

112TH CONGRESS  
1ST SESSION

# S. 470

To establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 3, 2011

Mr. CASEY (for himself, Mr. DURBIN, Mrs. MURRAY, Mr. COONS, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs 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 “Supporting State Sys-  
5       tems of Early Learning Act”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to support States in build-  
3 ing and strengthening systems of high-quality early learn-  
4 ing and development programs.

5 **SEC. 3. PROGRAMS AUTHORIZED.**

6       (a) **QUALITY PATHWAYS GRANTS.**—The Secretary  
7 shall use funds made available to carry out this Act for  
8 a fiscal year to award grants, on a competitive basis, to  
9 States that have demonstrated the greatest progress in es-  
10 tablishing and committing to maintain a system of high-  
11 quality State early learning programs, consistent with sec-  
12 tion 4.

13       (b) **DEVELOPMENT GRANTS.**—The Secretary may  
14 use funds made available to carry out this Act for a fiscal  
15 year to award grants, on a competitive basis, in accord-  
16 ance with section 5 to States that demonstrate a commit-  
17 ment to establishing and committing to maintain a high-  
18 quality system of early learning that will include the com-  
19 ponents described in section 4(c)(4) but are not—

20           (1) eligible to be awarded a grant under sub-  
21 section (a); or

22           (2) awarded such a grant after application.

23       (c) **RESERVATIONS OF FEDERAL FUNDS.**—

24           (1) **RESEARCH, EVALUATION, AND ADMINISTRA-**  
25 **TION.**—From the amount made available to carry  
26 out this Act for a fiscal year, the Secretary—

1 (A) shall reserve not more than 2 percent  
2 to administer this Act jointly with the Secretary  
3 of Health and Human Services for expenses of  
4 both agencies pursuant to the interagency  
5 agreement described in subsection (h); and

6 (B) shall reserve not more than 5 percent  
7 to carry out activities under section 6.

8 (2) TRIBAL SCHOOL READINESS PLANNING  
9 DEMONSTRATION.—After making the reservations  
10 under paragraph (1), the Secretary shall reserve 2  
11 percent for a competitive grant demonstration pro-  
12 gram for Indian tribes to develop and implement  
13 school readiness plans and programs that—

14 (A) increase access to high-quality State  
15 early learning programs that improve health,  
16 social, emotional, cognitive, and physical out-  
17 comes and school readiness; and

18 (B) support Native culture in a tribally ad-  
19 ministered early learning program, including  
20 American Indian and Alaska Native Head Start  
21 and Early Head Start programs.

22 (d) STATE APPLICATIONS.—In applying for a grant  
23 under this Act, a Governor shall designate or establish a  
24 State-level entity (referred to in this Act as the “State”)  
25 for administration of the grant. Such entity—

1           (1) shall coordinate proposed activities with the  
2           State Advisory Council on Early Childhood Edu-  
3           cation and Care (established pursuant to section  
4           642B(b)(1)(A) of the Head Start Act (42 U.S.C.  
5           9837b(b)(1)(A))) and shall incorporate plans and  
6           recommendations from such Council in the applica-  
7           tion, where applicable; and

8           (2) shall submit the application to the Secretary  
9           at such time, in such manner, and containing such  
10          information as the Secretary may reasonably re-  
11          quire.

12          (e) PRIORITY IN AWARDING GRANTS.—In awarding  
13          grants under this Act, the Secretary shall give priority to  
14          States—

15               (1) whose applications contain assurances that  
16               the State will use, in part, funds reserved under sec-  
17               tion 658G of the Child Care and Development Block  
18               Grant Act of 1990 (42 U.S.C. 9858e) for activities  
19               described in section 4(e)(4); and

20               (2) that demonstrate efforts to build public-pri-  
21               vate partnerships designed to accomplish the pur-  
22               pose of this Act.

