

CAPLAW 2009 NATIONAL TRAINING CONFERENCE  
WEDNESDAY, JUNE 24, 2009

## HEAD START UPDATE

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## OVERVIEW OF PRESENTATION

- › HEAD START REAUTHORIZATION UPDATE
  - › IMPLEMENTATION OF KEY CHANGES
  - › RELATED POLICY ISSUANCES
- › DESIGNATION RENEWAL
  - › REPORT TO SECRETARY
  - › STATUS OF RECOMPETITION
- › MONITORING
  - › RECENT CHANGES TO MONITORING PROTOCOL
  - › CHANGES IN 2010 AND CLASS INSTRUMENT
- › STIMULUS (AMERICAN RECOVERY AND REINVESTMENT ACT) FUNDING
- › NOTICE OF PROPOSED RULEMAKING

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## HEAD START REAUTHORIZATION

- › HEAD START REAUTHORIZATION
  - › "IMPROVING HEAD START FOR SCHOOL READINESS ACT OF 2007"
  - › PRESIDENT SIGNED DECEMBER 12, 2007
  - › NOW PUBLIC LAW 110-134
- › OFFICE OF HEAD START HAS PUBLISHED COMPILATION OF THE REVISED HEAD START ACT INCORPORATING CHANGES WITH OLDER PROVISIONS

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**OVERVIEW OF REAUTHORIZATION**

- › REAUTHORIZATION LEGISLATION IS A SECTION BY SECTION RE-WRITE OF THE HEAD START ACT
  - › LAST REVISED IN 1998
  - › NEW ACT RETAINS MANY PRIOR PROVISIONS BUT ALSO MAKES SIGNIFICANT CHANGES
- › SOME CHANGES HAVE DELAYED EFFECTIVE DATES BUT SOME ARE IN EFFECT NOW
  - › GOVERNANCE REQUIREMENTS
    - › COMPOSITION (GOVERNING BODY AND POLICY COUNCIL)
    - › CONFLICTS OF INTEREST
    - › RESPONSIBILITIES
  - › REPORTING
  - › ELIGIBILITY AND ENROLLMENT

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**GOVERNANCE REQUIREMENTS**

- › COMPOSITION
  - › GOVERNING BODY (MEMBER QUALIFICATIONS)
  - › POLICY COUNCIL (TYPES AND SELECTION)
- › CONFLICT OF INTEREST PROHIBITIONS
  - › SIMILAR FOR GOVERNING BODY AND POLICY COUNCIL
  - › HOWEVER, NOT IDENTICAL
- › RESPONSIBILITIES
  - › GOVERNING BODY (GENERAL "LEGAL AND FISCAL RESPONSIBILITY" FOR AGENCY)
  - › POLICY COUNCIL (PROGRAM "DIRECTION")

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**GOVERNANCE REQUIREMENTS**

- › GOVERNING BODY COMPOSITION [42 U.S.C. § 9837(c)(1)(B)]
  - › ONE MEMBER WITH FISCAL MANAGEMENT BACKGROUND AND EXPERTISE
  - › ONE MEMBER WITH EARLY CHILDHOOD EDUCATION AND DEVELOPMENT BACKGROUND AND EXPERTISE
  - › ONE MEMBER LICENSED ATTORNEY "FAMILIAR WITH ISSUES THAT COME BEFORE THE GOVERNING BODY"
- › CAN USE CONSULTANTS INSTEAD

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**GOVERNANCE REQUIREMENTS**

- › NEW ACT FAILS TO DEFINE CERTAIN KEY TERMS RELATED TO GOVERNING BODY COMPOSITION
  - › FISCAL MANAGEMENT BACKGROUND AND EXPERTISE ARE NOT DEFINED
  - › EARLY CHILDHOOD EDUCATION AND DEVELOPMENT BACKGROUND AND EXPERTISE ARE NOT DEFINED
  - › PHRASE "FAMILIAR WITH ISSUES THAT COME BEFORE THE GOVERNING BODY" IS NOT DEFINED
- › WHAT DOES THIS MEAN FOR GRANTEES?

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**GOVERNANCE REQUIREMENTS**

- › HEAD START WILL PROBABLY ISSUE GUIDANCE OR PROMULGATE REGULATIONS TO MORE CLEARLY DEFINE QUALIFICATIONS FOR "EXPERT" BOARD MEMBERS
- › IN ABSENCE OF OFFICIAL GUIDANCE OR REGULATIONS, GRANTEES HAVE SOME FLEXIBILITY
  - › CAVEAT: WITHOUT OFFICIAL GUIDANCE OR REGULATIONS, HEAD START (AND REVIEW TEAMS) COULD DISAGREE
  - › COMMON SENSE APPROACH (DO NOT PUSH THE ENVELOPE WITH DEFINITIONS)
  - › WHEN DECIDING IF BOARD MEMBER MEETS "EXPERT" QUALIFICATIONS, CONSIDER SAME FACTORS AS WOULD CONSIDER IN EVALUATING PAID CONSULTANT

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**GOVERNANCE REQUIREMENTS**

- › ADDITIONAL GOVERNING BODY MEMBERS [42 U.S.C. § 9837(c)(1)(B)(iv)]
  - › MUST "REFLECT THE COMMUNITY SERVED" INCLUDING CURRENT OR FORMER HEAD START PARENTS
  - › MUST BE SELECTED "FOR THEIR EXPERTISE IN EDUCATION, BUSINESS ADMINISTRATION, OR COMMUNITY AFFAIRS"
- › APPARENTLY TWO SEPARATE GROUPS (ADDITIONAL MEMBERS DO NOT HAVE TO MEET BOTH SETS OF QUALIFICATIONS)

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**GOVERNANCE REQUIREMENTS**

- › EXCEPTIONS EXIST TO "EXPERT" AND "ADDITIONAL" GOVERNING BODY MEMBERSHIP REQUIREMENTS FOR PUBLIC AGENCIES
- › "EXCEPTIONS SHALL BE MADE . . . WHEN THOSE MEMBERS OVERSEE A PUBLIC ENTITY AND ARE SELECTED TO THEIR POSITIONS WITH THE PUBLIC ENTITY BY PUBLIC ELECTION OR POLITICAL APPOINTMENT" [42 U.S.C. § 9837(c)(1)(B)(v)]
- › NO GENERAL EXCEPTION FOR PRIVATE, NONPROFIT AGENCIES

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**GOVERNANCE REQUIREMENTS**

- › GRANTEES HAVE ALTERNATIVE MEANS OF COMPLIANCE WITH "EXPERT" GOVERNING BODY MEMBER REQUIREMENTS
- › IF A QUALIFIED PERSON IS NOT AVAILABLE TO SERVE AS ONE OF THE "EXPERT" GOVERNING BODY MEMBERS, GRANTEE CAN USE QUALIFIED CONSULTANT TO "WORK DIRECTLY WITH THE GOVERNING BODY"
  - › CAN BE PAID CONSULTANT
  - › CAN BE VOLUNTEER
  - › RECOMMENDED THAT NOT BE A MEMBER OF AGENCY'S STAFF (BUT SEE POLICY CLARIFICATION OHS-PC-E-027)

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**GOVERNANCE REQUIREMENTS**

- › POLICY COUNCIL COMPOSITION IS SIMILAR BUT SELECTION PROCESS MODIFIED IN NEW LAW [42 U.S.C. § 9837(c)(2)(B)]
- › STILL TWO TYPES OF MEMBERS
  - › CURRENT HEAD START PARENTS, WHO MUST BE MAJORITY
  - › COMMUNITY REPRESENTATIVES, WHICH MAY INCLUDE FORMER PARENTS

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**GOVERNANCE REQUIREMENTS**

- › UNDER NEW ACT, ENTIRE POLICY COUNCIL ELECTED BY PARENTS OF CURRENTLY ENROLLED CHILDREN
- › **BUT** GOVERNING BODY MUST DEVELOP SELECTION PROCEDURES CONSISTENT WITH THIS REQUIREMENT
- › HEAD START HAS ISSUED POLICY CLARIFICATION
  - › POLICY CLARIFICATION OHS-PC-E-028 (MAY 13, 2009)
  - › "THE POLICY COUNCIL HAS A ROLE IN RECOMMENDING HOW PROCEDURES WILL BE DEVELOPED BY THE GOVERNING BODY FOR THE ELECTION OF POLICY COUNCIL MEMBERS. THE GOVERNING BODY DETERMINES THE SYSTEM FOR ELECTION OF THE POLICY COUNCIL. THIS MAY INCLUDE, FOR EXAMPLE, HOW SUCH INDIVIDUALS ARE NOMINATED, HOW ELECTIONS ARE CONDUCTED AND THE QUALIFICATIONS FOR MEMBERSHIP."

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**GOVERNANCE REQUIREMENTS**

- › CONFLICTS OF INTEREST NOW PROHIBITED
  - › GOVERNING BODY
  - › POLICY COUNCIL
- › SIMILAR BUT NOT IDENTICAL PROVISIONS FOR GOVERNING BODY AND POLICY COUNCIL
  - › MORE RESTRICTIONS FOR GOVERNING BODY
  - › HOWEVER, BASIC CONFLICT OF INTEREST PROHIBITION APPEARS BROADER FOR POLICY COUNCIL
- › NEW ACT DOES NOT DEFINE "CONFLICT OF INTEREST"
  - › POLICY CLARIFICATION RECENTLY ISSUED BUT DOES NOT ADDRESS ALL CIRCUMSTANCES
  - › **VERY** CONSERVATIVE APPROACH ADVISED

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**GOVERNANCE REQUIREMENTS**

- › GOVERNING BODY MEMBERS ARE SUBJECT TO FOUR CONFLICT OF INTEREST PROHIBITIONS [42 U.S.C. § 9837(c)(1)(C)]
- › NO **FINANCIAL** CONFLICTS OF INTEREST
  - › FINANCIAL CONFLICT NOT DEFINED
  - › NO GUIDANCE
- › NO COMPENSATION FOR SERVING ON GOVERNING BODY OR PROVIDING SERVICES TO AGENCY
  - › ADDRESSED TO LIMITED EXTENT IN POLICY CLARIFICATION
  - › **BUT** LIMITED EXCEPTION
- › NO EMPLOYMENT OF MEMBERS OR IMMEDIATE FAMILY BY AGENCY
  - › IMMEDIATE FAMILY NOT DEFINED IN ACT BUT ADDRESSED IN POLICY CLARIFICATION
  - › **BUT** LIMITED EXCEPTION
- › MUST OPERATE INDEPENDENTLY OF STAFF

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**GOVERNANCE REQUIREMENTS**

- › HEAD START RECENTLY ISSUED POLICY CLARIFICATION CONCERNING CONFLICTS OF INTEREST [OHS-PC-E-029 (MAY 13, 2009)]
- › POLICY CLARIFICATION DEFINES IMMEDIATE FAMILY: "GENERALLY INCLUDES THE SPOUSE, PARENTS AND GRANDPARENTS, CHILDREN AND GRANDCHILDREN, BROTHERS AND SISTERS, MOTHER-IN-LAW AND FATHER-IN-LAW, BROTHERS-IN-LAW AND SISTERS-IN-LAW, DAUGHTERS-IN-LAW AND SONS-IN-LAW, AND ADOPTED AND STEP FAMILY MEMBERS."
- › POLICY CLARIFICATION REITERATES THAT BOARD MEMBER MAY NOT RECEIVE COMPENSATION FOR PROVIDING SERVICES TO AGENCY

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**GOVERNANCE REQUIREMENTS**

- › POLICY CLARIFICATION CONCERNING CONFLICTS OF INTEREST ALSO ADDRESSES RELATIONSHIPS WITH STAFF AND POSSIBILITY OF RECUSAL [OHS-PC-E-029 (MAY 13, 2009)]
- › RELATIONSHIPS WITH STAFF: "IN THE CASE OF A GOVERNING BODY MEMBER WITH A CLOSE AND CONTINUING RELATIONSHIP WITH A STAFF MEMBER, THE FINANCIAL INTERESTS OF THE STAFF MEMBER IN CONTINUED EMPLOYMENT WITH THE GRANTEE AND POSSIBLE PREFERENTIAL TREATMENT MAY BE IMPUTED TO THE GOVERNING BODY MEMBER WITH WHOM THE STAFF MEMBER HAS THE RELATIONSHIP IF JUSTIFIED BY THE CIRCUMSTANCES. THE CONFLICT CAN EITHER BE ADDRESSED THROUGH THE EXCLUSION OF THE MEMBER WITH THE CONFLICT FROM THE GOVERNING BODY, OR THE MEMBER'S RECUSAL."
- › POLICY CLARIFICATION STATES THAT, IN ADDITION TO CONFLICTS LISTED IN ACT, "THERE ARE SOME OTHER CONDITIONS WHERE A CONFLICT OF INTEREST MAY BE OF A LIMITED NATURE AND THE CONFLICT OF INTEREST MAY BE ADDRESSED THROUGH THE INDIVIDUAL'S RECUSAL FROM PARTICIPATION IN DISCUSSIONS AND VOTES ON MATTERS AFFECTED BY THE CONFLICT."

