

Subsec. (d)(6), (7). Pub. L. 110-134, §20(2)(D), redesignated pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (8).

Subsec. (d)(8). Pub. L. 110-134, §20(2)(D), redesignated par. (7) as (8). Former par. (8) redesignated (9).

Pub. L. 110-134, §20(2)(A), inserted "and" at end.

Subsec. (d)(9). Pub. L. 110-134, §20(2)(B), (D), redesignated par. (8) as (9) and struck out former par. (9) which read as follows: "study the experiences of small, medium, and large States with Head Start programs in order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—

"(A) may include the use of a data set that existed prior to the initiation of the study; and

"(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children; and"

Subsec. (d)(10). Pub. L. 110-134, §20(2)(B), added par. (10) and struck out former par. (10) which provided for using the Survey of Income and Program Participation to conduct certain analyses, the National Longitudinal Survey of Youth to examine certain outcomes, and the Survey of Program Dynamics to begin certain annual reporting.

Subsec. (e)(3). Pub. L. 110-134, §20(3), substituted "early childhood education and development services or programs" for "child care, early childhood education, or child development services".

Subsec. (g)(7)(C). Pub. L. 110-134, §20(4), amended subpar. (C) generally. Prior to amendment, text read as follows:

"(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

"(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate."

Subsecs. (h) to (m). Pub. L. 110-134, §20(5), added subsecs. (h) to (m) and struck out former subsec. (h) which related to quality improvement study.

1998—Subsec. (c)(3). Pub. L. 105-244 substituted "section 1001" for "section 1141(a)".

Subsec. (d). Pub. L. 105-285, §116(1)(E), inserted concluding provisions.

Subsec. (d)(2) to (8). Pub. L. 105-285, §116(1)(C), (D), added par. (2) and redesignated former pars. (2) to (7) as (3) to (8), respectively.

Subsec. (d)(9), (10). Pub. L. 105-285, §116(1)(A), (B), (E), added pars. (9) and (10).

Subsecs. (g), (h). Pub. L. 105-285, §116(2), added subsecs. (g) and (h).

1994—Pub. L. 103-252 substituted "Research, demonstrations, and evaluation" for "Research, demonstration, pilot projects, studies, and reports" in section catchline and amended text generally, substituting provisions requiring Secretary to conduct a research, demonstration, and evaluation program to continually improve Head Start programs and develop innovative ways to further purposes of this subchapter, consult with others on the program, consider longitudinal studies in developing priorities for program, and ensure all products of program become United States property and defining objectives of program, for provisions authorizing the Secretary to provide financial assistance through contracts and grants for research, demonstration or pilot projects to develop new approaches to further purposes of this subchapter, directing Secretary to establish plan for approval of such projects, restricting combination of funds appropriated under this subchapter with other appropriations to make a single grant, requiring Secretary to conduct study of approaches to provide early, continuous, and comprehensive intervention to low-income or at-risk children and study of family day care in compliance with perform-

ance standards and to report results of studies to Congress.

1990—Pub. L. 101-501, §117(a)(1), substituted "Research, demonstration, pilot projects, studies, and reports" for "Research, demonstration, and pilot projects" in section catchline.

Subsecs. (d) to (f). Pub. L. 101-501, §117(a)(2), added subsecs. (d) to (f).

1984—Subsec. (c). Pub. L. 98-558 added subsec. (c).

#### CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103-252, set out as a note under section 9832 of this title.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

#### STUDY OF FULL-DAY AND FULL-YEAR HEAD START PROGRAMS

Pub. L. 103-252, title I, §126, May 18, 1994, 108 Stat. 650, directed Secretary of Health and Human Services to conduct a study of extent to which Head Start programs address the need for Head Start services during a full working day or full calendar year among eligible low-income families with preschool children and to submit a report to Congress not later than Jan. 31, 1997.

#### § 9845. Repealed. Pub. L. 103-252, title I, § 117, May 18, 1994, 108 Stat. 648

Section, Pub. L. 97-35, title VI, §650, Aug. 13, 1981, 95 Stat. 505; Pub. L. 101-501, title I, §117(c), Nov. 3, 1990, 104 Stat. 1233, directed Secretary to make public announcement concerning grants or contracts for research, demonstrations, pilot projects, studies, or reports under this subchapter.