23          (f) PROHIBITIONS ON USE OF FUNDS.—Funds avail-  
24          able under this Act may not be used for any of the fol-  
25          lowing:

1           (1) Assessments that provide rewards or sanc-  
2           tions for individual children or teachers.

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

5           (3) Evaluating children other than for—

6                 (A) improving instruction or classroom en-  
7                 vironment;

8                 (B) targeting professional development;

9                 (C) determining the need for health, men-  
10                tal health, disability, or family support services;

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

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

15                or

16                (F) research conducted as part of the na-  
17                tional evaluation described under section 5.

18           (g) MAINTENANCE OF EFFORT.—With respect to  
19           each period for which a State is awarded a grant under  
20           this Act, the expenditures by the State on State early  
21           learning programs shall not be less than the greater of  
22           the level of the expenditures for such programs in the  
23           prior fiscal year or as of the date of enactment of this  
24           Act.

25           (h) INTERAGENCY AGREEMENT.—

1           (1) IN GENERAL.—The Secretary and the Sec-  
2           retary of Health and Human Services shall jointly  
3           develop policy for, and administer, this Act in ac-  
4           cordance with such terms as the Secretaries shall set  
5           forth in an interagency agreement that shall include,  
6           at a minimum, joint appointment of peer review  
7           panels, joint development of guidance or regulations,  
8           shared development of applications, shared moni-  
9           toring of the grant programs, shared provision of  
10          technical assistance, and shared development and  
11          implementation of indicators, benchmarks, and re-  
12          search and development plans and activities.

13          (2) OBLIGATION AND DISBURSEMENT OF  
14          FUNDS BY SECRETARY OF EDUCATION.—The Sec-  
15          retary of Education shall be responsible for obli-  
16          gating and disbursing funds and ensuring compli-  
17          ance with applicable laws and administrative require-  
18          ments, in accordance with the General Education  
19          Provisions Act (20 U.S.C. 1221 et seq.) and parts  
20          74 through 80 of title 34, Code of Federal Regula-  
21          tions.

22 **SEC. 4. QUALITY PATHWAYS GRANTS.**

23          (a) GRANT PERIOD.—Grants under section 3(a)—

24                 (1) may be awarded for a period of 3 years; and

1           (2) may be extended, for a 2-year period, sub-  
2           ject to approval by the Secretary, and based on the  
3           State's progress in—

4                   (A) increasing the number and percentage  
5                   of children from low-income families in each age  
6                   group of infants, toddlers, and preschoolers, en-  
7                   rolled in high-quality State early learning pro-  
8                   grams;

9                   (B) meeting the components described in  
10                  subsection (c)(4);

11                  (C) increasing the number of high-quality  
12                  State early learning programs in low-income  
13                  communities; and

14                  (D) incorporating the program quality  
15                  findings and recommendations, as appropriate.

16           (b) MATCHING REQUIREMENT.—Subject to section 9,  
17           to be eligible to receive a grant under subsection (a) or  
18           (b) of section 3, a State shall contribute to the activities  
19           assisted under the grant, non-Federal matching funds in  
20           an amount equal to not less than 15 percent of the amount  
21           of the grant.

22           (c) STATE APPLICATIONS.—In order to receive a  
23           grant under section 3(a), a State's application under sec-  
24           tion 3(d) shall include a plan that includes the following:

1           (1) A description of how the State will use  
2 funds prioritized for those programs serving high  
3 proportions of low-income children in accordance  
4 with subsection (e) to improve health, social, emo-  
5 tional, cognitive, physical development, and school  
6 readiness for young children by implementing quality  
7 initiatives to improve State early learning programs  
8 serving disadvantaged children from birth to entry  
9 into kindergarten to lead to a greater percentage of  
10 children from low-income families participating in  
11 high-quality State early learning programs.

12           (2) A description of the benchmarks, consistent  
13 with section 7, the State will establish to dem-  
14 onstrate that a greater percentage of children from  
15 low-income families are participating in high-quality  
16 State early learning programs.