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**GOVERNANCE REQUIREMENTS**

- › POLICY CLARIFICATION CONCERNING CONFLICTS OF INTEREST CONTAINS SUGGESTIONS FOR DOCUMENTING CONFLICTS AND THEIR RESOLUTION [OHS-PC-E-029 (MAY 13, 2009)]
- › HEAD START AGENCIES ADVISED TO KEEP RECORDS OF:
  - › THE CONFLICT OF INTEREST SITUATION
  - › HOW IT WAS RESOLVED
  - › WHY IT WAS RESOLVED IN A PARTICULAR WAY
- › AGENCIES SHOULD ALREADY HAVE IN PLACE CONFLICT OF INTEREST POLICIES WITH SIMILAR PROVISIONS

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### GOVERNANCE REQUIREMENTS

- › LIMITED EXCEPTION TO CONFLICT OF INTEREST PROHIBITIONS CONCERNING COMPENSATION AND EMPLOYMENT OF FAMILY
  - › APPLIES "IF AN INDIVIDUAL HOLDS A POSITION AS A RESULT OF PUBLIC ELECTION OR POLITICAL APPOINTMENT, AND SUCH POSITION CARRIES WITH IT A CONCURRENT APPOINTMENT TO SERVE AS A MEMBER OF A HEAD START AGENCY GOVERNING BODY" [42 U.S.C. § 9837(c)(1)(D)]
  - › MUST REPORT CONFLICT TO HHS
  - › CAN STILL RECEIVE SALARY FROM PUBLIC OFFICE
- › CLEARLY APPLIES TO PUBLIC AGENCIES
- › COULD BE READ TO APPLY TO PUBLIC OFFICIAL MEMBERS AT SOME PRIVATE AGENCIES
  - › GRAY AREA
  - › VERY CONSERVATIVE APPROACH ADVISED

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### GOVERNANCE REQUIREMENTS

- › POLICY COUNCIL MEMBERS ARE SUBJECT TO TWO CONFLICT OF INTEREST PROHIBITIONS [42 U.S.C. § 9837(c)(2)(C)]
- › NO CONFLICTS OF INTEREST
  - › NOT LIMITED TO "FINANCIAL" CONFLICTS
  - › COULD INCLUDE POSITIONAL OR PERSONAL CONFLICTS
- › NO COMPENSATION FOR SERVING ON POLICY COUNCIL OR PROVIDING SERVICES TO AGENCY

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### GOVERNANCE REQUIREMENTS

- › PRIOR LAW: "SHARED GOVERNANCE" FOR KEY DECISIONS (45 C.F.R. § 1304.50 Appendix A)
- › GOVERNING BODY
  - › GENERAL RESPONSIBILITY; AND
  - › GENERALLY "MUST APPROVE OR DISAPPROVE"
- › POLICY GROUP
  - › "APPROVE OR DISAPPROVE" AUTHORITY
  - › MUST APPROVE BEFORE ACTION CAN BE TAKEN OR PROPOSAL ADOPTED

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**GOVERNANCE REQUIREMENTS**

- › KEY AREAS OF SHARED GOVERNANCE (OLD LAW)
  - › PLANNING PROCESS
  - › PROGRAM GOALS (LONG AND SHORT TERM)
  - › SELECTION OF DELEGATE AGENCIES
  - › RECRUITMENT, SELECTION, AND ENROLLMENT PRIORITIES
  - › FUNDING APPLICATIONS AND AMENDMENTS
  - › SELF-ASSESSMENT
  - › POLICY COUNCIL COMPOSITION AND SELECTION
  - › SHARED DECISION-MAKING POLICIES
  - › DISPUTE RESOLUTION PROCEDURES
  - › HEAD START PERSONNEL POLICIES
  - › DECISIONS TO HIRE OR FIRE HEAD START DIRECTOR AND OTHER EMPLOYEES WORKING PRIMARILY FOR HEAD START

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**GOVERNANCE REQUIREMENTS**

- › NEW ACT [42 U.S.C. § 9837(c)] REQUIRES FORMAL GOVERNANCE STRUCTURE CONSISTING OF GOVERNING BODY AND POLICY COUNCIL, EACH WITH DEFINED RESPONSIBILITIES
- › NEW ACT LISTS BOTH GENERAL AND SPECIFIC AREAS OF RESPONSIBILITY FOR THE GOVERNING BODY AND POLICY COUNCIL
- › GOVERNING BODY HAS GENERAL "LEGAL AND FISCAL RESPONSIBILITY" FOR GRANTEE AGENCY [42 U.S.C. § 9837(c)(1)(A)]
- › POLICY COUNCIL HAS GENERAL RESPONSIBILITY FOR PROGRAM "DIRECTION" [42 U.S.C. § 9837(c)(2)(A)]

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**GOVERNANCE REQUIREMENTS**

- › INTERESTING FEATURES OF THE NEW ACT'S GOVERNANCE STRUCTURE
  - › NOT DESCRIBED AS A "SHARED" GOVERNANCE STRUCTURE
  - › POLICY COUNCIL'S SPECIFIC RESPONSIBILITIES APPEAR MORE NARROW THAN GENERAL DESCRIPTION SUGGESTS
  - › GOVERNING BODY'S SPECIFIC RESPONSIBILITIES MORE DETAILED THAN POLICY COUNCIL'S
- › SHIFT AWAY FROM OLDER "SHARED GOVERNANCE MODEL"
- › STILL SOME UNCERTAINTY AND APPARENT OVERLAP OF RESPONSIBILITIES

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**OVERVIEW OF RESPONSIBILITIES**

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<p><b>GOVERNING BOARD [42 U.S.C. § 9837(c)(1)(E)]</b></p> <ul style="list-style-type: none"> <li>› BE LEGALLY AND FINANCIALLY RESPONSIBLE FOR ADMINISTERING AND OVERSEEING HEAD START PROGRAMS, INCLUDING SAFEGUARDING OF FEDERAL FUNDS</li> <li>› ADOPT PRACTICES THAT ASSURE ACTIVE, INDEPENDENT AND INFORMED GOVERNANCE OF AGENCY</li> <li>› FULLY PARTICIPATE IN DEVELOPMENT, PLANNING, AND EVALUATION OF HEAD START PROGRAM</li> </ul>	<p><b>POLICY COUNCIL [42 U.S.C. § 9837(c)(2)(D)]</b></p> <ul style="list-style-type: none"> <li>› APPROVE AND SUBMIT TO GOVERNING BODY DECISIONS ON FOLLOWING ITEMS:</li> <li>› ACTIVITIES TO SUPPORT ACTIVE PARENT INVOLVEMENT IN SUPPORTING PROGRAM OPERATIONS, INCLUDING RESPONSIVENESS TO COMMUNITY NEEDS</li> <li>› POLICY COUNCIL BYLAWS</li> </ul>
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**OVERVIEW OF RESPONSIBILITIES**

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<p><b>GOVERNING BOARD [42 U.S.C. § 9837(c)(1)(E)]</b></p> <ul style="list-style-type: none"> <li>› ENSURE COMPLIANCE WITH FEDERAL, AND APPLICABLE STATE AND LOCAL, LAWS AND REGULATIONS</li> <li>› SELECT DELEGATE AGENCIES AND THEIR SERVICE AREAS</li> <li>› ESTABLISH PROCEDURES AND CRITERIA FOR RECRUITMENT, SELECTION, AND ENROLLMENT</li> <li>› ESTABLISH PROCEDURES AND GUIDELINES FOR ACCESSING AND COLLECTING INFORMATION REQUIRED TO BE SHARED WITH GOVERNING BODY AND POLICY COUNCIL</li> </ul>	<p><b>POLICY COUNCIL [42 U.S.C. § 9837(c)(2)(D)]</b></p> <ul style="list-style-type: none"> <li>› RECOMMENDATIONS ON SELECTION OF DELEGATE AGENCIES AND THEIR SERVICE AREAS</li> <li>› PROGRAM RECRUITMENT, SELECTION, AND ENROLLMENT PRIORITIES</li> </ul>
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**OVERVIEW OF RESPONSIBILITIES**

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<p><b>GOVERNING BOARD [42 U.S.C. § 9837(c)(1)(E)]</b></p> <ul style="list-style-type: none"> <li>› REVIEW APPLICATIONS FOR HEAD START FUNDING AND AMENDMENTS</li> <li>› REVIEW AND APPROVE ALL MAJOR AGENCY POLICIES, INCLUDING:             <ul style="list-style-type: none"> <li>› ANNUAL SELF-ASSESSMENT</li> <li>› FINANCIAL AUDIT</li> <li>› AGENCY PROGRESS IN CARRYING OUT PROGRAMMATIC AND FISCAL PROVISIONS IN APPLICATION, INCLUDING IMPLEMENTING CORRECTIVE ACTIONS</li> <li>› PERSONNEL POLICIES (HIRING, EVALUATION, TERMINATION, AND COMPENSATION) FOR AGENCY EMPLOYEES</li> </ul> </li> </ul>	<p><b>POLICY COUNCIL [42 U.S.C. § 9837(c)(2)(D)]</b></p> <ul style="list-style-type: none"> <li>› APPLICATIONS FOR PROGRAM FUNDING AND AMENDMENTS, PRIOR TO SUBMISSION</li> <li>› PROGRAM PERSONNEL POLICIES AND DECISIONS REGARDING EMPLOYMENT OF PROGRAM STAFF, CONSISTENT WITH SECTION (1)(E)(iv)(IX), INCLUDING STANDARDS OF CONDUCT AND CRITERIA FOR EMPLOYMENT AND DISMISSAL OF PROGRAM STAFF</li> </ul>
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### OVERVIEW OF RESPONSIBILITIES

