



Early Learning Challenge Fund

HR 3221, The Student Aid and Fiscal Responsibility Act of 2009, was passed by the House of Representatives on September 17. Title IV of HR 3221 is the Early Learning Challenge Fund. As a service to our colleagues, NECTAC has *highlighted in blue all references to IDEA & Children with Disabilities* in the text of the bill. The Senate is expected to move similar legislation this fall.

September 25, 2009

TITLE IV--EARLY LEARNING CHALLENGE FUND

SEC. 401. PURPOSE.

The purpose of this title is to provide grants on a competitive basis to States for the following:

- (1) To promote standards reform of State early learning programs serving children from birth through age 5 in order to support the healthy development and improve the school readiness outcomes of young children.
- (2) To establish a high standard of quality in early learning programs that integrates appropriate early learning and development standards across early learning settings.
- (3) To fund and implement quality initiatives that improve the skills and effectiveness of early learning providers and the quality of existing early learning programs, in order to increase the number of disadvantaged children who participate in comprehensive and high-quality early learning programs.
- (4) To ensure that a greater number of disadvantaged children enter kindergarten with the cognitive, social, emotional, and physical skills and abilities needed to be successful in school.
- (5) To increase parents' abilities to access comprehensive and high quality early learning programs across settings for their children.

SEC. 402. PROGRAMS AUTHORIZED.

(a) Quality Pathways Grants- The Secretary shall use funds made available to carry out this title for a fiscal year to award grants on a competitive basis to States in accordance with section 403.

(b) Development Grants- The Secretary shall use funds made available to carry out this title for a fiscal year to award grants in accordance with section 404 on a competitive basis to States that demonstrate a commitment to establishing a system of early learning that will include the components described in section 403(c)(3) but are not--

- (1) eligible to be awarded a grant under subsection (a); or
- (2) are not awarded such a grant after application.

(c) Reservations of Federal Funds-

(1) RESEARCH, EVALUATION, AND ADMINISTRATION- From the amount made available to carry out this title for a fiscal year, the Secretary--

(A) shall reserve up to 2 percent jointly to administer this title with the Secretary of Health and Human Services; and

(B) shall reserve up to 3 percent to carry out activities under section 405.

(2) TRIBAL SCHOOL READINESS PLANNING DEMONSTRATION- After making the reservations under paragraph (1), the Secretary shall reserve 0.25 percent for a competitive grant program for Indian tribes to develop and implement school readiness plans that--

(A) are coordinated with local educational agencies serving children who are members of the tribe; and

(B) include American Indian and Alaska Native Head Start and Early Head Start programs, tribal child care programs, Indian Health Service programs, and other tribal programs serving children, **including programs receiving funds under sections 611(h)(4) and 643(b) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(h)(4) and 1443(b)).**

(3) QUALITY PATHWAYS GRANTS-

(A) IN GENERAL- From the amount made available to carry out this title for a fiscal year and not reserved under paragraph (1) or (2), the Secretary shall reserve a percent (which shall be not greater than 65 percent for fiscal years 2010 through 2012 and not greater than 85 percent for fiscal year 2013 and each succeeding fiscal year) determined under subparagraph (B) to carry out subsection (a).

(B) DETERMINATION OF AMOUNT- In determining the amount to reserve under subparagraph (A), the Secretary, consistent with section 403(e), shall take into account the following:

(i) The total number of States with an approved application for a grant under this title for the year.

(ii) The number of children under age 5 from low-income families in each State with an approved application under section 403 for the year.

(C) REALLOCATION- For fiscal year 2013 and subsequent fiscal years, the Secretary may reallocate funds allocated for development grants under subsection (b) for the purpose of providing additional grants under subsection (a), if the Secretary determines that there is an insufficient number of applications that meet the requirements for a grant under subsection (b).

(d) State Applications- In applying for a grant under this title, a State--

(1) shall designate a State-level entity for administration of the grant;

(2) shall coordinate proposed activities with the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and shall incorporate plans and recommendations from such Council in the application, where applicable; and

(3) otherwise shall submit the application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(e) Priority in Awarding Grants- In awarding grants under this title, the Secretary shall give priority to States--

(1) whose applications contain assurances that the State will use, in part, funds reserved under section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) for activities described in section 403(f); and

(2) that demonstrate efforts to build public-private partnerships designed to accomplish the purposes of this title.

