

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI'; SUPPORTING UNITED STATES SENATE BILL S.2304,
"TRIBAL EARLY CHILDHOOD, EDUCATION, AND RELATED SERVICES
INTEGRATION ACT OF 2015"

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee (HEHSC) as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions regarding certain matters, including health, education and social services. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012); see also CO-45-12.
- B. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered such Committee, among other duties and responsibilities, "to coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation." 2 N.N.C. §701(A)(4); see also CO-45-12.
- C. The Navajo Nation has a government-to-government relationship with the federal government.
- D. Senate bill 2304, entitled "Tribal Early Childhood, Education, And Related Services Integration Act Of 2015," is introduced in the United States Senate. See Exhibit "A," attached hereto. A purpose of the bill is to "promote coordination of tribal early childhood education programs to meet the locally determined needs of tribal communities, children, and families, consistent with tribal values and traditions." *Id.* 2. Under the Act, federal funds will be made available for demonstration projects designed to promote such programs. *Id.* 7.

- E. The education of Indian children is a trust responsibility of the United States government. It is in the best interests of the Navajo Nation to support early childhood development programs, including those which incorporate Native language and culture.

NOW THEREFORE BE IT RESOLVED THAT:

The Navajo Nation hereby supports Senate bill 2304, entitled "Tribal Early Childhood, Education, and Related Services Integration Act of 2015." A copy of this bill is attached hereto as Exhibit "A."

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 9 in favor and 0 oppose, (Pursuant to 2 N.N.C. §700 (D), Two members from each committee), this 23rd day of June, 2016.



Honorable LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Seth Damon

Second: Raymond Smith, Jr.

NAVAJO NATION

RCS# 461

Naa'bik'iyati Committee

6/23/2016

05:57:20 PM

Amd# to Amd#

Legislation No. 0160-16

PASSED

MOT Damon

Supporting United States

SEC Smith

Senate Bill S. 2304, Tribal

Early Childhood, Education and

Yea : 9

Nay : 0

Not Voting : 15

Yea : 9

Begay, K
BeGaye, N
Bennett

Damon
Hale

Pete
Smith

Tsosie
Witherspoon

Nay : 0

Not Voting : 15

Bates
Begay, NM
Brown
Chee

Crotty
Daniels
Filfred
Jack

Perry
Phelps
Shepherd
Slim

Tso
Vacant
Yazzie



114TH CONGRESS
1ST SESSION

S. 2304

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 SENATE OF THE UNITED STATES

NOVEMBER 18, 2015

Mr. TESTER (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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 2015".

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
5 program;

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 (c).

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 eligible entities for each fiscal year.

24 “(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 participa-
12 tion 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), the Secretary shall waive, with re-
 14 spect to a demonstration project, any specific
 15 provision of law (including regulations), policy,
 16 or procedure described in a waiver requested
 17 under subsection (d)(3)(K), if the Secretary de-
 18 termines 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.—In carrying out this
10 subsection, the Secretary may not waive—

11 “(i) any specific regulation, policy, or
12 procedure relating to, with respect to cen-
13 ter-based or family-based child care oper-
14 ations, a Head Start program or an Early
15 Head Start program carried out under the
16 Head Start Act (42 U.S.C. 9831 et seq.);
17 or

18 “(ii) any specific statutory require-
19 ment for recipients of Federal funding re-
20 lating to maintenance of effort or the use
21 of Federal funds to supplement, and not
22 supplant, non-Federal funds.

23 “(6) SPECIAL RULE.—The Secretary shall en-
24 sure that all demonstration projects carried out
25 under this section respect and incorporate the pur-

1 poses of each eligible underlying program incor-
2 porated by the grantee into the demonstration
3 project.

4 “(d) APPLICATIONS.—

5 “(1) IN GENERAL.—Each eligible entity desir-
6 ing participation in the demonstration program shall
7 submit to the Secretary an application at such time,
8 in such manner, and containing such information as
9 the Secretary may require.

10 “(2) GENERAL APPLICATION.—An eligible enti-
11 ty may submit 1 general application under this sub-
12 section, which shall meet all grant application re-
13 quirements of each noncompetitively awarded eligible
14 underlying program identified by the eligible entity
15 under paragraph (3)(C).