<p><b>GOVERNING BOARD [42 U.S.C. § 9837(c)(1)(E)]</b></p> <ul style="list-style-type: none"> <li>▷ DEVELOP SELECTION PROCEDURES FOR POLICY COUNCIL MEMBERS</li> <li>▷ APPROVE FINANCIAL MANAGEMENT, ACCOUNTING, AND REPORTING POLICIES, AND COMPLY WITH LAWS REGARDING FINANCIAL STATEMENTS, INCLUDING:             <ul style="list-style-type: none"> <li>▷ APPROVE MAJOR FINANCIAL EXPENDITURES OF GRANTEE</li> <li>▷ ANNUALLY APPROVE AGENCY OPERATING BUDGET</li> <li>▷ SELECT AUDITOR WHO REPORTS CRITICAL ACCOUNTING POLICIES AND PRACTICES TO BOARD</li> <li>▷ MONITOR CORRECTION OF AUDIT FINDINGS AND OTHER ACTIONS NEEDED TO COMPLY WITH LAWS REGARDING FINANCIAL STATEMENT AND ACCOUNTING PRACTICES</li> </ul> </li> </ul>	<p><b>POLICY COUNCIL [42 U.S.C. § 9837(c)(2)(D)]</b></p> <ul style="list-style-type: none"> <li>▷ DEVELOPING PROCEDURES FOR ELECTION OF POLICY COUNCIL</li> <li>▷ BUDGET PLANNING FOR PROGRAM EXPENDITURES, INCLUDING POLICIES FOR REIMBURSEMENT AND PARTICIPATION IN POLICY COUNCIL ACTIVITIES</li> </ul>
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### OVERVIEW OF RESPONSIBILITIES

<p><b>GOVERNING BOARD [42 U.S.C. § 9837(c)(1)(E)]</b></p> <ul style="list-style-type: none"> <li>▷ REVIEW FEDERAL MONITORING RESULTS AND FOLLOW-UP ACTIVITIES</li> <li>▷ APPROVE PERSONNEL POLICIES AND PROCEDURES, INCLUDING THOSE FOR HIRING, EVALUATION, COMPENSATION, AND TERMINATION OF EXECUTIVE DIRECTOR, HEAD START DIRECTOR, HR DIRECTOR, CFO, AND EQUIVALENT AGENCY POSITIONS [SEC. (1)(E)(v)(IX)]</li> <li>▷ ADOPT AND PERIODICALLY UPDATE WRITTEN CONFLICT OF INTEREST POLICY</li> <li>▷ WHERE APPROPRIATE, ESTABLISH ADVISORY COMMITTEES TO OVERSEE RESPONSIBILITIES REGARDING PROGRAM GOVERNANCE AND IMPROVEMENT</li> </ul>	<p><b>POLICY COUNCIL [42 U.S.C. § 9837(c)(2)(D)]</b></p> <ul style="list-style-type: none"> <li>▷ PROGRAM PERSONNEL POLICIES AND DECISIONS REGARDING EMPLOYMENT OF PROGRAM STAFF, CONSISTENT WITH SECTION (1)(E)(v)(IX), INCLUDING STANDARDS OF CONDUCT AND CRITERIA FOR EMPLOYMENT AND DISMISSAL OF PROGRAM STAFF</li> </ul>
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JUNE 24, 2009      SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C.      29

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### FISCAL AND ADMINISTRATIVE

- ▷ INFORMATION SHARING REQUIREMENTS [42 U.S.C. § 9837(d)(2)]
- ▷ AGENCY MUST SHARE CERTAIN INFORMATION WITH GOVERNING BODY AND POLICY COUNCIL
  - ▷ MONTHLY FINANCIAL STATEMENTS (INCLUDING CREDIT CARD USE)
  - ▷ MONTHLY PROGRAM INFORMATION SUMMARIES
  - ▷ ENROLLMENT REPORTS
  - ▷ MONTHLY USDA MEAL AND SNACK REPORTS
  - ▷ FINANCIAL AUDITS
  - ▷ ANNUAL SELF-ASSESSMENT (WITH FINDINGS)
  - ▷ COMMUNITY NEEDS ASSESSMENT
  - ▷ "COMMUNICATION AND GUIDANCE" FROM HHS
  - ▷ PROGRAM INFORMATION REPORTS
- ▷ TRAINING AND TECHNICAL ASSISTANCE REQUIRED

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### FISCAL AND ADMINISTRATIVE

- › PUBLIC REPORTING REQUIREMENTS [42 U.S.C. § 9839(a)(2)]
- › HEAD START AGENCIES MUST MAKE AVAILABLE TO PUBLIC AT LEAST ONCE EACH FISCAL YEAR A REPORT CONTAINING CERTAIN INFORMATION:
  - › TOTAL PUBLIC AND PRIVATE FUNDS RECEIVED AND SOURCES
  - › BUDGET EXPENDITURES AND PROPOSED BUDGET
  - › TOTAL NUMBERS SERVED, AVERAGE ENROLLMENT, AND PERCENTAGE OF ELIGIBLE CHILDREN SERVED
  - › RESULTS OF MOST RECENT FEDERAL REVIEW AND FINANCIAL AUDIT
  - › EFFORTS TO PREPARE CHILDREN FOR KINDERGARTEN
  - › "ANY OTHER INFORMATION REQUIRED BY THE SECRETARY" OF HHS

JUNE 24, 2009 SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C. 31

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### SELF-ASSESSMENTS

- › THE NEW ACT CONTAINS SPECIFIC REQUIREMENTS REGARDING SELF-ASSESSMENTS [42 U.S.C. § 9836A(g)]
- › EACH GRANTEE MUST CONDUCT ANNUAL "COMPREHENSIVE SELF-ASSESSMENT OF ITS EFFECTIVENESS AND PROGRESS IN MEETING PROGRAM GOALS AND OBJECTIVES AND" MEETING PERFORMANCE STANDARDS
- › EACH GRANTEE MUST PREPARE AND SUBMIT TO HHS A SELF-ASSESSMENT REPORT WITH A PLAN TO IMPROVE IDENTIFIED WEAKNESSES
- › EACH GRANTEE MUST HAVE ON-GOING MONITORING TO ENSURE PROGRESS TOWARD AGENCY-ESTABLISHED GOALS

JUNE 24, 2009 SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C. 32

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### ELIGIBILITY AND ENROLLMENT

- › NEW ELIGIBILITY STANDARDS [42 U.S.C. § 9840(A)(1)]
- › THREE CATEGORIES:
  - › AUTOMATICALLY ELIGIBLE ("CATEGORY A")
  - › EXTENDED INCOME ELIGIBLE ("CATEGORY B")
  - › NO INCOME RESTRICTION ("CATEGORY C")
- › PRIORITY GOES TO "CATEGORY A" BUT UP TO 45% OF ENROLLMENT FROM OTHER TWO CATEGORIES (35% FROM "CATEGORY B" AND 10% FROM "CATEGORY C")

JUNE 24, 2009 SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C. 33

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### ELIGIBILITY AND ENROLLMENT

- › CATEGORY A (AT LEAST 55% OF ENROLLMENT):
  - › BELOW POVERTY LINE; OR
  - › ELIGIBLE FOR PUBLIC ASSISTANCE; OR
  - › HOMELESS UNDER MCKINNEY-VENTO DEFINITION (SEE POLICY CLARIFICATIONS OHS-PC-I-081, OHS-PC-I-085, AND OHS-PC-I-086)
- › MCKINNEY-VENTO [42 U.S.C. 11434a(2)] DEFINITION: "INDIVIDUALS WHO LACK A FIXED, REGULAR, AND ADEQUATE NIGHTTIME RESIDENCE" AND INCLUDES SPECIFIC EXAMPLES
- › "CATEGORY A" (AUTOMATICALLY ELIGIBLE CHILDREN) MUST RECEIVE SELECTION PRIORITY OVER "CATEGORY B" (EXTENDED INCOME ELIGIBLE CHILDREN)

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### ELIGIBILITY AND ENROLLMENT

- › CATEGORY B (UP TO 35% OF ENROLLMENT):
  - › NOT ELIGIBLE UNDER "CATEGORY A" BUT FAMILY INCOME BELOW 130% OF POVERTY LINE, IF:
    - › AGENCY HAS IMPLEMENTED POLICIES TO ENSURE THAT NEEDS OF "CATEGORY A" CHILDREN ARE BEING MET; AND
    - › SELECTION PRIORITY GIVEN TO "CATEGORY A" CHILDREN, WHO WILL BE SERVED PRIOR TO SERVING "CATEGORY B"
  - › IF "CATEGORY B" CHILDREN SERVED, MUST SUBMIT ANNUAL REPORT TO HHS
- › CATEGORY C (UP TO 10% OF ENROLLMENT): NO INCOME RESTRICTION

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### ELIGIBILITY AND ENROLLMENT

Category	Percentage
CATEGORY A	55%
CATEGORY B	35%
CATEGORY C	10%

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### ELIGIBILITY AND ENROLLMENT

- › NEW ACT PROVIDES THAT HHS IS TO ISSUE REGULATIONS TO IMPLEMENT NEW ELIGIBILITY STANDARDS
- › HOWEVER, HEAD START HAS ISSUED AN INFORMATION MEMORANDUM (ACF-IM-HS-08-03) ALLOWING GRANTEEES TO BEGIN SERVING CHILDREN FROM FAMILIES WITH INCOMES UP TO 130% OF POVERTY SUBJECT TO STATUTORY LIMITS
- › ACF HAS ISSUED ANOTHER INFORMATION MEMORANDUM (ACF-IM-HS-09-01) ADDRESSING CERTIFICATION OF ELIGIBILITY WITH A TEMPLATE FOR THE ELIGIBILITY STATEMENT THAT A PROGRAM EMPLOYEE MUST SIGN TO DOCUMENT THE ELIGIBILITY DETERMINATION

JUNE 24, 2009

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### ELIGIBILITY AND ENROLLMENT

- › NEW ENROLLMENT RULES FOR CHILDREN WITH DISABILITIES
  - › OLD LAW: AT LEAST 10% OF ENROLLMENT OPPORTUNITIES AVAILABLE FOR CHILDREN WITH DISABILITIES
  - › NEW ACT: AT LEAST 10% OF CHILDREN ACTUALLY ENROLLED MUST BE CHILDREN WITH DISABILITIES [42 U.S.C. § 9835(d)]
  - › EFFECTIVE FOR FISCAL YEAR 2009 AND LATER CAN REQUEST WAIVER (UP TO THREE YEARS)
- › ACF HAS ISSUED PROGRAM INSTRUCTION (ACF-PI-HS-09-04) ADDRESSING ENROLLMENT OF CHILDREN WITH DISABILITIES
  - › GRANTEE IEP OR DETERMINATION NOT SUFFICIENT
  - › MUST BE IDENTIFIED AS HAVING DISABILITY BY LOCAL IDEA AGENCY
  - › MUST MEET 10% REQUIREMENT BY MIDPOINT OF PROGRAM YEAR AND THEN MAINTAIN 10% FOR REST OF YEAR