17           (3) A description of how the State will integrate  
18 existing State early learning programs and services  
19 into a comprehensive system for early learning and  
20 development.

21           (4) A description of how the State will imple-  
22 ment a system of high-quality State early learning  
23 programs and services that includes the following  
24 components:

25                   (A) A governance structure.



1 (B) State early learning standards.

2 (C) A process to ensure that State early  
3 learning standards are integrated into the in-  
4 structional and programmatic practices of State  
5 early learning programs and services.

6 (D) A tiered program rating and improve-  
7 ment system that fully integrates early learning  
8 standards, applicable State licensing require-  
9 ments, program quality standards, and other  
10 applicable State regulatory standards, which, at  
11 a minimum, shall include standards regarding  
12 preservice and ongoing training for staff in  
13 early childhood development, health, and safety,  
14 and other program standards as required by the  
15 State, and that—

16 (i) is designed to improve quality and  
17 effectiveness across different types of early  
18 learning settings;

19 (ii) has progressively higher levels of  
20 program quality leading to quality levels  
21 consistent with or higher than nationally  
22 recognized, high-quality program quality  
23 standards that are valid and reliable for  
24 State early learning programs, such as the  
25 Head Start performance standards de-

1 scribed in section 641A of the Head Start  
2 Act (42 U.S.C. 9836a);

3 (iii) determines the extent to which in-  
4 dividual programs across different types of  
5 settings integrate the State's early learning  
6 standards for the purpose of improving in-  
7 structional and programmatic practices;

8 (iv) addresses quality for and effective  
9 inclusion of children with disabilities or de-  
10 velopmental delays across all early learning  
11 settings;

12 (v) addresses staff qualifications,  
13 training, and professional development and  
14 education linked to improved compensa-  
15 tion;

16 (vi) addresses the quality of early  
17 learning facilities;

18 (vii) builds the capacity of State early  
19 learning programs and communities to pro-  
20 mote parents' and families' understanding  
21 of the State's early learning system and  
22 the rating of the programs in which their  
23 child is enrolled;

1 (viii) provides financial incentives and  
2 other supports designed to achieve and  
3 sustain higher levels of quality; and

4 (ix) includes mechanisms for evalu-  
5 ating how programs are meeting the  
6 State’s program quality standards and pro-  
7 gressively higher levels of quality.

8 (E) A system of program review and moni-  
9 toring that is designed—

10 (i) to rate providers using the system  
11 described in subparagraph (D) in a way  
12 that is accessible and useful to parents;

13 (ii) to assess and improve pro-  
14 grammatic practices and instructional  
15 practices; and

16 (iii) to provide high-quality environ-  
17 ments that can engage children with mate-  
18 rials, curricula, and experiences appro-  
19 priate to the developmental level of the  
20 child.

21 (F) A process to support and increase the  
22 number of State early learning programs inte-  
23 grating instructional and programmatic prac-  
24 tices that guide and improve instructional prac-

1           tice, professional development of staff, and serv-  
2           ices that—

3                   (i) include developmentally appro-  
4                   priate, culturally and linguistically appro-  
5                   priate, ongoing, classroom-based instruc-  
6                   tional assessments for each domain of child  
7                   development and learning; and

8                   (ii) are aligned with the curriculum  
9                   used in the State early learning program  
10                  and with the State early learning stand-  
11                  ards or the Head Start Child Outcomes  
12                  Framework (as described in the Head  
13                  Start Act (42 U.S.C. 9831 et seq.)), as ap-  
14                  plicable.

15               (G) A plan for providing comprehensive  
16               preservice preparation and professional develop-  
17               ment to create, educate, and support a knowl-  
18               edgeable, highly skilled, and well-compensated  
19               workforce, across all types of early childhood  
20               settings serving all children from birth to kin-  
21               dergarten entry.

22               (H) Outreach strategies that incorporate  
23               multiple strategies for parent, expectant parent,  
24               and family involvement and education.