#### EFFECTIVE DATE OF REPEAL

Repeal effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103-252, set out as an Effective Date of 1994 Amendment note under section 9832 of this title.

#### § 9846. Reports

##### (a) Status of children

At least once during every 2-year period, the Secretary shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the status of children (including children with disabilities, limited English proficient children, homeless children, children in foster care, and children participating in Indian Head Start programs and migrant or sea-

sonal Head Start programs) in Head Start programs, including the number of children and the services being provided to such children. Such report shall include—

(1) a statement for the then most recently concluded fiscal year specifying—

(A) the amount of funds received by Head Start agencies designated under section 9836 of this title to provide Head Start services in a period before such fiscal year; and

(B) the amount of funds received by Head Start agencies newly designated under section 9836 of this title to provide such services in such fiscal year;

(2) a description of the distribution of Head Start services relative to the distribution of children who are eligible to participate in Head Start programs, including geographic distribution within States, and information on the number of children served under this subsection, disaggregated by type of eligibility criterion;

(3) a statement identifying how funds made available under section 9835(a) of this title were distributed and used at national, regional, and local levels;

(4) a statement specifying the amount of funds provided by the State, and by local sources, to carry out Head Start programs;

(5) cost per child and how such cost varies by region;

(6) a description of the level and nature of participation of parents in Head Start programs as volunteers and in other capacities;

(7) information concerning Head Start staff, including salaries, education, training, experience, and staff turnover;

(8) information concerning children participating in programs that receive Head Start funding, including information on family income, racial and ethnic background, homelessness, whether the child is in foster care or was referred by a child welfare agency, disability, and receipt of benefits under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.];

(9) the use and source of funds to extend Head Start services to operate full-day and year round;

(10) using data from the monitoring conducted under section 9836a(c) of this title—

(A) a description of the extent to which programs funded under this subchapter comply with performance standards and regulations in effect under this subchapter;

(B) a description of the types and condition of facilities in which such programs are located;

(C) the types of organizations that receive Head Start funds under such programs; and

(D) the number of children served under each program option;

(11) the information contained in the documents entitled “Program Information Report” and “Head Start Cost Analyses System” (or any document similar to either), prepared with respect to Head Start programs;

(12) a description of the types of services provided to children and their families, both on-site and through referrals, including

health, mental health, dental care, vision care, parenting education, physical fitness, and literacy training;

(13) a summary of information concerning the research, demonstration, and evaluation activities conducted under section 9844 of this title, including—

(A) a status report on ongoing activities; and

(B) results, conclusions, and recommendations, not included in any previous report, based on completed activities; and

(14) a study of the delivery of Head Start programs to Indian children living on and near Indian reservations, to children of Alaska Natives, and to children of migrant and seasonal farmworker families.

Promptly after submitting such 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, the Secretary shall publish in the Federal Register a notice indicating that such report is available to the public and specifying how such report may be obtained.

**(b) Facilities**

At least once during every 5-year period, the Secretary shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the condition, location, and ownership of facilities used, or available to be used, by Indian Head Start agencies (including Alaska Native Head Start agencies) and Native Hawaiian Head Start agencies.

**(c) Fiscal protocol**

**(1) In general**

The Secretary shall conduct an annual review to assess whether the design and implementation of the triennial reviews described in section 9836a(c) of this title include compliance procedures that provide reasonable assurances that Head Start agencies are complying with applicable fiscal laws and regulations.

**(2) Report**

Not later than 30 days after the date the Secretary completes the annual review under paragraph (1), the Secretary shall report the findings and conclusions of the annual review to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

**(d) Disability-related services**

**(1) In general**

The Secretary shall track the provision of disability-related services for children, in order to—

(A) determine whether Head Start agencies are making timely referrals to the State or local agency responsible for providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.);

(B) identify barriers to timely evaluations and eligibility determinations by the State

or local agency responsible for providing services under section 619 or part C of the Individuals with Disabilities Education Act; and

(C) determine under what circumstances and for what length of time Head Start agencies are providing disability-related services for children who have not been determined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) to be children with disabilities.

