

ACF Issues Rule on Head Start DRS During Emergencies

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On December 7, 2020, the Administration for Children and Families (ACF) issued an interim final rule to increase [Flexibility for Head Start Designation Renewals in Certain Emergencies](#) (the “Rule”). This Rule provides ACF with flexibility to make designation renewal determinations for Head Start programs during federally declared emergency situations, when access to data required for the determinations might be limited or unobtainable. ACF did not include this flexibility in its [August 28, 2020, Final Rule](#) that revised elements of the Head Start Designation Renewal System, including how to weigh various data collected through the process when considering designation renewal, as the comment period for that rule predated the COVID-19 pandemic. Though the current interim final rule was written in the context of the COVID-19 pandemic, it will apply to future federally declared emergencies as well.

The Rule could impact a Head Start grantee whose 5-year grant is ending when a federally declared emergency or disaster strikes. In that situation, it may not be safe or possible for ACF to collect data because of emergency-related program closures or changes in service delivery. Under the Rule, ACF may make a determination about designation renewal for such an agency, including whether open competition is necessary, based on the data it is able or has been able to collect.

For example, ACF has suspended all CLASS reviews for the 2020-2021 program year due to health and safety concerns related to the COVID-19 pandemic. In addition, many programs have made changes in response to the pandemic, including virtual learning, smaller class sizes, and mask wearing, that would render data collected through the existing CLASS review process unreliable and inconsistent with prior years. The Rule provides ACF with the flexibility to make designation renewal determinations without CLASS review data.

Due to the current COVID-19 pandemic and ongoing public health emergency, ACF found cause to waive the 30-day delay in the Rule’s effective date. As such, the Rule became effective when it was published on December 7, 2020. ACF has still requested comments on the Rule, however, to inform any future revisions to it. Comments may be submitted until February 5, 2021. Head Start agencies may access the full Rule and learn how to submit comments on it [here](#).

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