1 (I) A plan to promote understanding by  
2 parents and families of—

3 (i) the State’s program rating system,  
4 as described in subparagraph (D); and

5 (ii) the rating of the program in which  
6 their child is enrolled.

7 (J) A coordinated system to facilitate  
8 prompt screening, referral, and provision of  
9 services related to health, mental health, dis-  
10 ability, and family support for children partici-  
11 pating in State early learning programs.

12 (K) A process for evaluating school readi-  
13 ness in children that reflects all of the major  
14 domains of development, and that—

15 (i) is used to guide practice and im-  
16 prove State early learning programs; and

17 (ii) includes multiple measures of  
18 school readiness at kindergarten entry, and  
19 which shall reflect a sample across the  
20 State.

21 (L) A comprehensive plan that promotes  
22 nutrition and wellness in early learning settings,  
23 and which—

1 (i) includes program standards for the  
2 healthful development of infants, toddlers,  
3 and young children;

4 (ii) encourages the provision of foods  
5 and beverages in accordance with the  
6 guidelines of the Richard B. Russell Na-  
7 tional School Lunch Act (42 U.S.C. 1751  
8 et seq.), and which incorporates age appro-  
9 priate recommendations to reduce the con-  
10 sumption and excess of sugar, saturated  
11 fat, and sodium; and

12 (iii) reflects physical activity rec-  
13 ommendations which are appropriate for  
14 young children from birth through kinder-  
15 garten entry.

16 (M) A plan to implement or enhance the  
17 State's data system for early learning pro-  
18 grams, including—

19 (i) alignment and interoperability be-  
20 tween the data system for early learning  
21 programs for children and data systems for  
22 elementary and secondary education so  
23 that progress on key data elements can be  
24 tracked over time with minimal duplica-  
25 tion; and

1 (ii) uniform data collection from all  
2 providers that receive public funding about  
3 the quality of early learning programs, es-  
4 sential information about the children and  
5 families that participate in such programs,  
6 and the qualifications and compensation of  
7 the early learning workforce in such pro-  
8 grams.

9 (N) A plan to ensure effective transitions  
10 between State early learning programs and the  
11 kindergarten through grade 3 public school sys-  
12 tem in the State.

13 (O) A plan for how the State will deter-  
14 mine which State early learning programs re-  
15 ceived significant direct funding under this Act,  
16 and are not making sufficient quality improve-  
17 ment, including a description of the technical  
18 assistance the State will provide to such pro-  
19 grams and how the State shall determine when  
20 to shift unspent funds under this Act to other  
21 State early learning programs in the same geo-  
22 graphic region serving similar populations, to  
23 the extent practicable.

24 (5) A description of how the State will ensure  
25 that programs receiving funds under this Act are

1 participating in the State tiered program rating sys-  
2 tem described in paragraph (4)(D).

3 (6) A description of how the funds provided  
4 under the grant will be targeted to enhance the qual-  
5 ity of early learning programs in order to increase  
6 the number and percentage of children from low-in-  
7 come families in high-quality State early learning  
8 programs, including children—

9 (A) in each age group (infants, toddlers,  
10 and preschoolers);

11 (B) living in rural and urban areas;

12 (C) who are among the most disadvan-  
13 taged children; and

14 (D) who need access to full-day, full-year  
15 State early learning programs.

16 (7) A description of the steps the State will  
17 take to ensure that all center-based child care pro-  
18 grams, family child care programs, State-funded  
19 prekindergarten, Head Start programs under the  
20 Head Start Act (42 U.S.C. 9831 et seq.), and other  
21 State early learning programs are included in the  
22 State system described in paragraph (4).

23 (8) A description of disparities by age group  
24 (infants, toddlers, and preschoolers) and race and  
25 ethnicity of available high-quality State early learn-



1 ing programs in low-income communities and the  
2 steps the State will take to decrease such disparities,  
3 if applicable.

4 (9) A description of how the State facilitates  
5 access to high-quality State early learning programs  
6 for each of the populations described in subpara-  
7 graphs (A) through (E) of section 10(2), such as  
8 through subsidies for children in State early learning  
9 programs.