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

20 “(A) an identification of the population to
21 be served by the demonstration project, includ-
22 ing—

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

1 “(ii) a comprehensive assessment of
2 early childhood care and development
3 needs within that service area, including a
4 description of the assets of each tribal
5 community benefiting from the demonstra-
6 tion project that will be used to improve
7 project quality and child and family out-
8 comes;

9 “(iii) a description of obstacles to ac-
10 cessing early childhood education opportu-
11 nities in that service area, such as—

12 “(I) a shortage of enrollment
13 slots in existing child care or early
14 learning programs;

15 “(II) problems in the recruitment
16 and retention of high-quality staff;
17 and

18 “(III) a lack of sufficient trans-
19 portation or educational facility infra-
20 structure; and

21 “(iv) a description of the means by
22 which the proposal addresses the items
23 identified in clauses (ii) and (iii);

1 “(B) a plan for improving Indian family
2 and tribal community engagement and consulta-
3 tion services, including a description of—

4 “(i) the methods the demonstration
5 project—

6 “(I) has implemented for effec-
7 tive engagement with Indian families
8 and tribal community members living
9 in the covered geographical service
10 area during development of the dem-
11 onstration project application through
12 the notice and public comment proc-
13 ess; and

14 “(II) will use to continue con-
15 sultation and engagement with Indian
16 families and tribal community mem-
17 bers living in the covered geographical
18 service area during implementation of
19 the demonstration project; and

20 “(ii) how the demonstration project
21 will engage Indian parents in partnerships
22 to reach proposal goals;

23 “(C) an identification of the 1 or more eli-
24 gible underlying programs selected by the eligi-

1 ble entity for inclusion in the proposed dem-
2 onstration project;

3 “(D) a description of the framework for
4 center-based and family-based early childhood
5 educational programing to be used by the dem-
6 onstration project, including a description of
7 how the demonstration project will coordinate
8 with the eligible underlying programs proposed
9 under subparagraph (C) to promote in the ap-
10 plicable tribal community—

11 “(i) school readiness;

12 “(ii) family engagement;

13 “(iii) parenting skills; and

14 “(iv) healthy child development;

15 “(E) an explanation of the role of Native
16 language and culture in the demonstration
17 project;

18 “(F) a description of data that will be col-
19 lected for monitoring and evaluation purposes,
20 including—

21 “(i) the methods and systems for data
22 collection and management;

23 “(ii) identified metrics that will be
24 used to measure progress toward proposal
25 goals;

1 “(iii) any duplicative data or adminis-
2 trative systems that will be streamlined
3 through integration with the eligible under-
4 lying programs; and

5 “(iv) the precautions that will be used
6 to ensure the privacy of participants who
7 have data collected in accordance with the
8 applicable privacy requirements of—

9 “(I) section 444 of the Family
10 Educational Rights and Privacy Act
11 (20 U.S.C. 1232g); and

12 “(II) the Health Insurance Port-
13 ability and Accountability Act of 1996
14 (42 U.S.C. 201 et seq.);

15 “(G) a description of technical assistance
16 and training the eligible entity will need to fur-
17 ther develop or implement the monitoring and
18 evaluation portion of the proposal;

19 “(H) a description of how programming
20 funded under the demonstration project will ad-
21 dress child and family mental health issues, in-
22 cluding issues relating to violence and substance
23 abuse;

1 “(I) an assurance that the total projected
2 expenditures of the demonstration project will
3 be reflected in a single comprehensive budget;

4 “(J) an identification of the specific tribal
5 entity to administer and implement the delivery
6 of services using the funds received from the
7 underlying eligible programs identified under
8 subparagraph (C); and

9 “(K) an identification and explanation of
10 any specific provision of law (including regula-
11 tions), policy, or procedure of an eligible under-
12 lying program identified under subparagraph
13 (C) for which the eligible entity requests a waiv-
14 er.

15 “(4) APPROVAL OR DISAPPROVAL.—

16 “(A) IN GENERAL.—Not later than 90
17 days after receipt of an application under this
18 subsection, the Secretary shall notify an appli-
19 cant in writing of whether the application has
20 been approved or denied.