JUNE 24, 2009

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### BACKGROUND CHECK

- › NEW ACT HAS REQUIREMENT FOR PRE-EMPLOYMENT BACKGROUND CHECKS OF HEAD START EMPLOYEES [42 U.S.C. § 9843a(g)]
  - › INTERVIEW
  - › VERIFICATION OF REFERENCES
  - › CRIMINAL RECORDS CHECK
- › SIMILAR TO EXISTING REGULATIONS AT 45 C.F.R. § 1301.31(b) BUT NO "TEMPORARY" EMPLOYEE EXCEPTION FOR CRIMINAL RECORD CHECK
- › NEW PROGRAM INSTRUCTION ACF-PI-HS-09-05 (MARCH 26, 2009)
  - › SUPERSEDES PROGRAM INSTRUCTION ACF-PI-HS-08-04 (WHICH SUPERSEDED ACF-PI-HS-08-02 THAT WARNED GRANTEEES ABOUT DEFICIENCY FINDINGS FOR FAILING TO CONDUCT BACKGROUND CHECKS ON PERMANENT EMPLOYEES)
  - › GRANTEE MUST OBTAIN RESULTS FROM STATE, TRIBAL, FEDERAL, OR OTHER ACCEPTABLE CRIMINAL RECORDS CHECK BEFORE EMPLOYING PERSON WITH HEAD START PROGRAM
  - › CAN EMPLOY PERSON AS PROBATIONARY EMPLOYEE ONCE HEAD START BACKGROUND CHECK COMPLETED EVEN IF ADDITIONAL STATE OR TRIBAL REQUIREMENTS NOT COMPLETED

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### RECOMPETITION

- › NEW ACT ESTABLISHES SYSTEM FOR "DESIGNATION RENEWAL" [42 U.S.C. § 9836(c)]
- › EXPERT PANEL TO MAKE RECOMMENDATIONS ON "TRANSPARENT, RELIABLE, AND VALID SYSTEM"
- › AGENCIES "DELIVERING A HIGH-QUALITY AND COMPREHENSIVE HEAD START PROGRAM" REDESIGNATED AS HEAD START AGENCIES FOR 5 YEARS
- › OTHER AGENCIES SUBJECT TO OPEN RECOMPETITION
- › NO "DESIGNATION RENEWALS" FOR AT LEAST 18 MONTHS FROM EFFECTIVE DATE OF NEW ACT

JUNE 24, 2009 SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C. 40

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### RECOMPETITION

- › EXPERT PANEL MET THREE TIMES IN 2008
  - › FIRST MEETING HELD IN MARCH 2008
  - › SECOND MEETING HELD IN JUNE 2008
  - › THIRD MEETING HELD IN OCTOBER 2008
- › FINAL REPORT ISSUED DECEMBER 2008
- › PROPOSED REGULATIONS
  - › UNDER ACT, REQUIRED WITHIN 3 MONTHS OF FINAL REPORT (BY MARCH 12, 2009)
  - › HAVE NOT BEEN ISSUED
  - › AT LEAST 90 DAY COMMENT PERIOD ON PROPOSED REGULATIONS WHEN ISSUED

JUNE 24, 2009 SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C. 41

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### RECOMPETITION

- › FINAL REPORT MAKES RECOMMENDATIONS FOR RECOMPETITION IN TWO CIRCUMSTANCES
  - › AUTOMATIC RECOMPETITION FOR SOME GRANTEES
  - › RECOMPETITION BASED ON PERFORMANCE IN CERTAIN AREAS FOR OTHER GRANTEES
    - › RANKING/SCORING SYSTEM
    - › NOT FULLY ARTICULATED
- › GRANTEE NOTIFIED IN FOURTH YEAR (OF FIVE YEAR GRANT PERIOD) IF IT MUST RECOMPETE

JUNE 24, 2009 SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C. 42

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**RECOMPETITION**

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- › PANEL REPORT: AUTOMATIC RECOMPETITION FOR SOME GRANTEEES
- › AT LEAST FIVE CIRCUMSTANCES
  - › SUSPENSION BY HEAD START
  - › REVOCATION OF STATE OR LOCAL OPERATING LICENSES
  - › AGENCY BANKRUPTCY
  - › AGENCY ON FEDERAL DEBARMENT LIST
  - › HIGH NUMBER OF DEFICIENCIES COMPARED TO AVERAGE GRANTEE

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**RECOMPETITION**

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- › PANEL REPORT: RECOMPETITION FOR OTHER GRANTEEES DETERMINED BY POOR PERFORMANCE ON "KEY QUALITY INDICATORS"
- › "KEY QUALITY INDICATORS" IN FOUR BROAD AREAS
  - › PROGRAM MANAGEMENT
  - › FINANCIAL MANAGEMENT
  - › EDUCATION
  - › COMPREHENSIVE SERVICES

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**RECOMPETITION**

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- › HOW "KEY QUALITY INDICATORS" WILL WORK NOT FULLY ARTICULATED
- › LIKELY SCORES IN EACH AREA WITH CUT OFFS DETERMINED BY ANALYSIS OF PRIOR DATA
- › PANEL ESTIMATED THAT NO MORE THAN 15% TO 20% OF GRANTEEES WOULD FACE RECOMPETITION BASED ON QUALITY

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**RECOMPETITION**

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- › NOT CLEAR WHAT WILL HAPPEN TO RECOMMENDATIONS FROM PANEL
- › FINAL REPORT SEEMS LESS DETAILED THAN PROPOSALS FROM SECOND AND THIRD MEETINGS
- › CHANGE IN ADMINISTRATION
- › NO PROPOSED REGULATIONS ISSUED BASED ON REPORT DESPITE STATUTORY REQUIREMENT UNDER NEW HEAD START ACT

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**FEDERAL MONITORING/REVIEWS**

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- › REVISED FEDERAL REVIEW PROCESS [42 U.S.C. § 9836A(c)]
- › TIMING OF REVIEWS
  - › LIMITED UNANNOUNCED REVIEWS
  - › TIMELINES FOR FOLLOW-UP REVIEWS
- › CONDUCT OF REVIEWS
  - › MORE SIGNIFICANT CHANGES TO CONDUCT OF REVIEWS
  - › SPECIFIC CONTENT FOR REVIEWS AND STANDARDS FOR THEIR CONDUCT

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**FEDERAL MONITORING/REVIEWS**

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- › CHANGES TO TIMING AND PURPOSES OF REVIEWS
- › FIRST-YEAR AND TRIENNIAL REVIEWS RETAINED BUT "UNANNOUNCED SITE INSPECTIONS OF HEAD START CENTERS" AND OTHER REVIEWS "AS APPROPRIATE" ADDED
- › IN ADDITION, FOLLOW-UP REVIEWS OF PROGRAM WITH DEFICIENCIES TO BE CONDUCTED WITHIN 6 MONTHS OF DEFICIENCY NOTICE, UNLESS ADDITIONAL CORRECTION TIME GRANTED, BUT NO LATER THAN 12 MONTHS AFTER DEFICIENCY NOTICE

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**FEDERAL MONITORING/REVIEWS**

- › NEW SPECIFIC REQUIREMENTS FOR REVIEW CONTENT AND CONDUCT
- › REQUIREMENTS INCLUDE THE FOLLOWING:
  - › MUST ADDRESS BOTH PROGRAM STRENGTHS AND WEAKNESSES
  - › MUST USE "VALID AND RELIABLE RESEARCH-BASED OBSERVATIONAL INSTRUMENT, IMPLEMENTED BY QUALIFIED INDIVIDUALS WITH DEMONSTRATED RELIABILITY" TO ASSESS "CLASSROOM QUALITY" (SEE ACF-IM-HS-08-11 REGARDING EVALUATION OF CLASSROOM ASSESSMENT SCORING SYSTEM OR "CLASS" IN 2008-09)
  - › MUST BE "CONDUCTED IN A MANNER THAT EVALUATES PROGRAM PERFORMANCE, QUALITY, AND OVERALL OPERATIONS WITH CONSISTENCY AND OBJECTIVITY, ARE BASED ON A TRANSPARENT AND RELIABLE SYSTEM OF REVIEW, AND ARE CONDUCTED IN A MANNER THAT INCLUDES PERIODIC INTERRATER RELIABILITY CHECKS"

JUNE 24, 2009 SASSER, SEFTON, CONNALLY, TIPTON & DAVIS, P.C. 49

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**FEDERAL MONITORING/REVIEWS**

- › HEAD START INTRODUCED REVISED MONITORING PROTOCOL FOR FISCAL YEAR 2009
- › SUBSTANTIVE CHANGES
  - › FAMILY CHILD CARE REGULATIONS
  - › HEAD START ACT REQUIREMENTS
- › FORMAT CHANGES
  - › COMPLIANCE QUESTIONS KEYED TO HEAD START ACT OR REGULATIONS
  - › FOLLOW-UP "TARGETED QUESTIONS" REPLACE OLDER PROMPTS
  - › GROUP PARENT INTERVIEWS REINTRODUCED
  - › REPORTS INCLUDE STRENGTHS AS WELL AS WEAKNESSES

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**FEDERAL MONITORING/REVIEWS**

- › GOVERNANCE REQUIREMENTS
  - › BOARD COMPOSITION AND RESPONSIBILITIES
  - › BOARD TRAINING
  - › POLICY COUNCIL COMPOSITION AND RESPONSIBILITIES
  - › INFORMATION AND REPORTS
  - › CONFLICTS OF INTEREST
- › NEW ELIGIBILITY AND ENROLLMENT REQUIREMENTS
- › NEW DISABILITIES REQUIREMENTS
- › NEW BACKGROUND CHECK REQUIREMENTS
- › PROFESSIONAL DEVELOPMENT AND TEACHER TRAINING REQUIREMENTS

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### FEDERAL MONITORING/REVIEWS

- › MORE CHANGES ON THE WAY FOR FISCAL YEAR 2010 MONITORING PROTOCOL
- › CLASSROOM ASSESSMENT SCORING SYSTEM ("CLASS")
  - › INTRODUCTION OF "CLASS" INSTRUMENT TO MEET REQUIREMENT OF 2007 HEAD START ACT FOR CLASSROOM OBSERVATIONAL INSTRUMENT
  - › SEE ALSO INFORMATION MEMORANDUM ACF-IM-HS-08-11 REGARDING EVALUATION OF "CLASS"

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### STIMULUS AND 2009 FUNDING

- › STIMULUS
  - › OFFICIALLY "AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009"
  - › BECAME LAW ON FEBRUARY 17, 2009
  - › NOW PUBLIC LAW 111-5
  - › PROVIDES \$2.1 BILLION IN FUNDING FOR HEAD START AND EARLY HEAD START
- › FISCAL YEAR 2009 APPROPRIATIONS BILL PROVIDED AN ADDITIONAL \$234.8 MILLION IN HEAD START FUNDING

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### STIMULUS AND 2009 FUNDING

	STIMULUS	FY 2009
COLA	\$121,996,619	\$203,580,725
QUALITY IMPROVEMENT	\$353,799,093	\$0
HS EXPANSION	\$199,612,157	\$20,000,000
EHS EXPANSION	\$1,156,612,157	\$0
STATE COUNCILS	\$100,000,000	\$0

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### STIMULUS AND 2009 FUNDING

	STIMULUS	FY 2009
HS T/TA	\$24,999,975	\$5,820,275
EHS T/TA	\$110,000,000	\$0
MONITORING	\$33,000,000	\$0
PROGRAM SUPPORT	\$0	\$3,410,000
CENTERS OF EXCELLENCE	\$0	\$2,000,000

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### STIMULUS AND 2009 FUNDING