10 (10) A description of how the State will align  
11 early learning standards with—

12 (A) appropriate State academic content  
13 standards for kindergarten through grade 3;  
14 and

15 (B) elements of program quality standards.

16 (11) A description of how the State will im-  
17 prove interagency collaboration and coordinate the  
18 early childhood programs and services throughout  
19 the State.

20 (12) A description of the time frame the State  
21 proposes to develop and implement the elements de-  
22 scribed in such State's application.

23 (13) A description of how the State will imple-  
24 ment a process for improving the quality of early  
25 learning services to better meet the needs of the

1 most disadvantaged children, including children who  
2 are limited English proficient and children with dis-  
3 abilities.

4 (14) An assurance that the grant will be used  
5 to improve the quality of State early learning pro-  
6 grams across a range of types of settings and pro-  
7 viders of such programs, and all ages of children  
8 (from birth to kindergarten entry).

9 (15) An assurance that the Governor has des-  
10 ignated or created a State Advisory Council on  
11 Early Childhood Education and Care (established  
12 pursuant to section 642B(b)(1)(A) of the Head  
13 Start Act (42 U.S.C. 9837b(b)(1)(A))), has taken  
14 steps to ensure that membership includes all rep-  
15 resentatives described in section 642B(b)(1)(C) of  
16 such Act, and has consulted with such State Advi-  
17 sory Council on Early Childhood Education and  
18 Care in applying for a grant under this Act.

19 (16) An assurance that the grant will be used  
20 only to supplement, and not to supplant, Federal,  
21 State, and local funds otherwise available to support  
22 existing State early learning programs and services.

23 (17) An assurance that the State will continue  
24 to participate in section 619 and part C of the Indi-

1       viduals with Disabilities Education Act (20 U.S.C.  
2       1419, 1431 et seq.) for the duration of the grant.

3       (d) CRITERIA USED IN AWARDING GRANTS.—In  
4       awarding grants under section 3(a), the Secretary shall  
5       award grants under such section, on a competitive basis,  
6       to those States that have demonstrated the greatest  
7       progress in establishing and committing to maintain a sys-  
8       tem of high-quality State early learning programs, on a  
9       competitive basis, based on the State’s commitment to  
10      meeting and developing, as necessary, the components de-  
11      scribed in subsection (c)(4).

12      (e) STATE USES OF FUNDS.—A State receiving a  
13      grant under section 3(a) shall use the grant funds for ac-  
14      tivities that implement or improve the system components  
15      described in subsection (c)(4) and help State early learn-  
16      ing programs meet and sustain higher levels of program  
17      quality standards and move more low-income children into  
18      higher quality programs, consistent with the plan sub-  
19      mitted in accordance with subsection (c).

20      (f) FUNDS TO EXPAND ACCESS.—A State may apply  
21      to the Secretary to reserve not more than 25 percent of  
22      the amount of the grant to expand access for children  
23      from low-income families, proportional to the disparities  
24      by age group identified in subsection (c)(8), to the highest

1 quality State early learning programs that offer full-day,  
2 full-year services.

3 **SEC. 5. DEVELOPMENT GRANTS.**

4 (a) STATE APPLICATIONS.—In order to receive a  
5 grant under section 3(b), a State shall submit an applica-  
6 tion to the Secretary at such time, in such manner, and  
7 containing such information as the Secretary shall require,  
8 including a description of how the State will develop a plan  
9 consistent with section 4(c).

10 (b) GRANT PERIOD.—The Secretary shall award  
11 grants under section 3(b) for a period not to exceed 3  
12 years, and such grants may not be renewed.

13 (c) STATE USES OF FUNDS.—

14 (1) IN GENERAL.—A State receiving a grant  
15 under section 3(b) shall use the grant funds to un-  
16 dertake activities to develop the components of early  
17 learning services described in section 4(c)(4) that  
18 will allow the State to become eligible and competi-  
19 tive for a grant described in section 3(a).