(f) Maintenance of Effort-

(1) IN GENERAL- With respect to each period for which a State is awarded a grant under this title, the aggregate expenditures by the State and its political subdivisions on early learning programs and services shall be not less than the level of the expenditures for such programs and services by the State and its political subdivisions for fiscal year 2006.

(2) STATE EXPENDITURES- For purposes of paragraph (1), expenditures by the State on early learning programs and services shall include, at a minimum, the following:

(A) State matching and maintenance of effort funds for the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(B) State matching funds for the State Advisory Council on Early Childhood Education and Care (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))).

(C) State expenditures on public pre-kindergarten, Head Start (including Early Head Start), and other State early learning programs and services dedicated to children **(including State expenditures under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.))**.

(g) Prohibitions on Use of Funds- Funds under this title may not be used for any of the following:

(1) Assessments that provide rewards or sanctions for individual children or teachers.

(2) A single assessment used as the primary or sole method for assessing program effectiveness.

(3) Evaluating children other than for--

(A) improving instruction or classroom environment;

(B) targeting professional development;

(C) determining the need for health, mental health, disability, or family support services;

(D) informing the quality improvement process at the State level;

(E) program evaluation for the purposes of program improvement and parent information; or

(F) research conducted as part of the national evaluation required by section 405(2).

(h) Federal Administration-

(1) IN GENERAL- With respect to this title, the Secretary shall bear responsibility for obligating and disbursing funds and ensuring compliance with applicable laws and administrative requirements, subject to paragraph (2).

(2) INTERAGENCY AGREEMENT- The Secretary of Education and the Secretary of Health and Human Services shall jointly administer this title on such terms as such secretaries shall set forth in an interagency agreement.

SEC. 403. QUALITY PATHWAYS GRANTS.

(a) Grant Period- Grants under section 402(a)--

(1) may be awarded for a period not to exceed 5 years; and

(2) may be renewed, subject to approval by the Secretary, and based on the State's progress in--

(A) increasing the percentage of disadvantaged children in each age group (infants, toddlers, and preschoolers) who participate in high-quality early learning programs;

(B) increasing the number of high-quality early learning programs in low-income communities;

- (C) implementing an early learning system that includes the components described in subsection (c)(3);
- (D) incorporating the findings and recommendations reported by the commission established under section 405(1) into the State system of early learning; and
- (E) committing State resources for supporting early learning programs and services.

(b) Matching Requirement-

- (1) IN GENERAL- Subject to subsection (g), to be eligible to receive a grant under section 402(a), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.
- (2) APPLICABLE PERCENT- For purposes of paragraph (1), the applicable percent means--
 - (A) 10 percent in the first fiscal year of the grant;
 - (B) 10 percent in the second fiscal year of the grant;
 - (C) 15 percent in the third fiscal year of the grant; and
 - (D) 20 percent in the fourth fiscal year of the grant and subsequent fiscal years.
- (3) NON-FEDERAL FUNDS- A State may use the following to satisfy the requirement of paragraph (1):
 - (A) Cash.
 - (B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.
 - (C) Technical assistance related to subparagraph (B).
- (4) PRIVATE CONTRIBUTIONS- Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).
- (5) FINANCIAL HARDSHIP WAIVER- The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(a) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

(c) State Applications- In order to be considered for a grant under section 402(a), a State's application under section 402(d) shall include the following:

- (1) A description of how the State will use the grant to implement quality initiatives to improve early learning programs serving disadvantaged children from birth to age 5 to lead to a greater percentage of such children participating in higher quality early learning programs.
- (2) A description of the goals and benchmarks the State will establish to lead to a greater percentage of disadvantaged children participating in higher quality early learning programs to improve school readiness outcomes, including an established baseline of the number of disadvantaged children in high-quality early learning programs.
- (3) A description of how the State will implement a governance structure and a system of early learning programs and services that includes the following components:
 - (A) Not later than 12 months after receiving notice of an award of the grant, complete State early learning and development standards that include social and emotional, cognitive, and physical development domains, and approaches to learning that are developmentally appropriate (including culturally and linguistically appropriate) for all children.
 - (B) A process to ensure that State early learning and development standards are integrated into the instructional and programmatic practices of early learning programs and services, **including services provided to children under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.).**