21 “(B) NOTIFICATION REQUIREMENTS.—In
22 each notification under subparagraph (A), the
23 Secretary shall include—

24 “(i) for each approved application—

1 “(I) the terms and conditions of
2 the approval in accordance with para-
3 graph (7); and

4 “(II) a notification of whether
5 any waiver request included in the ap-
6 plication under paragraph (3)(K) has
7 been approved or denied in accordance
8 with subsection (c)(5); and

9 “(ii) for each disapproved application
10 or waiver request, the reasons for the dis-
11 approval.

12 “(5) APPLICATION AMENDMENTS.—

13 “(A) IN GENERAL.—A grantee may submit
14 to the Secretary a proposed amendment to an
15 application approved under this subsection, in-
16 cluding any amendment to a waiver request
17 submitted under paragraph (3)(K), at such
18 time and in such manner as the Secretary may
19 require.

20 “(B) APPROVAL.—Subject to paragraph
21 (6), not later than 60 days after the date of re-
22 ceipt of a proposed amendment under subpara-
23 graph (A), the Secretary shall provide to the
24 grantee a written notice describing whether the

1 proposed amendment has been approved or dis-
2 approved.

3 “(6) APPEAL OF SECRETARIAL DECISIONS.—

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

8 “(i) by amending and resubmitting to
9 the Secretary the request and explanation
10 in accordance with paragraph (3)(K) or
11 (5), as applicable; or

12 “(ii) by requesting reconsideration of
13 the request.

14 “(B) TIMEFRAME.—An appeal under sub-
15 paragraph (A) shall be submitted to the Sec-
16 retary by not later than the 30 days after the
17 date of receipt of a notification of disapproval
18 of—

19 “(i) a waiver request under paragraph
20 (4)(B)(i)(II); or

21 “(ii) an amendment request under
22 paragraph (5)(B).

23 “(C) FINAL DETERMINATION.—Not later
24 than 30 days after the date of receipt of an ap-
25 peal under subparagraph (A), the Secretary

1 shall provide to the grantee a written notice of
2 the final approval or disapproval status of the
3 waiver or amendment request, as applicable.

4 “(7) TERMS AND CONDITIONS.—

5 “(A) IN GENERAL.—The Secretary shall
6 include in each notification of approval of an
7 application under paragraph (4) the terms and
8 conditions of that approval, including—

9 “(i) the date on which the eligible en-
10 tity may begin implementing the dem-
11 onstration project;

12 “(ii) the services and support to be
13 provided for the demonstration project by
14 the Administration for Children and Fami-
15 lies;

16 “(iii) the responsibilities of the grant-
17 ee regarding implementation of the dem-
18 onstration project;

19 “(iv) the terms of distribution to the
20 demonstration project of funds from the el-
21 igible underlying programs identified in the
22 approved application, to be made in ac-
23 cordance with a payment schedule deter-
24 mined by the Secretary; and

1 “(v) a requirement that the grantee
2 shall comply with all legal requirements
3 applicable to the eligible underlying pro-
4 grams that have not been waived by the
5 Secretary pursuant to this section.

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

11 “(A) addresses the unique challenges and
12 barriers to effective and efficient programming;
13 and

14 “(B) ensures access to high-quality early
15 childhood education services in tribal commu-
16 nities.

17 “(e) ELIGIBLE UNDERLYING PROGRAMS.—

18 “(1) IN GENERAL.—A program eligible to be an
19 underlying program from which a demonstration
20 project receives financial assistance shall be 1 of the
21 following:

22 “(A) The social and economic development
23 strategies program carried out under section
24 803.

1 “(B) The Native American language pres-
2 ervation and maintenance program carried out
3 under section 803C, including the Esther Mar-
4 tinez initiative.

5 “(C) The early childhood infrastructure de-
6 velopment grant program carried out under sec-
7 tion 805B(c).

8 “(D) The early childhood professional de-
9 velopment grant program carried out under sec-
10 tion 805B(d).

11 “(E) The program of block grants to
12 States and Indian tribes for temporary assist-
13 ance for needy families for funding for childcare
14 carried out under section 418 of the Social Se-
15 curity Act (42 U.S.C. 618).

16 “(F) The tribal maternal, infant, and early
17 childhood home visiting program carried out
18 under section 511 of the Social Security Act
19 (42 U.S.C. 711).