- › ACF HAS ISSUED A PROGRAM INSTRUCTION EXPLAINING THE COLA AND QUALITY IMPROVEMENT FUNDING FOR HEAD START (ACF-PI-HS-09-06)
  - COLA IS 4.9%
    - 3.1% IS FROM 2009 APPROPRIATIONS AND SHOULD BE USED FOR PERMANENT PAY SCALE INCREASES
    - 1.8% IS STIMULUS AND WILL NOT RESULT IN PERMANENT INCREASES OF GRANTEE'S FUNDING
  - QUALITY IMPROVEMENT MUST BE SPENT IN ACCORDANCE WITH SECTION 640(a)(5) OF THE HEAD START ACT [42 U.S.C. § 9835(a)(5)]
    - ALSO, QUALITY IMPROVEMENT FUNDS WILL BE AVAILABLE TO SPEND THROUGH SEPTEMBER 30, 2010
    - USES THAT CREATE ON-GOING OBLIGATIONS MUST BE SUSTAINED OVER THAT ENTIRE PERIOD
    - ONE-TIME USES MAY BE SPENT AT ANY TIME
- › SEPARATE ONE-TIME FUNDS: T/TA AND PROGRAM IMPROVEMENT

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### STIMULUS AND 2009 FUNDING

- › ADDITIONAL ONE-TIME FUNDS FOR FISCAL YEAR 2009
  - GRANTEE PROGRAM IMPROVEMENT FUNDS FOR NON-RECURRING HEALTH AND SAFETY ISSUES
  - GRANTEE T/TA FUNDS FOR TEACHER AND TEACHER ASSISTANT CREDENTIALING UNDER 2007 HEAD START ACT
- › APPLY TO REGIONAL OFFICE BY JULY 10, 2009
- › SEE PROGRAM INSTRUCTION ACF-PI-HS-09-08 (JUNE 4, 2009) FOR ADDITIONAL INFORMATION

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### STIMULUS AND 2009 FUNDING

- EXPANSION GRANTS ANNOUNCED
- HEAD START (HHS-2009-ACF-OHS-SH-0089)
  - \$102,000,000 TOTAL FUNDING
  - \$5,000,000 CEILING PER AWARD (BUT ESTIMATES 200 AWARDS)
  - CLOSES JUNE 23, 2009
- EARLY HEAD START (HHS-2009-ACF-OHS-SA-0087)
  - \$619,000,000 TOTAL FUNDING
  - \$5,000,000 CEILING PER AWARD (BUT ESTIMATES 600 AWARDS)
  - CLOSES JULY 9, 2009
- MIGRANT AND SEASONAL (HHS-2009-ACF-OHS-CM-0099)
  - \$20,000,000 TOTAL FUNDING
  - \$5,000,000 CEILING PER AWARD (BUT ESTIMATES 20 AWARDS)
  - CLOSES JUNE 23, 2009

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### STIMULUS AND 2009 FUNDING

- STIMULUS ACT HAS TWO WATCHWORDS
  - ACCOUNTABILITY
  - TRANSPARENCY
- REPORTING
  - STIMULUS FUNDS ARE BEING ISSUED AS SEPARATE AWARDS WITH DISTINCT AWARD NUMBERS
  - STIMULUS FUNDS WILL BE TRACKED AND REPORTED SEPARATELY
- INTERIM FINAL REGULATIONS FOR STIMULUS IN GENERAL ISSUED APRIL 23, 2009 [2 C.F.R. PT. 176]
  - ISSUED BY OFFICE OF MANAGEMENT AND BUDGET
  - GUIDANCE FOR FEDERAL AGENCIES AWARDING STIMULUS FUNDS
  - REGULATIONS INCLUDE STANDARD TERMS TO BE INCLUDED IN AWARDS
  - ALSO INTERPRETIVE MEMORANDA ISSUED BY OMB ON FEBRUARY, 18, 2009 (M-09-10), AND APRIL 3, 2009 (M-09-15)

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**Introduction of The CLASS  
During Head Start Monitoring**

*June 2009*

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**Head Start Reauthorization**



Requires that OHS include in monitoring:

- valid and reliable research based observational instrument that assesses classroom quality, including the assessment of multiple dimensions of teacher child interactions that are linked to positive child outcomes and later achievement
- implemented by qualified individuals with demonstrated reliability

Conference report suggests using the Classroom Assessment Scoring System (CLASS) for this purpose.

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**What is CLASS?**



Valid and reliable research based system for assessing quality of interactions in classrooms.  
Measures instructional & social interactions that contribute to achievement & social competencies  
Focuses on interactions between teachers & children and between children & children.

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## What Does the CLASS Look At?



### Emotional Support

Positive Climate  
Negative Climate  
Teacher Sensitivity  
Regard for Student Perspectives

### Classroom Organization

Behavior Management  
Productivity  
Instructional Learning Formats

### Instructional Support

Concept Development  
Quality of Feedback  
Language Modeling

Copyright CASTL 2008

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## Emotional Support



**Positive Climate** – Emotional connection, respect, enjoyment between teachers and students and among students.

**Negative Climate** – Level of expressed negativity such as anger, hostility, or aggression exhibited by teachers and/or students in the classroom.

**Teacher Sensitivity** – Teachers' awareness of and responsiveness to students' cognitive and emotional concerns

**Regard for Student Perspective** – The degree to which teachers' interactions with students and classroom activities place an emphasis on student' interests, motivations, and points of view.



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## Classroom Organization



**Behavior Management** – How effectively teachers monitor, prevent, and redirect behavior.

**Productivity** – How well the classroom runs with respect to routines and the degree to which teachers organize activities and directions so that maximum time can be spent in learning activities.

**Instructional Learning Format** – How teachers facilitate activities and provide interesting materials so that students are engaged and learning opportunities are maximized.



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## Instructional Support



**Concept Development** – How teachers use instructional discussions and activities to promote students higher order thinking skills in contrast to a focus on rote instruction.

**Quality of Feedback** – How teachers extend students' learning through their responses to students ideas, comments and work.

**Language Modeling** – The extent to which teachers facilitate and encourage student language.



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## How OHS Prepared for Implementing the CLASS in FY 2010



In FY 2009

- 50 programs and 300 classrooms participated in CLASS Pilot
- Included at least 2 programs in each region, including AIAN and Migrant
- Included programs with multi lingual populations

Results of CLASS were shared with grantee for program improvement

130 ECD reviewers will be trained and certified to administer CLASS

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## How do we know reviewers are reliable when administering the CLASS?



ECD reviewers required to attend three day reliability training on CLASS conducted by University of Virginia or their representatives.

Must achieve an 80% score to be designated as reliable. Scores measured against "master coders" from UVA

Periodic reliability tests required

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### Culturally Relevant –NEEDS WORK



Authentic assessment methods are advocated for all children; however, this is especially important for children whose culture and language are different from the mainstream.  
I need help here....waiting on info from Anita Bergman

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### How will CLASS be integrated into Monitoring?



Trained ECD reviewers will conduct 20 minute observations in selected classrooms  
Number of classrooms will depend on program size  
ECD reviewers will also complete the ECD Protocol.

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### How will the results of CLASS be used?



Results will be shared with grantees for purposes of program improvement  
Inform GPSS regarding targeted TTA for additional support in areas needing improvement.  
Will inform OHS about grantees strengths and challenges in the areas that CLASS focuses on  
Will help OHS target national and cluster TTA efforts and initiatives

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**In 2010 OHS will not use CLASS results to**



Identify a particular classroom or teacher for strengths or weaknesses  
To issue a non compliance or required corrective action based solely on a CLASS score

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**Why we like the CLASS**



**Balances importance of social emotional environment with intentionality of teaching and language**

Systematic method to observe behaviors that we know are important but hard to measure  
Potential to improve quality in Head Start classrooms

- increased focus on intentionality and teaching
- links with professional development
- challenges us to improve in some important areas

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**Why we like the CLASS**



Focuses on relationships and what children are experiencing in classrooms

Focuses on many core Head Start values

- Emotional connections, warmth, respect, sensitivity, fostering autonomy, individualized support
- Engagement of children, maximizing children's interest, proactive behavior management, using a range of materials, creative, hands on opportunities
- Language stimulation, problem solving, open ended questions, understanding rather than rote instruction

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OHS CLASS Training Supporting Teachers  
Professional Development



OHS major national training effort  
Over 1,230 Grantees already trained  
63 AIAN grantees participated  
September 9 11 in Anchorage joint training with  
RO 10 ( 8 AIAN Grantees registered)  
Plans underway to train TTA personnel are  
underway for 2010

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For more information . . .



[www.classobservations.com](http://www.classobservations.com)

ACF IM HS 08 11: Classroom Assessment  
Scoring System (CLASS)

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Prepared by The Lewin Group For the Office of Head Start | June 24, 2009

**Monitoring Update for Community Action Agencies  
What We Have Learned from FY2008 and  
FY2009 (YTD) Reviews**

*Ann Linehan*

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**Overview of Today's Discussion**

- Overview of CAA Head Start Grantees
- Issued Reviews and Compliance Outcomes
- Number and Types of Findings
- Outcomes of Follow up Reviews
- Compliance with the new requirements of the Head Start Act, as amended December 12, 2007
- OHS Continuous Improvements

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**Overview of CAA  
Head Start Grantees**

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## Overview of CAA Grantees



For the purpose of this analysis, all Grantees who are Community Action Agencies at the Grantee Level are considered to be Community Action Agencies.

562 of the 1,533 Head Start Grantees Nationwide are Community Action Agencies.

There are an additional 9 Grantees that have Community Action Agencies at the Delegate Level but where the Grantee is not a Community Action Agency. For the purpose of this report, these grantees are not considered Community Action Agencies.

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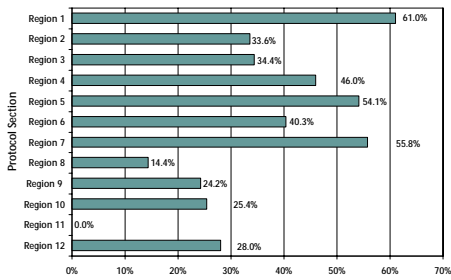
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## Regions 1, 5, and 7 have a high percentage of CAA Grantees



Percent of Grantees in Region that are CAA Grantees



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## NH, IA, and SC have the highest percentage of Head Start grantees operated by CAAs



Top 10 States with the Highest Percentage of CAA Grantees

State	Percent of Grantees in State that are CAA Grantees
NH	100.0%
IA	83.3%
SC	77.8%
OH	69.8%
MN	66.7%
MO	63.6%
MA	60.0%
AR	57.1%
ME	57.1%
RI	57.1%
VT	57.1%

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## Review Reports Issued and Compliance Outcomes

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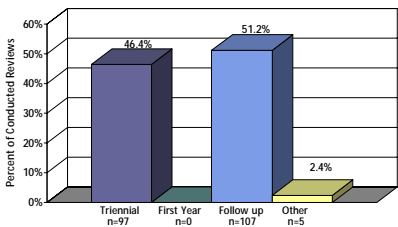
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**A total of 209 reviews of CAA grantees have been conducted (and reports issued) in FY2009 YTD**



### FY 2009 YTD CAA Grantee Reviews Issued (N=209 Reviews)



Review Type	Count (n)	Percentage
Triennial	97	46.4%
First Year	0	0%
Follow up	107	51.2%
Other	5	2.4%

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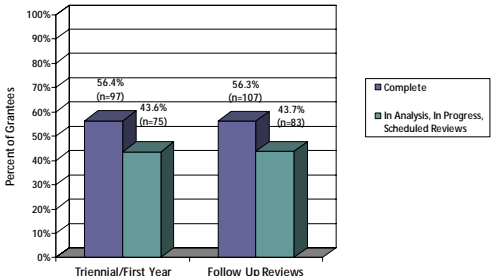
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**Approximately 56% of FY 09 YTD Triennial/First Year Reviews and 56% of Follow Up Reviews for CAA Grantees are complete with a report issued to the Grantee**




### FY 2009 YTD CAA Grantee Reviews in Progress as a Percent of Total FY2009 Reviews



Review Type	Complete (%)	In Progress, In Progress, Scheduled (%)
Triennial/First Year	56.4% (n=97)	43.6% (n=75)
Follow Up	56.3% (n=107)	43.7% (n=83)

\* Only 40.3% of Non CAA Triennial/First Year Reviews have been completed

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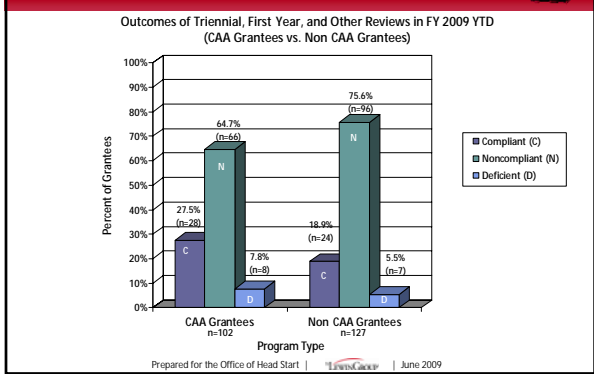
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In FY2009 YTD, a larger percentage of CAA grantees have been found both compliant and deficient relative to non CAA grantees.