20 (2) PRIORITY.—In improving the quality of  
21 State early learning programs in the State, the State  
22 shall prioritize the quality of State early learning  
23 programs serving children from low-income families.

1 **SEC. 6. RESEARCH AND EVALUATION.**

2 From funds reserved under section 3(c)(1)(B), the  
3 Secretary and the Secretary of Health and Human Serv-  
4 ices, acting jointly and in accordance with section 11, shall  
5 carry out activities to ensure the success of grants to  
6 States under this Act.

7 **SEC. 7. BENCHMARKS; INDICATORS; REPORTING.**

8 (a) INDICATORS.—The Secretary shall define, by reg-  
9 ulation, indicators to be used to measure success on the  
10 activities carried out under a grant under this Act, the  
11 primary indicator of which shall be increasing the number  
12 and percentage of low-income children in high-quality,  
13 State early learning programs.

14 (b) BENCHMARKS.—Each State receiving a grant  
15 under this Act shall—

16 (1) develop quantifiable benchmarks for the  
17 State and the activities supported under the grant  
18 based on the indicators described in subsection (a)  
19 that are applicable to the State;

20 (2) submit the benchmarks for approval to the  
21 Secretary; and

22 (3) report to the Secretary on progress in meet-  
23 ing such benchmarks as required by the Secretary.

24 (c) DISAGGREGATION.—The indicators and bench-  
25 marks described in this section shall be disaggregated.

1 **SEC. 8. TECHNICAL ASSISTANCE.**

2 The Secretary shall reserve not more than  
3 \$5,000,000 from amounts appropriated under this Act to  
4 directly, or through grant or contract, provide technical  
5 assistance to eligible entities to prepare the entities to  
6 qualify, apply for, and maintain grants under section 4  
7 or 5.

8 **SEC. 9. FINANCIAL HARDSHIP WAIVER.**

9 The Secretary may waive or reduce a requirement  
10 under this Act regarding the non-Federal share of a State  
11 or maintenance of effort of a State if the State dem-  
12 onstrates a need for such waiver or reduction due to finan-  
13 cial hardship.

14 **SEC. 10. DEFINITIONS.**

15 In this Act:

16 (1) CHILD.—The term “child” refers to an in-  
17 dividual from birth through the day the individual  
18 enters kindergarten.

19 (2) DISADVANTAGED.—The term “disadvan-  
20 taged”, when used with respect to a child, means—

21 (A) a child from a low-income family;

22 (B) a homeless child;

23 (C) a child in the custody of a child wel-  
24 fare agency;

25 (D) a child with a developmental delay or  
26 disability; or

1           (E) a child who is limited English pro-  
2           ficient.

3           (3) EARLY LEARNING STANDARDS.—The term  
4           “early learning standards” means a set of expecta-  
5           tions for the learning and development of children  
6           from birth through entry into kindergarten that—

7           (A) emphasize significant developmentally  
8           appropriate content and outcomes that describe  
9           what children should know and be able to do  
10          across all domains, including language, literacy,  
11          mathematics, science, social development, emo-  
12          tional development, health and physical well-  
13          being, and approaches to learning;

14          (B) are based on research about the proc-  
15          esses, sequences, and long-term influence of  
16          early learning and development;

17          (C) identify approaches to learning that  
18          are developmentally appropriate (including cul-  
19          turally and linguistically appropriate) and sup-  
20          portive of positive outcomes for all children;

21          (D) are aligned with the appropriate State  
22          academic content standards for kindergarten  
23          through grade 3;

1 (E) inform providers, programs, teachers,  
2 schools, parents, and the community on what  
3 young children are expected to learn; and

4 (F) guide providers, programs, teachers,  
5 and schools in supporting children to help chil-  
6 dren meet high expectations.