20 “(G) A Head Start program or an Early
21 Head Start program carried out under the
22 Head Start Act (42 U.S.C. 9831 et seq.) (ex-
23 cept if there has been a determination under
24 section 641(c)(7)(A)(iii) of that Act (42 U.S.C.
25 9836(c)(7)(A)(iii)) that the Head Start or

1 Early Head Start agency of the Indian tribe
2 submitting an application under subsection (d)
3 has not been delivering a high-quality and com-
4 prehensive Head Start or Early Head Start
5 program).

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

10 “(I) Any additional program identified by
11 the Secretary under paragraph (2).

12 “(2) ADDITIONAL PROGRAMS.—

13 “(A) IN GENERAL.—After consultation
14 with the Work Group, the Secretary may in-
15 clude in a report under subsection (f)(2) a pro-
16 posal to designate any additional program ad-
17 ministered by the Secretary of Health and
18 Human Services as an eligible underlying pro-
19 gram for purposes of the demonstration pro-
20 gram under this section, subject to the condi-
21 tion that the additional program shall be con-
22 sistent with the purposes of the demonstration
23 program.

24 “(B) DEEMED APPROVAL.—If Congress
25 fails to act on a proposal of the Secretary under

1 subparagraph (A) by the date that is 180 days
 2 after the date of receipt of the applicable re-
 3 port, the proposal shall be deemed to be ap-
 4 proved by Congress.

5 “(f) REPORTING REQUIREMENTS.—

6 “(1) ELIGIBLE ENTITIES.—

7 “(A) IN GENERAL.—Each grantee shall
 8 submit to the Secretary semiannual reports de-
 9 scribing the progress achieved and monitoring
 10 conducted by the grantee in carrying out the
 11 demonstration project.

12 “(B) REPORT CONTENTS.—Subject to sub-
 13 section (g)(4)(B), each report submitted under
 14 subparagraph (A) shall include, with respect to
 15 the period covered by the report—

16 “(i) an identification of—

17 “(I) all uses of Federal funding,
 18 including all major activities and ac-
 19 complishments; and

20 “(II) any problems in the imple-
 21 mentation of the demonstration
 22 project, including any delays and ac-
 23 tions taken to address the problems;

24 “(ii) a description of—

1 “(I) all services provided to chil-
2 dren and families under the dem-
3 onstration project, including—

4 “(aa) the number of children
5 and families directly benefiting
6 from the services; and

7 “(bb) the qualifications and
8 credentials of the employees of
9 the demonstration project;

10 “(II) the progress of the specific
11 objectives of the demonstration
12 project; and

13 “(III) activities planned under
14 the demonstration project for the fol-
15 lowing reporting period; and

16 “(iii) any additional information the
17 Secretary determines to be necessary—

18 “(I) to support the objectives of
19 the demonstration project; and

20 “(II) to ensure appropriate use of
21 Federal funding.

22 “(C) STANDARD FORM.—The Secretary, in
23 consultation with the Work Group, shall develop
24 a standard report form—

1 “(i) to be used by all eligible entities
2 to achieve compliance with this paragraph;
3 and

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

6 “(2) SECRETARIAL REPORTS TO CONGRESS.—

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

15 “(i) any evidence-based developments
16 achieved as a result of the demonstration
17 program under this section;

18 “(ii) the progress and impacts of the
19 demonstration projects carried out under
20 this section; and

21 “(iii) with respect to the initial report
22 required under this subparagraph, a rec-
23 ommendation regarding the ways in which
24 the application process for competitively
25 awarded eligible underlying programs can

1 be reduced and streamlined for grantees
2 under this section.

3 “(B) CONGRESSIONAL COMMITTEES.—The
4 congressional committees referred to in sub-
5 paragraph (A) are—

6 “(i) in the Senate—

7 “(I) the Committee on Indian Af-
8 fairs; and

9 “(II) the Committee on Health,
10 Education, Labor, and Pensions; and

11 “(ii) in the House of Representa-
12 tives—

13 “(I) the Subcommittee on Indian,
14 Insular and Alaska Native Affairs;
15 and

16 “(II) the Committee on Edu-
17 cation and the Workforce.

18 “(g) MONITORING AND OVERSIGHT; TERMI-
19 NATION.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, the Secretary, in consultation with
22 the Work Group, shall implement a coordinated
23 monitoring and oversight system that applies to all
24 eligible underlying programs, including—

1 “(A) review of the reports described in
2 subsection (f); and

3 “(B) onsite visits to demonstration
4 projects, as the Secretary determines to be nec-
5 essary.