- (C) A program rating system that builds on licensing requirements and other State regulatory standards, as appropriate, and that--
- (i) is designed to improve quality and effectiveness across different types of early learning settings;
 - (ii) integrates evidence-based program quality standards that reflect standard levels of quality and has progressively higher levels of program quality;
 - (iii) integrates the State's early learning and development standards for the purpose of improving instructional and programmatic practices;
 - (iv) addresses quality and effective inclusion of children with disabilities or developmental delays across different types of early learning settings;**
 - (v) addresses staff qualifications and professional development;
 - (vi) provides financial incentives and other supports to help programs meet and sustain higher levels of quality;
 - (vii) includes mechanisms for evaluating how programs are meeting those standards and progressively higher levels of quality; and
 - (viii) includes a mechanism for public awareness and understanding of the program rating system, including the rating levels of individual programs.
- (D) A system of program review and monitoring that is designed to rate early learning programs using the system described in subparagraph (C) and to assess and improve programmatic practices, instructional practices, and classroom environment.
- (E) A process to support early learning programs integrating instructional and programmatic practices that--
- (i) include developmentally appropriate (including culturally and linguistically appropriate), ongoing, classroom-based instructional assessments for each domain of child development and learning (including social and emotional, cognitive, and physical development domains and approaches to learning) to guide and improve instructional practice, professional development of staff, and services; and
 - (ii) are aligned with the curricula used in the early learning program and with the State early learning and development standards or the Head Start Child Outcomes Framework (as described in the Head Start Act), as applicable.
- (F) Minimum preservice early childhood development and education training requirements for providers in early learning programs.
- (G) A comprehensive plan for supporting the professional preparation and the ongoing professional development of an effective, well-compensated early learning workforce, which plan includes training and education that is sustained, intensive, and classroom-focused and leads toward a credential or degree and is tied to improved compensation.
- (H) An outreach strategy to promote understanding by parents and families of--
- (i) how to support their child's early development and learning;
 - (ii) the State's program rating system, as described in subparagraph (C); and
 - (iii) the rating of the early learning program in which their child is enrolled.
- (I) A coordinated system to facilitate screening, referral, and provision of services related to health, mental health, dental, developmental delay and disability, and family support for children participating in early learning programs.**
- (J) A process for evaluating school readiness in children that reflects all of the major domains of development, and that is used to guide practice and improve early learning programs.

- (K) A coordinated data infrastructure that facilitates--
- (i) uniform data collection about the quality of early learning programs, essential information about the children and families that participate in such programs, and the qualifications and compensation of the early learning workforce in such programs; and
 - (ii) alignment and interoperability between the data system for early learning programs for children and data systems for elementary and secondary education.
- (4) A description of how the funds provided under the grant will be targeted to prioritize increasing the number and percentage of low-income children in high-quality early learning programs, including children--
- (A) in each age group (infants, toddlers, and preschoolers);
 - (B) with developmental delays and disabilities;**
 - (C) with limited English proficiency; and
 - (D) living in rural areas.
- (5) An assurance that the grant will be used to improve the quality of early learning programs across a range of types of settings and providers of such programs.
- (6) A description of the steps the State will take to make progress toward including all center-based child care programs, family child care programs, State-funded prekindergarten, Head Start programs, and other early learning programs, such as those funded under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or **receiving funds under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.)** in the State program rating system described in paragraph (3)(C).
- (7) An assurance that the State, not later than 18 months after receiving notice of an award of the grant, will conduct an analysis of the alignment of the State's early learning and development standards with--
- (A) appropriate academic content standards for grades kindergarten through 3; and
 - (B) elements of program quality standards for early learning programs.
- (8) An assurance that the grant will be used only to supplement, and not to supplant, Federal, State, and local funds otherwise available to support existing early learning programs and services.
- (9) A description of any disparity by age group (infants, toddlers, and preschoolers) of available high-quality early learning programs in low-income communities and the steps the State will take to decrease such disparity, if applicable.
- (10) A description of how the State early learning and development standards will address the needs of children with limited English proficiency, including by incorporating benchmarks related to English language development.
- (11) A description of how the State's professional development plan will prepare the early learning workforce to support the early learning needs of children with limited English proficiency.
- (12) A description of how the State will improve interagency collaboration and coordinate the purposes of this title with the activities funded under--
- (A) section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e);
 - (B) section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);**
 - (C) title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

- (D) State-funded pre-kindergarten programs (where applicable);
- (E) Head Start programs; and
- (F) other early childhood programs and services.