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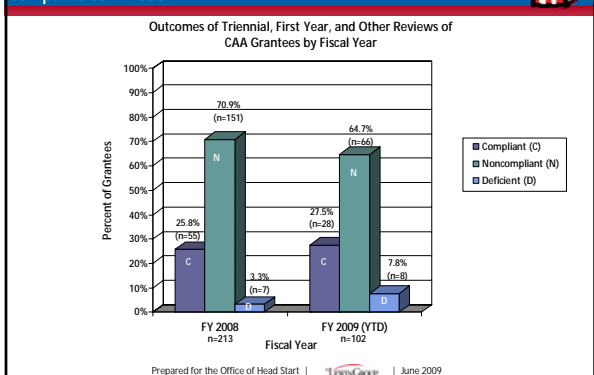
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If current trends continue, a larger percentage (and number) of CAA grantees will likely be found deficient in FY2009 compared to FY2008




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**Number of Findings From Triennial, First-Year, Follow-up, and Other Reviews**

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**CAA grantees average fewer ANCs per review than non CAA grantees, but have 3x as many deficient findings per review**

**Findings documented for CAA and Non CAA Grantees in FY 2009 YTD during Triennial, First Year, and Other Reviews**

Grantee Type	Average Number of Noncompliant Findings per Review	Average Number of Deficient Findings per Review	TOTAL Number of Findings per Review
CAA Grantees	2.32	0.20	2.52
Non CAA Grantees	3.32	0.06	3.38

CAA Grantees average more findings per review in Fiscal Management than non CAA Grantees.

CAA Grantees average fewer findings per review in Program Design and Management, Safe Environments and Disabilities than non CAA Grantees.

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**Over one third of CAA deficient findings in FY2009 YTD have been Immediate Deficiencies identified on Other reviews**

**Number of Deficient Findings documented for CAA and Non CAA Grantees in FY 2009 YTD**

Grantee Type	Triennial/First Year Reviews	Other Reviews	Follow Up Reviews**	TOTAL
CAA Grantees	4 Grantees 12 Findings	4 Grantees 8 Findings*	1 Grantee 1 Finding	9 Grantees 21 Findings
Non CAA Grantees	6 Grantees 6 Findings	1 Grantee 1 Finding*	0 Grantees 0 Findings	7 Grantees 7 Findings

\* All Immediate Deficiencies  
\*\* Not displayed in previous slide because documented during a Follow Up Review

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**Types of Findings From Triennial, First-Year, Follow-up, and Other Reviews**

**Types of Findings From Triennial, First-Year, Follow-up, and Other Reviews**

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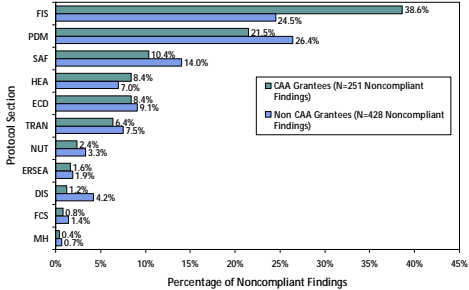
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**CAA grantees have a higher percentage of Fiscal noncompliant findings compared to non CAA grantees**



**Noncompliant Findings by Protocol Section in FY 2009 YTD (CAA vs. Non CAA Grantees)**



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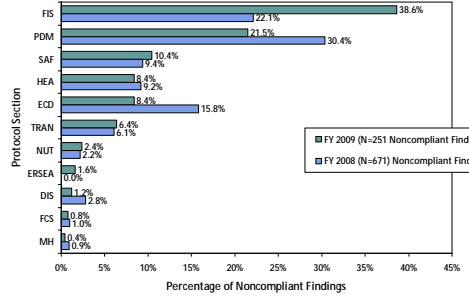
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**In FY2009 YTD, CAA grantees have a higher percentage of Fiscal and Safe Environment noncompliant findings, compared to FY2008**



**Noncompliant Findings by Protocol Section For CAA Grantees (FY 2008 vs. FY 2009 YTD)**



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**CAA grantees account for the majority of findings in the areas of Financial Management Systems, Cost Sharing, & Allowable/Allocable Costs and are the top reasons CAA grantees are found noncompliant**



**Performance Standards Most Frequently Cited among CAA Grantees as Noncompliant in FY 2009 YTD Reviews**

Protocol Section	Standard Grouping	Standards Cited	CAA Grantees Citing at least one Standard	Non CAA Grantees Citing at least one Standard
FIS	Financial Management Systems	74.21(b)(2) (3), 74.21(b)(5) (4)	12 (11.8%)	6 (4.7%)
SAF	Physical Arrangements Consistent with the Health, Safety and Developmental Needs of Children	1304.53(a)(10), 1304.53(a)(10)(ii) (v) , 1304.53(a)(10)(viii) , 1304.53(a)(10)(x) (4) , 1304.53(a)(10)(xiv) , 1306.35(b)(2)(9)	12 (11.8%)	23 (18.1%)
FIS	Cost sharing or matching	74.23(a)(1) , 74.23(a)(3) (4) , 74.23(d) , 74.23(b)(3) , 74.23(b)(1) , 74.23(b)(2)	11 (10.8%)	9 (7.1%)
FIS	Allowable, Reasonable, and Allocable Costs	230, App A(A)(2)(a) (g) , 230, App A(A)(3)(a) (b) , 230, App A(A)(3)(d) , 230, App A(A)(4)(a)(2) , 230, App B(43)(c)	9 (8.8%)	3 (2.4%)
PDM	Community Assessment	1305.3(c) , 1305.3(c)(1) (5)	9 (8.8%)	19 (15.0%)

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**CAA grantees have more Code of Conduct deficiencies compared to other grantees**



**Performance Standards Cited among CAA Grantees as Deficient in FY 2009 YTD Reviews**

Protocol Section	Standard Grouping	Standards Cited	CAA Grantees Citing at least one Standard	Non CAA Grantees citing at least one Standard
PDM	Code of conduct specifies that children are not unsupervised or left alone	1304.52(i)(1)(ii)	3 (2.9%)	1 (1%)
PDM	Code of conduct specifies that the program will use positive methods of child guidance and will not engage in corporal punishment	1304.52(i)(1)(iv)	3 (2.9%)	0 (0%)
TRAN	Vehicular Safety	1310.10(g), 1310.11(a), 1310.15(a), 1310.15(c)	3 (2.9%)	1 (1%)
PDM	Ongoing Monitoring of Grantee Operations and Those of Their Delegate Agencies	1304.51(i)(2)	2 (1.6%)	0 (0%)
SAF	Grantee must provide for the maintenance, repair, safety, and security of all facilities, materials and equipment.	1304.53(a)(8), 1304.53(a)(9)	2 (1.6%)	0 (0%)
SAF	Physical Arrangements Consistent with the Health, Safety and Developmental Needs of Children	1304.53(a)(10), 1304.53(a)(10)(i), 1304.53(a)(10)(viii)	2 (1.6%)	1 (1%)

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**Outcomes of Follow-up Reviews**

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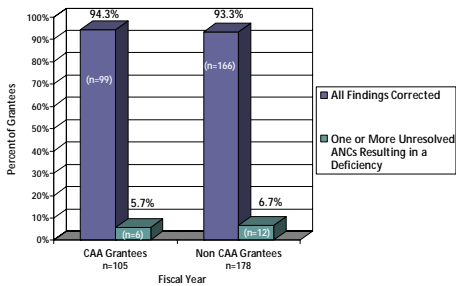
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**Both CAA and non CAA grantees correct over 90% of their findings by their follow up review**



**Outcomes of Follow Up Reviews in FY 2009 YTD (CAA Grantees vs. Non CAA Grantees)**



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**CAA grantees have considerably fewer unresolved ANCs leading to deficiencies after their initial follow up review, but more new ANCs identified**



Grantees with Unresolved Areas of Noncompliance Resulting in Deficiencies or New Areas of Noncompliance Identified During a Follow up Review in FY 2009 YTD

	Number of Grantees with Follow up Reviews	Number of Unresolved ANCs	Number of New ANCs
CAA Grantees	105	8	15
Non CAA Grantees	178	26	6
All Reviews	283	34	21

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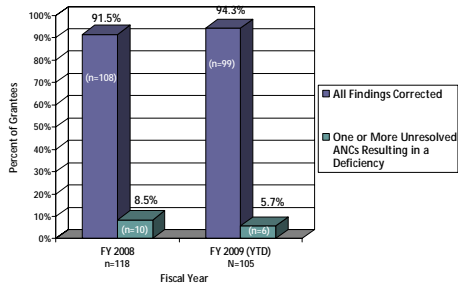
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**Relative to FY2008, a higher percentage of CAA grantees reviewed in FY2009 YTD are correcting all of their findings by the initial follow up**



Outcomes of Follow Up Reviews on CAA Grantees (FY 2008 vs. FY 2009 YTD)



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**As a result, CAA grantees reviewed in FY2009 YTD have fewer ANCs resulting in deficiencies compared to FY2008**



CAA Grantees with Unresolved Areas of Noncompliance Resulting in Deficiencies or New Areas of Noncompliance Identified During a Follow up Review (FY2008 vs. FY 2009 YTD)

	Number of Grantees with a Follow up Review	Number and Percent of Grantees with Unresolved ANCs	Number of Unresolved ANCs	Number and Percent of Grantees with New ANCs
FY 2008	118	10 grantees (8.5%)	17	8 Grantees (6.8%)
FY 2009 (YTD)	105	6 grantees (5.7%)	8	8 Grantees (7.6%)

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## Types of issues that go uncorrected for CAA grantees



Standards Cited for Unresolved Areas of Noncompliance Resulting in Deficiencies 2009 YTD on CAA Grantees

Performance Standard	Protocol Section	Standard Text	Number of Times Elevated
74.23(a)(3)	FIS	Cost sharing or matching contributions, including cash and third party in kind are necessary and reasonable for proper and efficient accomplishment of project or program objectives	2
1304.20(a)(1)(i) 1304.20(a)(1)	HEA	Obtain from a health care professional a determination as to whether the child is up to date on a schedule of age appropriate preventive and primary health care. Consult with parents immediately when child health or developmental problems are suspected or identified	1
1304.51(a)(1)(ii)	PDM	The development of written plan(s) for implementing services in each of the program areas covered by this part (e.g., Early Childhood Development and Health Services, Family and Community Partnerships, and Program Design and Management)	1
1304.53(a)(7)	SAF	Grantee and delegate agencies must provide for the maintenance, repair, safety, and security of all Early Head Start and Head Start facilities, materials and equipment	1
1305.3(c)(1) (3) 1305.3(c)(6)	PDM	The demographic make up of Head Start eligible children and families, including their estimated number, geographic location, and racial and ethnic composition	1
230, App B(43)(b) (c)	FIS	Rental costs under "sale and lease back" and "less than arm's length" arrangements are allowable only up to the amount	1

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## Areas Where CAA Grantees Have Comparable or Better Performance and Areas for Improvement

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## CAA grantees are performing relatively better than other grantees for ...