6 “(2) COMPLIANCE.—For each demonstration
7 project, the Secretary shall use the reports described
8 in subsection (f) and other relevant information as
9 the basis for determining whether a grantee has
10 complied with—

11 “(A) the terms and conditions of the dem-
12 onstration project; and

13 “(B) any policy, procedure, or guidance
14 issued under paragraph (4).

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

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

20 “(i) the implementation of the dem-
21 onstration project deviates significantly
22 from the approved application without the
23 prior approval of the Secretary;

24 “(ii) noncompliance under paragraph
25 (2) has occurred; and

1 “(iii) the grantee has failed to correct
2 the noncompliance described in clause (ii)
3 after sufficient opportunity, as determined
4 by the Secretary, to correct the noncompli-
5 ance; or

6 “(B) the grantee submits to the Secretary
7 a written request to terminate the demonstra-
8 tion project, including an explanation of the
9 reasons for termination, as required by the Sec-
10 retary.

11 “(4) POLICIES AND PROCEDURES.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), the Secretary may issue policies,
14 procedures, and guidance relating to perform-
15 ance-based standards of accountability and in-
16 ternal controls necessary for a grantee and eli-
17 gible underlying program to ensure appropriate
18 use of Federal funding.

19 “(B) RESTRICTION.—The Secretary shall
20 not require a grantee to maintain a separate
21 record for each eligible underlying program that
22 traces the use of funds by the demonstration
23 project back to each individual eligible under-
24 lying program.

1 “(5) EVALUATION CRITERIA.—The Secretary,
2 in consultation with Indian tribes and grantees, shall
3 develop and promulgate regulations prescribing the
4 parameters and evaluation criteria for assessing the
5 quality of a demonstration project.

6 “(h) FUNDING.—

7 “(1) ALLOCATION.—

8 “(A) IN GENERAL.—The Secretary, acting
9 through the Assistant Secretary for Children
10 and Families (referred to in this subsection as
11 the ‘Secretary’), shall distribute to each grantee
12 financial assistance using amounts appropriated
13 to each applicable eligible underlying program
14 identified by the grantee in the application
15 under subsection (d)(3) in proportions to be de-
16 termined by the Secretary.

17 “(B) DETERMINATION.—The Secretary
18 shall determine the amounts allocated to each
19 grantee from each applicable eligible underlying
20 program using the funding schedules or for-
21 mulas employed by the applicable eligible un-
22 derlying program.

23 “(2) UNUSED FUNDS.—

24 “(A) IN GENERAL.—Any grant amounts
25 that are not obligated or expended by the

1 grantee on or before September 30 of the fiscal
2 year for which the amounts were distributed
3 under paragraph (1) shall remain available to
4 the grantee until September 30 of the following
5 fiscal year.

6 “(B) REVERSION OF FUNDS.—Any grant
7 amounts that are not obligated or expended by
8 the grantee on or before the deadline described
9 in subparagraph (A) shall revert to the Sec-
10 retary for reallocation to the eligible underlying
11 programs in the original proportions described
12 in paragraph (1).

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

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

21 “(B) not more than 20 percent shall be
22 used for oversight, grant application technical
23 assistance, and demonstration program evalua-
24 tion.

1 “(4) CONSOLIDATION OF FUNDS.—Notwith-
 2 standing any other provision of law, a grantee may
 3 consolidate financial assistance received from each
 4 eligible underlying program, subject to the condition
 5 that the grantee shall stipulate in the application
 6 under subsection (d)(3) that the grantee shall use
 7 the funds for the respective statutory and integrated
 8 purposes of the eligible underlying programs.

9 “(5) ADMINISTRATIVE COSTS.—A grantee may
 10 use not more than 15 percent of the total amount
 11 of financial assistance received under this section for
 12 administrative costs.

13 “(6) FUNDING LEVEL MAINTENANCE.—The
 14 Secretary shall not reduce the amount of funding al-
 15 located to an eligible underlying program as a result
 16 of the eligible underlying program being part of a
 17 demonstration project.