(13) A description of how the State's early learning policies, including child care policies, facilitate access to high-quality early learning programs for children from low-income families.

(14) A description of how the State will implement a process for improving the quality of early learning services to better meet the needs of children who have experienced abuse or neglect, been exposed to violence, toxic stress, parental substance abuse, mental illness, or homelessness, or have had early behavioral and peer relationship problems, including addressing appropriate professional development, programmatic practices, classroom environment, and outreach and support to meet the needs of such children.

(15) A description of any disparity by geographic area (urban and rural) of available high-quality early learning programs for low-income children and the steps the State will take to decrease such disparity, if applicable.

(16) An assurance that the State will continue to participate in part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) for the duration of the grant.

(d) Criteria Used in Awarding Grants- In awarding grants under section 402(a), the Secretary shall evaluate the applications, and award grants under such section on a competitive basis, based on--

- (1) the quality of the application submitted pursuant to section 402(d);
- (2) the priority factors described in section 402(e);
- (3) evidence of significant progress in establishing a system of early learning for children that includes the components described in subsection (c)(3); and
- (4) the State's capacity to fully complete implementation of such a system.

(e) Criterion Used in Determining Amount of Award- In determining the amount to award a State under section 402(a), the Secretary shall take into account--

- (1) the proportion of children under age 5 from low-income families in the State relative to such proportion in other States; and
- (2) the State plan and capacity to implement the criteria described in paragraphs (3) and (4) of subsection (d).

(f) State Uses of Funds-

(1) IN GENERAL- A State receiving a grant under section 402(a) shall use the grant as follows:

(A) Not less than 65 percent of the grant amount shall be used for two or more of the following activities to improve the quality of early learning programs serving disadvantaged children:

(i) Initiatives that improve the credentials of early learning providers and are tied to increased compensation.

(ii) Initiatives that help early learning programs meet and sustain higher program quality standards, such as--

(I) improving the ratio of early learning provider to children in early learning settings;

(II) reducing group size;

(III) improving the qualifications of early learning providers; and

(IV) supporting effective education and training for early learning providers (which may include establishing or supporting partnerships with institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) to support such education and training).

(iii) Implementing classroom observation assessments and data-driven decisions (which may include implementation of a research-based prevention and intervention framework designed to build social competence and prevent challenging behaviors) tied to activities that improve instructional practices, programmatic practices, or classroom environment and promote school readiness.

(iv) Providing financial incentives to early learning programs--

(I) for undertaking quality improvements that promote healthy development and school readiness; and

(II) maintaining quality improvements that promote healthy development and school readiness.

(v) Integrating State early learning and development standards into instructional and programmatic practices in early learning programs.

(vi) Providing high-quality, sustained, intensive, and classroom-focused professional development that improves the knowledge and skills of early learning providers, including professional development related to meeting the needs of diverse populations.

(vii) Building the capacity of early learning programs and communities to promote the understanding of parents and families of the State's early learning system and the rating of the early learning program in which their child is enrolled and to encourage the active involvement and engagement of parents and families in the learning and development of their children.

(viii) Building the capacity of early learning programs and communities to facilitate screening, referral, and provision of services related to health, mental health, dental, developmental delay and disability, and family support for children participating in early learning programs.

(ix) Other innovative activities, proposed by the State and approved in advance by the Secretary that are--

(I) based on successful practices;

(II) designed to improve the quality of early learning programs and services; and

(III) advance the system components described in subsection (c)(3).

(B) The remainder of the grant amount may be used for one or more of the following:

(i) Implementation or enhancement of the State's data system described in subsection (c)(3)(K), including interoperability across agencies serving children, and unique child and program identifiers.

(ii) Enhancement of the State's oversight system for early learning programs, including the implementation of a program rating system.

(iii) The development and implementation of measures of school readiness of children that reflect all of the major domains of child development and that inform the quality improvement process.

(2) PRIORITY- A State receiving a grant under section 402(a) shall use the grant so as to prioritize improving the quality of early learning programs serving children from low-income families.

