rule. Note: summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released earlier in the week.

All amendments are debatable for 10 minutes unless otherwise noted.

1. Castle (R-DE): Manager's Amendment. The Amendment makes several technical corrections and includes clarifying language regarding Head Start financial audit requirements. Specifically, the amendment extends to 270 days the time frame for completing program audits, clarifies that, upon the availability of resources, audit partners (not auditors) must be rotated every 5 years, and waives the board selection of a certified public accountant when public auditors are assigned by State law. The amendment also requires Head Start applicants, as part of their plan for local collaboration, to describe plans to work with private entities and charter schools offering pre-kindergarten. Also, it requires either the chair of the parent policy council or a designee as approved by the council to sit on the agency's Head Start governing board.

The amendment further defines and strengthens provisions regarding parental consent for physical examinations of Head Start students. The parental consent language included in the underlying bill, which passed through committee, sought to address concerns noted in the RSC Legislative Bulletin regarding obtaining prior, written parental consent for health exams, however some loopholes remained. The manager's amendment seeks to address these additional concerns by removing the more vague language and replacing it with clearer language. To view this section of the manager's amendment, please click on this link and look at pages eight and nine:

http://www.house.gov/rules/109hr2123_castle17.pdf

2. Souder (R-IN): The amendment maintains the current joint governance structure of the Head Start program by allowing the parent policy councils (which are composed of 51 percent current Head Start parents and 49 percent community representatives) to *approve or disapprove* most program planning, operation activities, and personnel decisions, along with the board of directors. In the event of an impasse, the board and policy council would enter into a mediation process with a third party - as under current regulations. The amendment gives the board the discretionary authority to act unilaterally without policy council approval in all cases involving serious fiscal management, fraud or criminal activity.

According to the sponsor, the joint governance structure is necessary to maintain accountability for the local board of directors. The sponsor believes reducing the function of the parent councils to an advisory role, instead of the current joint-decision making role, will give the parents less influence in the process.

According to the Committee, the underlying bill removes this joint governance structure, giving the local Head Start board of directors, one member of whom must be a Head Start parent, the final decision making authority in all cases. While the parent policy councils still exist, and the board of directors will consult the council on certain matters, the board of directors will maintain ultimate authority and will be the one entity responsible for the program.

3. DeLauro (D-CT): Allows Head Start agencies to develop or maintain partnerships with institutions of higher education and non-profit organizations that recruit, train, place, and otherwise support college students to serve as mentors and reading coaches to preschool children in Head Start programs.

4. Stearns (R-FL): Adds “families with one or more children with disabilities” to the list of family-types regarding which the Secretary of Education must provide special training of Head Start personnel. The underlying text includes special training to address the needs of migrant and seasonal working families, families with a limited English proficiency, and homeless families.

5. Davis (D-IL): Directs the Secretary to implement an outreach program to train and recruit African-American and Latino-American men to become Head Start teachers.

6. Kind (D-WI): Suspends further implementation of the National Reporting System while the National Academy of Sciences (NAS) conducts a review of, and provides guidance on, appropriate child outcomes and assessments for young children, as authorized in the underlying text of H.R. 2123. The Secretary of Education would have to integrate the NAS recommendations into developing a national assessment system that increases the effectiveness of Head Start programs.

7. Mica (R-FL): Directs the Secretary of HHS to hire an outside management consulting firm to initiate a management reform initiative, which would be required to recommend and assist in the implementation of internal reforms to improve the Head Start Bureau’s

operational effectiveness. *Earmarks \$7.5 million of the FY06-FY07 available funds to carry out these functions.*

8. Filner (D-CA): Directs the Secretary of Health and Human Services to submit a report to Congress on Head Start teacher retention levels within one year of implementation of the Head Start teacher qualification and develop regulations in the underlying bill.

9. Millender-McDonald (D-CA): Requires Head Start to have adequate staff with relevant training and develop skills [as currently defined in U.S. code] to assist children in foster care and those referred by child welfare agencies; requires coordination between Head Start grantees and community service providers and homeless and foster children; directs Head Start to include “underserved populations, including homeless children, eligible children in foster care, and children referred to Head Start by child welfare agencies” in their community-wide strategic planning efforts; allows homeless children and foster children to be automatically eligible for Head Start; directs Head Start to increase coordination for these populations as they transition out of Head Start to elementary school and increase reporting requirements; directs Head Start to conduct outreach to homeless families and to increase Head Start program participation by homeless children.

10. Musgrave (R-CO): Allows for-profit entities to participate in Head Start, even if they draw a “reasonable” profit from the normal course of administering such services.

11. Thompson (D-MS): Directs the Secretary of Health and Human Services to assist Head Start programs in areas affected by Hurricane Katrina. Requires the Secretary to provide additional technical assistance, guidance, and resources to Head Start agencies in affected areas, waives documentation requirements through March 31, 2006, and provides the Secretary with waiver authority to exempt programs from providing their local match.

12. Boustany (R-LA): (30 minutes of debate) The amendment provides hiring protections for faith-based Head Start providers. This language is identical to the faith-based provisions in H.R. 2210, as passed by the House in the 108th Congress. Faith-based service providers are particularly suited to participate in the early childhood education Head Start program.

The federal law on religious discrimination in employment specifically protects the civil liberties of religious and faith-based organizations in Section 702(a) of Title VII of the Civil Rights Act of 1964, and nothing in Title VII of the Civil Rights Act of 1964 provides that a religious organization loses its rights merely because it receives federal funds. In fact, the Civil Rights Act made clear that when faith-based organizations hire employees on a religious basis, it is an exercise of the organization’s civil liberties and does not constitute “discrimination” under federal law. Unfortunately, current Head Start law prohibits faith-based organizations from being allowed to consider an employee’s

faith in their hiring decisions, and thus some faith-based providers choose not to participate.

RSC Members are strongly encouraged to support this amendment.

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