7 (4) HOMELESS CHILDREN.—The term “home-  
8 less children” has the meaning given the term  
9 “homeless children and youths” in section 725(2) of  
10 the McKinney-Vento Homeless Assistance Act (42  
11 U.S.C. 11434a(2)).

12 (5) INDIAN TRIBE.—The term “Indian tribe”  
13 has the meaning given such term in section 4 of the  
14 Indian Self-Determination and Education Assistance  
15 Act (25 U.S.C. 450b).

16 (6) LIMITED ENGLISH PROFICIENT.—The term  
17 “limited English proficient” has the meaning given  
18 the term in section 637 of the Head Start Act (42  
19 U.S.C. 9832).

20 (7) LOW-INCOME.—The term “low-income”,  
21 when used with respect to a child, means a child  
22 whose family income is described in section  
23 658P(4)(B) of the Child Care and Development  
24 Block Grant Act of 1990 (42 U.S.C. 9858n(4)(B)).



1           (8) PROGRAM QUALITY STANDARDS.—The term  
2           “program quality standards” means the characteris-  
3           tics of State early learning programs, across a range  
4           of settings, that have an impact on children’s devel-  
5           opment and learning. Such characteristics include—

6                   (A) the ratio of early learning providers to  
7           children;

8                   (B) staff qualifications;

9                   (C) the quality and effectiveness of inter-  
10           actions between early learning providers and  
11           children and the children’s families in the pro-  
12           gram;

13                   (D) the program philosophy and cur-  
14           riculum;

15                   (E) the quality and quantity of equipment  
16           and materials;

17                   (F) the quality of the physical environ-  
18           ment; and

19                   (G) safety and health provisions and other  
20           applicable Federal or State requirements with  
21           respect to State early learning programs.

22           (9) SECRETARY.—The term “Secretary” means  
23           the Secretary of Education.

24           (10) STATE.—The term “State” has the mean-  
25           ing given the term in section 9101 of the Elemen-

1 tary and Secondary Education Act of 1965 (20  
2 U.S.C. 7801).

3 (11) STATE EARLY LEARNING PROGRAM.—The  
4 term “State early learning program” has the mean-  
5 ing given the term “early childhood education pro-  
6 gram” in section 103 of the Higher Education Act  
7 of 1965 (20 U.S.C. 1003).

8 **SEC. 11. RESEARCH AND EVALUATION; BENCHMARKS AND**  
9 **CONSULTATION.**

10 (a) RESEARCH AND EVALUATION.—

11 (1) IN GENERAL.—The Secretary shall transfer  
12 amounts reserved for research and evaluation under  
13 section 3(c)(1)(B) to the Institute of Education  
14 Sciences, to be used—

15 (A) for the evaluation of grants or other  
16 assistance funded under such section;

17 (B) to support research on policies and  
18 practices related to such grants; and

19 (C) to disseminate the results of such re-  
20 search and evaluation.

21 (2) COLLABORATION.—The evaluation and re-  
22 search described in paragraph (1) shall be carried  
23 out in collaboration with—

24 (A) the appropriate evaluation divisions  
25 within the Department of Education;

1           (B) the office within the Department of  
2           Education administering the grants that are the  
3           subject of the evaluation and research; and

4           (C) the Department of Health and Human  
5           Services and the Department of Labor as ap-  
6           propriate.

7           (b) DEVELOPING INDICATORS AND BENCHMARKS.—  
8           In developing indicators and benchmarks for programs  
9           funded under this Act, the Secretary shall consult with  
10          the Secretary of Health and Human Services and the Di-  
11          rector of the Institute of Education Sciences.

12       **SEC. 12. APPROPRIATIONS.**

13          (a) IN GENERAL.—There are authorized to be appro-  
14          priated to carry out this Act \$350,000,000 for fiscal year  
15          2012 and such sums as may be necessary for each of the  
16          4 succeeding fiscal years.

17          (b) AVAILABILITY OF FUNDS.—Funds appropriated  
18          under this section for fiscal year 2012 shall be available  
19          through September 30, 2013.

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