(g) Special Rule-

(1) IN GENERAL- Beginning with the second fiscal year of a grant under section 402(a), a State with respect to which the Secretary certifies that the State has made sufficient progress in implementing the requirements of the grant may apply to the Secretary to reserve up to 25 percent of the amount of the grant to expand access for children from low-income families to

the highest quality early learning programs that offer full-day services (or, if the State can demonstrate that it is already meeting the needs of such children in such manner, the State may apply to expand access for disadvantaged children in such manner and the State's application may not be adversely treated due to such request), except that the State must agree to contribute for such purpose non-Federal matching funds in an amount equal to not less than 20 percent of the amount reserved under this subsection.

SEC. 404. DEVELOPMENT GRANTS.

(a) Grant Period- Grants under section 402(b) may be awarded for a period not to exceed 3 years, and may not be renewed.

(b) State Uses of Funds-

(1) IN GENERAL- A State receiving a grant under section 402(b) shall use the grant to undertake activities that develop the early learning system components described in section 403(c)(3) and that will improve a State's competitiveness for a grant described in section 402(a).

(2) PRIORITY- A State receiving a grant under section 402(b) shall use the grant so as to prioritize improving the quality of early learning programs serving low-income children.

(c) Matching Requirement-

(1) IN GENERAL- To be eligible to receive a grant under section 402(b), a State shall contribute to the activities assisted under the grant non-Federal matching funds in an amount equal to not less than the applicable percent of the amount of the grant.

(2) APPLICABLE PERCENT- For purposes of paragraph (1), the applicable percent means--

(A) 20 percent in the first fiscal year of the grant;

(B) 25 percent in the second fiscal year of the grant; and

(C) 30 percent in the third fiscal year of the grant.

(3) NON-FEDERAL FUNDS- A State may use the following to satisfy the requirement of paragraph (1):

(A) Cash.

(B) In-kind contributions for the acquisition, construction, or improvement of early learning program facilities serving disadvantaged children.

(C) Technical assistance related to subparagraph (B).

(4) PRIVATE CONTRIBUTIONS- Private contributions made as part of public-private partnerships to increase the number of low-income children in high-quality early learning programs in a State may be used by the State to satisfy the requirement of paragraph (1).

(5) FINANCIAL HARDSHIP WAIVER- The Secretary may waive or reduce the non-Federal share of a State that has submitted an application for a grant under section 402(b) if the State demonstrates a need for such waiver or reduction due to extreme financial hardship, as defined by the Secretary by regulation.

SEC. 405. RESEARCH AND EVALUATION.

From funds reserved under section 402(c)(1), the Secretary of Education and the Secretary of Health and Human Services, acting jointly, shall carry out the following activities:

(1) Establishing a national commission whose duties shall include--

(A) reviewing the status of State and Federal early learning program quality standards and early learning and development standards;

(B) recommending benchmarks for program quality standards and early learning and development standards, including taking into consideration the school readiness needs of children with limited English proficiency; and

(C) reporting to the Secretaries of Education and Health and Human Services not later than 2 years after the date of the enactment of this Act on the commission's findings and recommendations.

(2) Conducting a national evaluation of the grants made under this title through the Institute of Education Science in collaboration with the appropriate research divisions within the Department of Health and Human Services.

(3) Supporting a research collaborative among the Institute of Education Sciences, the National Institute of Child Health and Human Development, the Office of Planning, Research, and Evaluation within the Administration for Children and Families in the Department of Health and Human Services, and, as appropriate, other Federal entities to support research on early learning that can inform improved State and other standards and licensing requirements and improved child outcomes, which collaborative shall--

(A) biennially prepare and publish for public comment a detailed research plan;

(B) support early learning research activities that may include--

(i) examining the characteristics of early learning programs that produce positive developmental outcomes for children;

(ii) examining the effects of program quality standards on child outcomes;

(iii) examining the relationships between specific interventions and types of child and family outcomes;

(iv) examining the effectiveness of early learning provider training in raising program quality and improving child outcomes;

(v) examining the effectiveness of professional development strategies in raising program quality and improving child outcomes;

(vi) examining how to improve the school readiness outcomes of children with limited English proficiency, special needs, and homeless children, including evaluation of professional development programs for working with such children; and

(vii) supporting the development of valid and reliable assessments of young children and program quality, including in domains including language, literacy, mathematics, science, social and emotional development, and approaches to learning, with particular attention to development of assessments of domains for which there are few appropriate assessments, that are--

(I) developmentally, linguistically, and culturally appropriate for the population served, including children with disabilities and children with limited English proficiency;

(II) consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children;

(III) consistent with the guidelines on assessment for improved practice and for accountability in the National Research Council Committee on Developmental Outcomes and Assessments for Young Children; and

(C) disseminate relevant research findings and best practices.