## (2) Report

Not later than 1 year after December 12, 2007, the Secretary shall provide a 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 described in paragraph (1).

## (e) Evaluation and recommendations regarding obesity prevention

Not later than 1 year after December 12, 2007, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the Secretary's progress in assisting program efforts to prevent and reduce obesity in children who participate in Head Start programs, including progress on implementing initiatives within the Head Start program to prevent and reduce obesity in such children.

(Pub. L. 97-35, title VI, § 650, formerly § 651, Aug. 13, 1981, 95 Stat. 506; Pub. L. 98-558, title I, § 108, Oct. 30, 1984, 98 Stat. 2880; Pub. L. 101-501, title I, §§ 118, 119, Nov. 3, 1990, 104 Stat. 1234; Pub. L. 102-401, § 2(k)(5), Oct. 7, 1992, 106 Stat. 1959; renumbered § 650 and amended Pub. L. 103-252, title I, § 118, May 18, 1994, 108 Stat. 648; Pub. L. 105-285, title I, § 117, Oct. 27, 1998, 112 Stat. 2727; Pub. L. 110-134, § 21, Dec. 12, 2007, 121 Stat. 1441.)

### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a)(8), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (d)(1), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of Title 20, Education. Part C of the Act is classified generally to subchapter III (§ 1431 et seq.) of chapter 33 of Title 20. Section 619 of the Act is classified to section 1419 of Title 20. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

### AMENDMENTS

2007—Subsec. (a). Pub. L. 110-134, § 21(1)(A), (G), substituted, in introductory provisions, “Education and Labor” for “Education and the Workforce”, “Health, Education, Labor, and Pensions” for “Labor and Human Resources”, and “(including children with disabilities, limited English proficient children, homeless children, children in foster care, and children participating in Indian Head Start programs and migrant or seasonal Head Start programs)” for “(including disabled and non-English language background children)” and, in concluding provisions, “Education and Labor” for “Education and the Workforce” and “Health, Edu-

cation, Labor, and Pensions” for “Labor and Human Resources”.

Subsec. (a)(2). Pub. L. 110-134, § 21(1)(B), inserted “, and information on the number of children served under this subsection, disaggregated by type of eligibility criterion” before semicolon at end.

Subsec. (a)(3). Pub. L. 110-134, § 21(1)(C), substituted “funds made available under section 9835(a) of this title” for “funds expended under section 9835(a)(2) of this title, and funds allotted under section 9835(a)(3) of this title.”.

Subsec. (a)(8). Pub. L. 110-134, § 21(1)(D), inserted “homelessness, whether the child is in foster care or was referred by a child welfare agency,” after “background.”.

Subsec. (a)(12). Pub. L. 110-134, § 21(1)(E), inserted “vision care,” after “dental care.”.

Subsec. (a)(14). Pub. L. 110-134, § 21(1)(F), substituted “Alaska Natives” for “Alaskan Natives” and “seasonal farmworker families” for “seasonal farmworkers”.

Subsec. (b). Pub. L. 110-134, § 21(2), substituted “Education and Labor” for “Education and the Workforce”, “Health, Education, Labor, and Pensions” for “Labor and Human Resources”, and “Alaska Native” for “Native Alaskan”.

Subsecs. (c) to (e). Pub. L. 110-134, § 21(3), added subsecs. (c) to (e).

1998—Pub. L. 105-285 designated existing provisions as subsec. (a), inserted heading, substituted “Education and the Workforce” for “Education and Labor” in introductory and concluding provisions, and added subsec. (b).

1994—Pub. L. 103-252, § 118(a)(1), substituted “Reports” for “Evaluation” in section catchline.

Subsecs. (a) to (f). Pub. L. 103-252, § 118(a)(1), struck out subsecs. (a) to (f) which related to evaluations of programs under this subchapter to determine impact and effectiveness, adherence to Head Start performance standards, persons or entities assisting in evaluations, Secretary obtaining views of program participants, publication and submission of results to congressional committees, and all studies and evaluation material remaining property of the United States.

Subsec. (g). Pub. L. 103-252, § 118(a)(2)-(4), struck out subsec. (g) designation, substituted “monitoring conducted under section 9836a(c) of this title” for “evaluations conducted under section 9836(c)(2) of this title” in par. (10), and added pars. (13) and (14).