18 “(i) TECHNICAL ASSISTANCE AND TRAINING.—

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

22 “(A) demonstration project administration;

23 “(B) monitoring and evaluation capacity
 24 development;

1 “(C) coordination with tribal, Federal,
2 State, and local agencies; or

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

5 “(i) authorized by the Secretary; or

6 “(ii) recommended by the Work
7 Group.

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

11 “(A) an evaluation of the demonstration
12 program to quantify any changes resulting from
13 the demonstration program, based on perform-
14 ance indicators and outcome measurements
15 used by grantees to evaluate progress in achiev-
16 ing the objectives of each demonstration
17 project;

18 “(B) development and implementation of
19 unified data collection and reporting systems;

20 “(C) semiannual training and technical as-
21 sistance meetings and other activities sponsored
22 by the Administration for Children and Fami-
23 lies; or

1 “(D) any other technical assistance and
2 training activity authorized under paragraph
3 (1).

4 “(3) TRIBAL EARLY CHILDHOOD WORK
5 GROUP.—

6 “(A) IN GENERAL.—To assist in achieving
7 the purposes of the demonstration program
8 under this section, the Secretary shall establish
9 a tribal early childhood demonstration program
10 work group.

11 “(B) MEMBERSHIP.—The Work Group
12 shall be comprised of representatives of—

13 “(i) the National Indian Child Care
14 Association;

15 “(ii) the Early Head Start Tribal
16 Partnership;

17 “(iii) the National Indian Head Start
18 Directors Association;

19 “(iv) the Indian Health Service;

20 “(v) Tribal Child Care Development
21 Fund Program Administrators;

22 “(vi) early childhood research centers
23 with expertise in tribal early childhood pro-
24 grams, including the Tribal Early Child-

1 hood Research Center at the University of
2 Colorado;

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

7 “(viii) the Administration for Native
8 Americans;

9 “(ix) the Tribal Home Visiting Pro-
10 gram; and

11 “(x) such other organizations, agen-
12 cies, and entities as the Secretary deter-
13 mines to be appropriate.

14 “(C) DUTIES.—The Work Group shall ad-
15 vise the Secretary regarding the development
16 and implementation of—

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

19 “(ii) the coordinated monitoring and
20 oversight system described in subsection
21 (g)(1); and

22 “(iii) the technical assistance and
23 training described in this section.

1 **"SEC. 805B. EARLY CHILDHOOD INFRASTRUCTURE DEVEL-**
 2 **OPMENT GRANT PROGRAM; EARLY CHILD-**
 3 **HOOD PROFESSIONAL DEVELOPMENT GRANT**
 4 **PROGRAM.**

5 "(a) PURPOSES.—The purposes of this section are—

6 "(1) to increase the number of highly qualified
 7 early childhood care and development service pro-
 8 viders—

9 "(A) who are Indian; or

10 "(B) who work for programs serving tribal
 11 communities; and

12 "(2) to ensure tribal early childhood care and
 13 development center infrastructure is safe and condu-
 14 cive to serving the needs of the tribal communities
 15 that use that infrastructure.

16 "(b) DEFINITIONS.—In this section:

17 "(1) ELIGIBLE ENTITY.—The term 'eligible en-
 18 tity' means a demonstration project carried out
 19 under section 805A that identified in the application
 20 under subsection (c)(3)(C)(iii) of that section the
 21 program carried out under subsection (c) or (d), as
 22 applicable, as 1 of the eligible underlying programs
 23 to be used by the demonstration project.

24 "(2) INDIAN.—The term 'Indian' has the mean-
 25 ing given the term in section 7151 of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 7491).

3 “(c) EARLY CHILDHOOD INFRASTRUCTURE DEVEL-
4 OPMENT GRANT PROGRAM.—The Secretary shall establish
5 a program under which the Secretary shall make grants
6 to eligible entities—

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

9 “(2) to upgrade existing childhood learning and
10 development facilities.

11 “(d) EARLY CHILDHOOD PROFESSIONAL DEVELOP-
12 MENT GRANT PROGRAM.—

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

19 “(2) SPECIAL RULE.—

20 “(A) SERVICE FOR REIMBURSEMENT.—El-
21 igible entities receiving a grant under para-
22 graph (1) shall require early childhood edu-
23 cators who receive reimbursement under the
24 grant to fulfill a period of obligated service with

1 the demonstration project of the eligible entity
2 in accordance with subparagraph (B).