(4) Not later than 18 months after the date of the enactment of this Act, conducting a review of the statewide strategic reports developed by the State Advisory Councils on Early Care and Education (established pursuant to section 642B(b)(1)(A) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A))) and other relevant information (including information reported by States under

section 406(b)(9)) to evaluate barriers to increasing access to high-quality early learning programs for low-income children, reporting on the findings of such review, and disseminating relevant findings and best practices.

SEC. 406. REPORTING REQUIREMENTS.

(a) Reports to Congress- For each year in which funding is provided under this title, the Secretary shall submit an annual report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the activities carried out under this title, including, at a minimum, information on the following:

- (1) The activities undertaken by States to increase the availability of high-quality early learning programs.
- (2) The number of children in high-quality early learning programs, and the change from the prior year, disaggregated by State, age, and race.
- (3) The number of early learning providers enrolled, with assistance from funds under this title, in a program to obtain a credential or degree in early childhood education and the settings in which such providers work.
- (4) A summary of State progress in implementing a system of early learning with the components described in section 403(c)(3).
- (5) A summary of the research activities being conducted under section 405 and the findings of such research.

(b) Reports to Secretary- Each State that receives a grant under this title shall submit to the Secretary an annual report that includes, at a minimum, information on the activities carried out by the State under this title, including the following:

- (1) The State's progress on fully implementing and integrating into a system of early learning each of the components described in section 403(c)(3).
- (2) The State's progress in meeting its goals for increasing the number of disadvantaged children participating in high-quality early learning programs, disaggregated by child age.
- (3) The number and percentage of disadvantaged children participating in early learning programs at each level of quality, disaggregated by race, family income, child age, disability, and limited English proficiency status.**
- (4) The number of early learning programs participating in the State quality rating system, disaggregated by setting, rating, and the number of high-quality early learning programs available in low-income communities.
- (5) Information on how the funds provided under this title were used to increase the availability of high-quality early learning programs for each age group, disaggregated by race and limited English proficiency status, to the maximum extent practicable.
- (6) Information on professional development and training expenditures, including--
 - (A) the number of early learning providers and early learning programs engaged in such activities; and
 - (B) the number of early learning providers enrolled in programs to obtain a credential or degree in early childhood education, disaggregated by the type of credential and degree.
- (7) The change in the number and percentage of early learning providers with credentials or degrees in early childhood education, including the change in compensation given to such providers, in comparison to the prior fiscal year, disaggregated by early learning setting and the type of credential or degree.

(8) In the case of a State receiving a grant under section 402(a), the percentage of children receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) who participate in the highest quality early learning programs, disaggregated by program setting and child age.

(9) Barriers to expanding access to high-quality early learning programs for disadvantaged children.

SEC. 407. CONSTRUCTION.

Nothing in this title--

- (1) shall be construed to require a child to participate in an early learning program; or
- (2) shall be used to deny entry to kindergarten for any individual if the individual is legally eligible, as defined by State or local law.

SEC. 408. DEFINITIONS.

For purposes of this title:

- (1) CHILD- The term `child' refers to an individual from birth through the day the individual enters kindergarten.
- (2) DISADVANTAGED- The term `disadvantaged', when used with respect to a child, means a child whose family income is described in section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(B)).
- (3) INDIAN TRIBE- The term `Indian tribe' has the meaning given such term in section 637 of the Head Start Act (42 U.S.C. 9832).
in section 637 of the Head Start Act (42 U.S.C. 9832).
- (5) SECRETARY- The term `Secretary' means the Secretary of Education.
- (6) STATE- The term `State' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 409. AVAILABILITY OF FUNDS.

There are authorized to be appropriated, and there are appropriated, to carry out this title (in addition to any other amounts appropriated to carry out this title and out of any money in the Treasury not otherwise appropriated) \$1,000,000,000 for each of fiscal years 2010 through 2017. The authority to award grants under this title shall expire at the end of fiscal year 2017.