1992—Subsec. (g). Pub. L. 102-401 struck out “(1)” before “At least” at beginning of subsec. and substituted “physical” for “physicial” in par. (12).

1990—Subsec. (c)(2). Pub. L. 101-501, § 118, inserted at end “The Secretary is encouraged to provide funds for community-based cooperative research efforts to enable Head Start directors to conduct evaluations of their programs with the assistance of qualified researchers not directly involved in the administration of the program or project operation.”

Subsec. (g). Pub. L. 101-501, § 119, added subsec. (g).

1984—Subsec. (b). Pub. L. 98-558 substituted “not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards” for “result in standards which are no less comprehensive than those” in second sentence.

### CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-252 effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103-252, set out as a note under section 9832 of this title.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-401 effective Oct. 7, 1992, but not applicable with respect to fiscal years beginning before Oct. 1, 1992, see section 4 of Pub. L. 102-401, set out as a note under section 9835 of this title.

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 4th item on page 79 identifies a reporting provision which, as subsequently amended, is contained in subsec. (a) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

**§§ 9846a, 9847. Repealed. Pub. L. 103-252, title I, § 119, May 18, 1994, 108 Stat. 648**

Section 9846a, Pub. L. 97-35, title VI, § 651A, as added Pub. L. 101-501, title I, § 120(a), Nov. 3, 1990, 104 Stat. 1235; amended Pub. L. 102-401, § 2(k)(6), Oct. 7, 1992, 106 Stat. 1959, related to longitudinal study of Head Start participants.

Section 9847, Pub. L. 97-35, title VI, § 652, Aug. 13, 1981, 95 Stat. 506; Pub. L. 101-501, title I, § 121(a), (c), Nov. 3, 1990, 104 Stat. 1237, directed Secretary to annually determine poverty line to be used as criterion of eligibility for participation in Head Start programs.

## EFFECTIVE DATE OF REPEAL

Repeal effective May 18, 1994, but not applicable to Head Start agencies and other recipients of financial assistance under the Head Start Act (42 U.S.C. 9831 et seq.) until Oct. 1, 1994, see section 127 of Pub. L. 103-252, set out as an Effective Date of 1994 Amendment note under section 9832 of this title.

**§ 9848. Comparability of wages**

**(a) Comparability of wages**

The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this subchapter shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher; or (2) less than the minimum wage rate prescribed in section 206(a)(1) of title 29. The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.

**(b) Limitation**

**(1) In general**

Notwithstanding any other provision of law, no Federal funds may be used to pay any part of the compensation of an individual employed by a Head Start agency, if such compensation, including non-Federal funds, exceeds an amount equal to the rate payable for level II of the Executive Schedule under section 5313 of title 5.

**(2) Compensation**

In this subsection, the term “compensation”—

(A) includes salary, bonuses, periodic payments, severance pay, the value of any vacation time, the value of a compensatory or paid leave benefit not excluded by subparagraph (B), and the fair market value of any employee perquisite or benefit not excluded by subparagraph (B); and

(B) excludes any Head Start agency expenditure for a health, medical, life insurance, disability, retirement, or any other employee welfare or pension benefit.

(Pub. L. 97-35, title VI, § 653, Aug. 13, 1981, 95 Stat. 507; Pub. L. 101-501, title I, § 122, Nov. 3, 1990, 104 Stat. 1237; Pub. L. 110-134, § 22, Dec. 12, 2007, 121 Stat. 1442.)

## AMENDMENTS

2007—Pub. L. 110-134 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1990—Pub. L. 101-501 inserted at end “The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.”

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-501 effective Oct. 1, 1990, see section 1001(a) of Pub. L. 101-501, set out as a note under section 8621 of this title.

**§ 9849. Nondiscrimination provisions**

**(a) Discrimination based on race, creed, color, etc., as basis for denial of financial assistance**

The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

**(b) Sex discrimination; enforcement provisions applicable**

No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 2000d-1 of this title. Section 2000d-2 of this title shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this subchapter.

**(c) Discrimination based on handicapping condition as basis for denial of financial assistance**

The Secretary shall not provide financial assistance for any program, project, or activity