- Teacher Qualifications (648A(a)(3)(A))
  - In FY2009 YTD, approximately 6 percent of CAA grantees have been found noncompliant for having unqualified teaching staff, compared to over 12 percent of other grantees.
- Ensuring the Safety of Facilities (1304.53(a)(10))
  - Although Safety issues continue to be one of the top reasons CAA grantees are found noncompliant, over 18 percent of non CAA grantees have findings related to the ensuring the program's physical arrangements are safe for children, compared to 12 percent of CAA grantees
- Eligibility Verification (1305.4)
  - In FY2009 YTD, CAA Grantees have been cited one time (1%) and compared to 7 times (5.5%) for non CAA grantees
- Correcting Initial Noncompliances
  - Non CAA grantees have 3 times as many noncompliances that remain uncorrected and are elevated to deficiencies compared to CAA grantees

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## CAA Grantee Continue to Struggle with....



### Deficient Findings

- CAA Grantees comprise approximately 45% of Triennial, First Year, and Other review reports issued in FY 2009. However, they account for 75% of all deficient findings in FY 2009 YTD.
- CAA Grantees have had 12 Immediate Deficiencies in FY 2009 YTD. All other Grantees have had 4 Immediate Deficiencies in FY 2009 YTD.

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## CAA Grantee Continue to Struggle with....



### Fiscal Issues

- CAA Grantees have considerably more findings related to Fiscal Management in FY 2009 YTD than in FY 2008. CAA Grantees also have a larger percentage of findings related to Fiscal Management in FY 2009 YTD than non CAA Head Start Grantees.
- CAA Grantees account for 37.0% of all noncompliant findings in FY 2009 YTD. However, they account for 48.0% of all noncompliant findings related to Fiscal Management.

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## Financial Management Systems



### Recipients financial management systems shall provide for the following:

- 74.21(b)(2): Records that identify adequately the source and application of funds for HHS sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.
- 74.21(b)(3): Effective control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.
- 74.21(b)(5): Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the issuance or redemption of checks, warrants or payments by other means for program purposes by the recipient.
- 74.21(b)(6): Written procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.

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## Cost Sharing or Matching



To be accepted, all cost sharing or matching contributions, including cash and third party in kind, shall meet all of the following criteria:

- 74.23(a)(1): Are verifiable from the recipient's records
- 74.23(a)(3): Are necessary and reasonable for proper and efficient accomplishment of project/program objectives
- 74.23(a)(4): Are allowable under the applicable cost principles

74.23(d): Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services shall be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient's organization, rates shall be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, fringe benefits consistent with those paid that are reasonable, allowable, and allocable may be included in the valuation.

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## Cost Sharing or Matching (cont)



74.23(h)(3): The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality. The following requirements pertain to the recipient's supporting records for in kind contributions from third parties.

The following requirements pertain to the recipient's supporting records for in kind contributions from third parties.

- 74.23(i)(1): Volunteer services shall be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees, including time records.
- 74.23(i)(2): The basis for determining the valuation for personal service, material, equipment, buildings and land shall be documented.

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## Allowable, Reasonable, and Allocable Costs



230, App A(A)(2) Factors affecting allowability of costs. To be allowable under an award, costs must meet the following general criteria:

- (a) Be reasonable for the performance of the award and be allocable thereto under these principles.
- (b) Conform to any limitations or exclusions set forth in these principles or in the award as to types or amount of cost items.
- (c) Be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the organization.
- (d) Be accorded consistent treatment.
- (e) Be determined in accordance with generally accepted accounting principles (GAAP).
- (f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program in either the current or a prior period.
- (g) Be adequately documented.

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## Allowable, Reasonable, and Allocable Costs (cont)



### 230, AppA(A)(3)

- (3) Reasonable costs. A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the costs. The question of the reasonableness of specific costs must be scrutinized with particular care in connection with organizations or separate divisions thereof which receive the preponderance of their support from awards made by Federal agencies. In determining the reasonableness of a given cost, consideration shall be given to:
  - (a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the organization or the performance of the award.
  - (b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms length bargaining, Federal and State laws and regulations, and terms and conditions of the award.
  - (c) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the organization, its members, employees, and clients, the public at large, and the Federal Government.
  - (d) Significant deviations from the established practices of the organization which may unjustifiably increase the award costs.

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## Physical Arrangements Consistent with the Health, Safety and Developmental Needs of Children



1304.53(a)(10) Grantee and delegate agencies must conduct a safety inspection, at least annually, to ensure that each facility's space, light, ventilation, heat, and other physical arrangements are consistent with the health, safety and developmental needs of children. At a minimum, agencies must ensure that:

- (iii) Flammable and other dangerous materials and potential poisons are stored in locked cabinets or storage facilities separate....all medications, including those required for staff and volunteers, are labeled, stored under lock and key, refrigerated if necessary, and kept out of the reach of children;
- (iv) Rooms are well lit and provide emergency lighting in the case of power failure;
- (viii) Indoor and outdoor premises are cleaned daily and kept free of undesirable and hazardous materials ...
- (x) The selection, layout, and maintenance of playground equipment and surfaces minimize... injury to children
- (xi) Electrical outlets accessible to children prevent shock through the use of child resistant covers....
- (xiv) Toilets and hand washing facilities are adequate, clean, in good repair,...

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## Physical Arrangements Consistent with the Health, Safety and Developmental Needs of Children



### 1306.35(b)(2)(ii)

- Grantee and delegate agencies must ensure that all sites attended by children enrolled in Head Start and Early Head Start are equipped with functioning and properly located smoke and carbon monoxide detectors.

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## Head Start Act Requirements as Amended December 12, 2007

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### Lessons learned from first year of implementation of the Head Start Act, as amended December 12, 2007



#### Implications for Monitoring and T/TA

Performance Standard	Protocol Section	Standard Description
644(a)(2)(A) (H)	PDM	Annual Report to the Public
642(c)(1)(B)(i) 642(c)(1)(B)(ii) 642(c)(1)(B)(iii) 642(c)(1)(B)(iv)	PDM	Governing Body Composition
642(d)(2)(A) (I)	PDM	Reporting to the Governing Body and Policy Council
648(a)(3)(A)(ii) (v)	ECD	Teacher Qualifications
642(c)(1)(C)(i) 642(c)(1)(C)(ii)	FIS	Governing Body Conflict of Interest
642(c)(1)(E)(a)(i) 642(c)(1)(E)(a)(v)(aa) 642(c)(1)(E)(a)(v)(bb)	PDM	Governing Body Responsibilities

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### Lessons learned from first year of implementation of the Head Start Act, as amended December 12, 2007



#### Implications for Monitoring and T/TA

Performance Standard	Protocol Section	Standard Description
648A(g)(2)(A)	PDM	Criminal Record Checks
641A(g)(2)(B)	PDM	Self Assessment
641A(h)(2)(A)	ERSEA	Monthly Enrollment Reporting
642(c)(1)(E)(ii)	PDM	Governing Body shall ensure compliance with Federal laws
642(c)(2)(B)(i)(i)	PDM	Policy Council Composition
642(d)(3)	PDM	T/TA provided to Governing Body
645(a)(1)(B)(ii)(i)(aa) 645(a)(1)(B)(ii)(i)(bb)	ERSEA	Outreach and Enrollment Policies
648A(f)	PDM	Professional Development Plans

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## Composition of Governing Body



### 642(c)(1)(B)(i) (vi)

- (B) COMPOSITION The governing body shall be composed as follows:
- (i) Not less than 1 member shall have a background and expertise in fiscal management or accounting.
- (ii) Not less than 1 member shall have a background and expertise in early childhood education and development.
- (iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.
- (iv) Additional members shall—
- (v) Exceptions shall be made to the requirements of clauses (i) through (iv) for members of a governing body when those members oversee a public entity and are selected to their positions with the public entity by public election or political appointment.
- (vi) If a person described in clause (i), (ii), or (iii) is not available to serve as a member of the governing body, the governing body shall use a consultant, or another individual with relevant expertise, with the qualifications described in that clause, who shall work directly with the governing body.

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## Governing Body Conflict of Interest



### 642(c)(1)(C)(i) (iii)

- (C) CONFLICT OF INTEREST Members of the governing body shall
- (i) not have a financial conflict of interest with the Head Start agency (including any delegate agency);
- (ii) not receive compensation for serving on the governing body or for providing services to the Head Start agency;
- (iii) not be employed, nor shall members of their immediate family be employed, by the Head Start agency (including any delegate agency); and
- (iv) operate as an entity independent of staff employed by the Head Start agency.

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## Governing Body Responsibilities



### 642(c)(1)(E)(iv)(II), 642(c)(1)(E)(iv)(V)(aa), 642(c)(1)(E)(iv)(X)(bb)

- RESPONSIBILITIES The governing body shall— be responsible for other activities, including—
- (II) establishing procedures and criteria for recruitment, selection, and enrollment of children;
- (V) reviewing and approving all major policies of the agency, including
- (aa) the annual self assessment and financial audit;
- (X) establishing, adopting, and periodically updating written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving
- (bb) complaints, including investigations, when appropriate; and

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## Governing Body Ensuring Compliance with Federal Laws



### 642(c)(1)(E)(i) (iii)

- (E) RESPONSIBILITIES The governing body shall—
  - (i) have legal and fiscal responsibility for administering and overseeing programs under this subchapter, including the safeguarding of Federal funds;
  - (ii) adopt practices that assure active, independent, and informed governance of the Head Start agency, including practices consistent with subsection (d)(1), and fully participate in the development, planning, and evaluation of the Head Start programs involved;
  - (iii) be responsible for ensuring compliance with Federal laws (including regulations) and applicable State, tribal, and local laws (including regulations); and

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## Reporting to the Governing Body and Policy Council



### 642(d)(2)(A) (I)

- (2) CONDUCT OF RESPONSIBILITIES Each Head Start agency shall ensure the sharing of accurate and regular information for use by the governing body and the policy council, about program planning, policies, and Head Start agency operations, including
  - (A) monthly financial statements, including credit card expenditures;
  - (B) monthly program information summaries;
  - (C) program enrollment reports, including attendance reports for children whose care is partially subsidized by another public agency;
  - (D) monthly reports of meals and snacks provided through programs of the Department of Agriculture;
  - (E) the financial audit;
  - (F) the annual self assessment, including any findings related to such assessment;
  - (G) the communitywide strategic planning and needs assessment of the Head Start agency, including any applicable updates;
  - (H) communication and guidance from the Secretary; and
  - (I) the program information reports.