3 “(B) PERIOD OF OBLIGATED SERVICE.—

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

10 “(ii) REQUIREMENT.—Before receiv-
11 ing reimbursement, the early childhood ed-
12 ucator and the eligible entity shall enter
13 into a contract described in clause (i).

14 “(e) ALLOCATION OF GRANTS.—

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

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

21 “(B) if funding is insufficient to fulfill the
22 total amount requested by all eligible entities,
23 fully fund a selection of eligible entities based
24 on the following criteria:

1 “(i) The likelihood of completing the
2 proposed infrastructure project within the
3 timeframe of the demonstration project.

4 “(ii) The ability of the infrastructure
5 project to address outstanding health and
6 safety concerns.

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

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

15 “(A) allocate to an eligible entity such
16 amounts as are requested in the application of
17 the eligible entity; or

18 “(B) if funding is insufficient to fulfill the
19 total amount requested by all eligible entities,
20 allocate funds to each eligible entity based on
21 the proportion that—

22 “(i) the number of children served by
23 the eligible entity; bears to

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

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—

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

8 “(A) \$4,000,000 for each of fiscal years
9 2017 through 2021; and

10 “(B) such sums as are necessary for each
11 fiscal year thereafter.

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

15 “(A) \$1,000,000 for each of fiscal years
16 2017 through 2021; and

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

19 **SEC. 3. TRIBAL EARLY CHILDHOOD EDUCATOR RECRUIT-**
20 **MENT AND RETENTION.**

21 (a) LOAN FORGIVENESS FOR EARLY CHILDHOOD
22 EDUCATORS.—

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

(A) in subsection (b)(1)(A), by striking “section 465(a)(2)(A)” and inserting “subparagraph (A) or (B) of section 465(a)(2)”; and

(B) in subsection (c)(3)—

(i) in the paragraph heading, by striking “OR SPECIAL EDUCATION” and inserting “SPECIAL EDUCATION, OR TRIBAL EARLY CHILDHOOD DEVELOPMENT PROGRAMS”;

(ii) in subparagraph (A)(ii), by striking “and” after the semicolon;

(iii) in subparagraph (B)(iii), by striking the period and inserting “; and”; and

(iv) by adding at the end the following:

“(C) an early childhood teacher—

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

“(ii) whose qualifying employment for purposes of such subsection is in an early childhood learning and development program—

“(I) that is operated by an Indian tribe (as defined in section 4 of the Indian Self-Determination and

1 Education Assistance Act (25 U.S.C.
2 450b)); or

3 “(II) that serves a large percent-
4 age of Indian children, as defined by
5 the Secretary.”.

6 (2) FEDERAL DIRECT LOANS.—Section 460 of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1087j) is amended—

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

12 (B) in subsection (c)(3)—

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

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

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

22 (iv) by adding at the end the fol-
23 lowing:

24 “(C) an early childhood teacher—

1 “(i) who meets the requirements of
2 subsection (b); and

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

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

12 “(II) that serves a large percent-
13 age of Indian children, as defined by
14 the Secretary.”.

15 (b) CANCELLATION OF LOANS FOR TRIBAL EARLY
16 CHILDHOOD EDUCATORS.—Subparagraph (B) of section
17 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C.
18 1087ee(a)(2)) is amended to read as follows:

19 “(B) as a full-time staff member with a
20 baccalaureate degree—

21 “(i) in a preschool program carried
22 out under the Head Start Act (42 U.S.C.
23 9831 et seq.) that is operated for a period
24 which is comparable to a full school year in
25 the locality, if the salary of such staff

1 member is not more than the salary of a
2 comparable employee of the local edu-
3 cational agency for the locality;

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

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

19 “(iv) in an early childhood learning or
20 development center operated by an Indian
21 tribe (as so defined) utilizing funds from—

22 “(I) early childhood learning and
23 development grants awarded under
24 the Native American Programs Act of
25 1974 (42 U.S.C. 2991 et seq.), in-

1 including such grants under section
2 803C, 805A, or 805B of such Act;

3 “(II) grants awarded under the
4 Child Care and Development Block
5 Grant Act of 1990 (42 U.S.C. 9858 et
6 seq.); or

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

○