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## Policy Council Composition



### 642(c)(2)(B)

- (B) COMPOSITION AND SELECTION
  - (i) The policy council shall be elected by the parents of children who are currently enrolled in the Head Start program of the Head Start agency.
  - (ii) The policy council shall be composed of
    - (I) parents of children who are currently enrolled in the Head Start program of the Head Start agency (including any delegate agency), who shall constitute a majority of the members of the policy council; and
    - (II) members at large of the community served by the Head Start agency (including any delegate agency), who may include parents of children who were formerly enrolled in the Head Start program of the agency.

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## T/TA provided to Governing Body & Policy Council



### 642(d)(3)

- TRAINING AND TECHNICAL ASSISTANCE Appropriate training and technical assistance shall be provided to the members of the governing body and the policy council to ensure that the members understand the information the members receive and can effectively oversee and participate in the programs of the Head Start agency.

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## Teacher Qualifications



### 648A(a)(3)(A)(i) (v)

- (A) Through September 30, 2011
  - (i) a child development associate credential that is appropriate to the age of children being served in center based programs;
  - (ii) a State awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential;
  - (iii) an associate degree in early childhood education;
  - (iv) an associate degree in a related field and coursework equivalent to a major relating to early childhood education, with experience teaching preschool age children; or
  - (v) a baccalaureate degree and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America's professional staff.

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## Criminal Record Checks



### 648A(g)(3)(A)

- Staff Recruitment and Selection Procedures Before a Head Start agency employs an individual, such agency shall—obtain:
  - (A) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children;

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## Annual Report to the Public



### 644(a)(2)(A) (H)

- (2) Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child or parent:
  - (A) The total amount of public and private funds received and the amount from each source.
  - (B) An explanation of budgetary expenditures and proposed budget for the fiscal year.
  - (C) The total number of children and families served, the average monthly enrollment (as a percentage of funded enrollment), and the percentage of eligible children served.
  - (D) The results of the most recent review by the Secretary and the financial audit.
  - (E) The percentage of enrolled children that received medical and dental exams.
  - (F) Information about parent involvement activities.
  - (G) The agency's efforts to prepare children for kindergarten.
  - (H) Any other information required by the Secretary.

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## Professional Development Plans



### 648A(f)

- Professional Development Plans Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full time Head Start employees who provide direct services to children and shall ensure that such plans are regularly evaluated for their impact on teacher and staff effectiveness. The agency and the employee shall implement the plan to the extent feasible and practicable.

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## Self Assessment



### 641A(g)(2)(B)

- IMPROVEMENT PLAN The agency shall develop, and submit to the Secretary a report containing, an improvement plan approved by the governing body of the agency to strengthen any areas identified in the self assessment as weaknesses or in need of improvement.

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## Monthly Enrollment Reporting



### 641A(h)(2)(A)

- (2) ENROLLMENT REPORTING REQUIREMENT Each entity carrying out a Head Start program shall report on a monthly basis to the Secretary and the relevant Head Start agency—
- (A) the actual enrollment in such program; and

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## Outreach and Enrollment Policies



### 645(a)(1)(B)(iii)(II)(aa) (bb)

- (II) from the area served, an additional 35 percent of participants who are not eligible under clause (i) or (ii) and whose families have incomes below 130 percent of the poverty line, if—
- (aa) the Head Start agency involved establishes and implements outreach and enrollment policies and procedures that ensure such agency is meeting the needs of children eligible under clause (i) or (ii) (or subclause (I) if the child involved has a disability) prior to meeting the needs of children eligible under this subclause; and
- (bb) in prioritizing the selection of children to be served, the Head Start agency establishes criteria that provide that the agency will serve children eligible under clause (i) or (ii) prior to serving the children eligible under this subclause;

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## OHS Continuous Improvements



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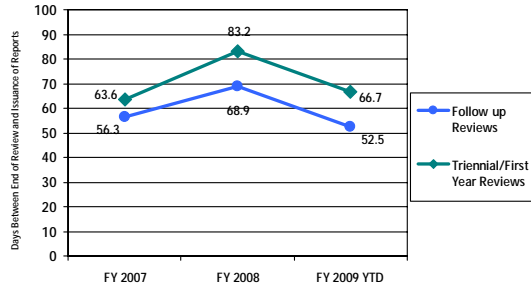
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## Issuance of Reports—CAA Grantees



Average Number of Days Between End of Review and Issuance of Report for CAA Grantees  
FY 2007, FY 2008, and FY 2009 YTD



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## Further Issues for Discussion

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## Further Discussion of Findings



- Importance of the Corrective Action Period
- When findings become Immediate Deficiencies
- When findings are Corrected On Site
- When findings are Closed or Withdrawn

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Criminal Record Checks  
10% Disabilities Requirements (Standard 640(d)(1))  
Participation in USDA  
Non Federal Share

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**American Recovery and Reinvestment Act (ARRA)**  
  
May 1, 2009

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**MISSION OF ACF**   
*The Administration for Children and Families (ACF), within the Department of Health and Human Services (HHS) is responsible for federal programs that promote the economic and social well-being of families, children, individuals, and communities*

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**WHAT IS ARRA?**  
American Recovery and Reinvestment Act   
E Emergency supplement that promotes economy recovery;  
E Approximately \$787 Billion;  
E Purpose:  
    J Preserve and create jobs,  
    J Assist those impacted by recession,  
    J Provide investment to spur technological advances in science and health,  
    J Invest in infrastructures,  
    J Stabilize State and local government budgets.

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## ACF PROGRAMS FUNDED BY ARRA



Program	Amount	Grant Type
Head Start	\$2.1 Billion	Discretionary
Strengthening Communities Fund	\$50 million	Discretionary
Child Care and Development Block Grant	\$2 Billion	Formula
Community Services Block Grant	\$1 Billion	Formula, Discretionary
Temporary Assistance for Needy Families	\$5 Billion	Formula
<b>ACF ARRA TOTAL (estimated)</b>	<b>\$10.15 Billion</b>	

**Note: HHS ARRA Total is estimated to be \$167B**

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## KEY ARRA PROVISIONS OF Head Start



### Early Childhood Learning and Knowledge Center



- £ **+\$1 Billion** to carry out Head Start activities;
- £ **+\$1.1 Billion** to expand Early Head Start programs.

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### Funding Opportunities June 09

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## Current Funding Opportunities

Opportunity	Deadline
Migrant Seasonal and AIAN Head Start Expansion	June 23
ARRA Early Head Start Expansion	July 9
One Time Program Improvement and TTA	July 10 Regional Office
COLA	1.8% ARRA funds 3.1% Permanent funds
Quality	ARRA funding

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## Migrant Seasonal Head Start Expansion Permanent Funding

\$10 million dollars available (20 expected awards)  
Competitively awarded to current MS Head Start grantees  
Expanding enrollment by approximately 1,200 low income children and their families.  
Applicants proposing to both expand within their current service area and to establish a new program in an unserved area must submit separate applications.

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## American Recovery and Reinvestment Act of 2009 Early Head Start Expansion

\$619 million dollars available (600 awards expected)  
Competitively awarded to local public and local non profit and for profit private entities, including Early Head Start and Head Start grantees  
Expanding enrollment by approximately 55,000 low income children and their families.  
Expansion is only to increase the number of pregnant women, infants and toddlers served in Early Head Start.

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**American Recovery and Reinvestment Act of 2009** Early Head Start Expansion 

Key Elements

Applicants must submit funding proposals that fully describe how they will implement high quality, early, intensive, comprehensive and continuous child development and family support services through the provision of Early Head Start.

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**American Recovery and Reinvestment Act of 2009** Early Head Start Expansion 

All applicants must base their proposals on a careful community wide strategic planning and needs assessment that includes the identification of training and technical assistance needs.

The Office of Head Start recognizes that start up planning is critical to the success of Early Head Start (EHS) programs.

Training and Technical Assistance funding is available to support both the start up phase, and the ongoing operation of the program.

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**American Recovery and Reinvestment Act of 2009** Early Head Start Expansion 

More than one program option will likely be necessary to implement services that adapt to the changing needs of enrolled children and their families over the period of their involvement in Early Head Start

The Office of Head Start believes that applicants must assure their funding level is sufficient to permit them to have the infrastructure support needed to operate a viable Early Head Start program

For many applicants, the Office of Head Start believes that this number of children and families should be 72 or more. However, applicants that already have appropriate administrative and management infrastructures may propose to serve fewer children

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**American Recovery and Reinvestment Act of 2009** ARRA Recipient Reporting 

Recipients of Federal ARRA funds must comply with all requirements specified in Division A of the ARRA (Public Law 111 5),

Not later than 10 days after the end of each calendar quarter, starting June 30, 2009 and reporting by July 10, 2009 recipients must submit quarterly reports to HHS that will be posted to Recovery.gov

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**American Recovery and Reinvestment Act of 2009** ARRA Recipient Reporting 

Examples of what must be reported:

- Funds obligated and expended to projects or activities;
- Unobligated award balances;
- Detailed list of all projects or activities for which funds were obligated and expended
- Infrastructure investments made by State and local governments
- Detailed information on sub awards equal to or larger than \$25,000

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**One Time Funding**  
Program Improvement (PA 4122 and 4125) 

One time program improvement funds are awarded to meet grantee needs for items which are non predictable or non recurring

Examples include:

- Renovations and Repairs
- Outdoor and playground improvements
- Child Restraint Systems
- Down payments on facilities or construction
- One time funding for Buses

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## One Time Funding

### Program Improvement



All Head Start agencies may apply for one time T/TA funding that would be used to assist that agency increase the number of teachers and/or teacher assistants that meet the statutory qualification requirements of Section 648A of the Head Start Act. (HS only)

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## Cost-of-Living-Adjustments (COLA)



Each grantee can apply for a cost of living increase of 4.9%.

We expect that all staff in Head Start programs will, in FY 2009, receive a cost of living increase of at least 4.9 percent in their hourly rate of pay,

Grantees with delegate agencies must allocate to each delegate agency the same 4.9 percent cost of living increase or justify why such an approach is not appropriate.

We also expect grantees to use that part of their COLA increase made available through the increase in Head Start's FY 2009 appropriation (approximately 3.1 percent) in a manner that permanently increases their agency's Head Start pay scale.

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## Quality Improvement



Any proposed use of quality improvement funding must be consistent with the provisions of Section 640(a)(5) of the Head Start Act

Not less than 50 percent of the [quality improvement funding] shall be used to improve the compensation (including benefits) of educational personnel, family service workers, and child counselors, as described in Sections 644(a) and 653

Remaining amounts must be used for 8 prescribed areas of improvement (see PI HS 09 06)

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## Permanent increases and ARRA funding



*COLA and Quality Improvement (QI) will be awarded in two categories:*

### PERMANENT

3.1 percent of COLA will be funded using increased funds Congress appropriated to Head Start in FY 2009. Each grantee will be awarded this part of its COLA effective its FY 2009 refunding award date.

### TEMPORARY

1.8 percent of COLA will be awarded using the funding made available to Head Start under the American Recovery and Reinvestment Act (ARRA).

ARRA COLA will be effective as of the date you receive your new grant that awards these funds. These funds (the 1.8% COLA) will not, given the temporary nature of ARRA funding, result in an increase in any grantee's base funding level.

ARRA COLA and Quality Improvement funds will be awarded through a separate grant number and special CAN. ARRA COLA and Quality Improvement funds will not result in a base increase of the award.

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## QUESTIONS



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