

IMPROVING HEAD START ACT, 2007 CONFERENCE REPORT

This analysis does not attempt to cover every aspect of the 277 page bill. It involves some interpretation by the author Barb Haxton, with additions by Tim Nolan.

Items of note:

- Statement of Purpose for the Head Start bill leads with school readiness and continues that theme throughout the report
- **A deficiency is defined as:**
 - A systemic or substantial material failure of an agency in an area of performance that the Secretary determines involves
 - A threat to the health, safety, or civil rights of children or staff
 - Denial to parents of the exercise of their full roles and responsibilities related to program operations
 - A failure to comply with standards related to early childhood development and health services, family and community partnerships or program design and management
 - The misuse of funds received under this subchapter
 - Loss of legal status (as determined by the Secretary) or financial viability, loss of permits, disbarment from receiving Federal grants or contracts or the improper use of Federal funds
 - Failure to meet any other Federal or State requirement that the agency has shown an unwillingness or inability to correct, after notice from the Secretary within the period specified
 - Systemic or material failure of the governing body of an agency to fully exercise its legal and fiduciary responsibilities
 - An unresolved area of noncompliance
- Non-compliance correction time allocation - 120 days or authorized additional time
- We will have multiple time blocks...a five year period of Program Designation and a 3 year grant cycle. Phase-ins are likely to be in place but are not yet determined.
- Appropriations are as follows: \$7.35b in 2008 which is a \$573,716,000 increase from current funding; \$7.65b in 2009 a \$300,000,000 increase; and \$7.9b in 2010 a \$250,000,000 increase and "such sums as necessary" in 2011 and 2012. Note that these are recommendations to the appropriate House and Senate Appropriations Committees.

There is considerable language about how any new money will be allocated including 1) expansion of services in the most poverty stricken areas of the country; 2) increase in the percentage of allocations to both Migrant and Seasonal programs and American Indian programs. Priority will be given to programs that serve the most needy children.

- T/TA fund allocations were raised from 2% of total funding to 2.5%. 50% of the total will be sent directly to grantees, 25% will be allocated for a "state based T/TA system"
- **Income eligibility will be as follows:**
 - Programs must serve at least 55% of their slot allocation with children at or below 100% of the federal poverty guidelines - Homeless children will fall into this category
 - 35% of a program's slot allocation may serve children up to 130% of poverty. This category will not be automatic, but will be tied to an application process with the Secretary.
 - 10% of a program's slot allocation may serve children above the poverty guidelines with no limit on income
- **Conversion:** Expansion funds may be used for "increasing hours of program operation including -
 - Conversion of part-day programs to full working day programs (note the inclusion of the word working which expands any earlier language) and
 - Increasing the number of weeks of operation in a calendar year."
 - "in establishing procedures, the Secretary shall establish procedures to provide for
 - The conversion of part day programs to full -working day programs or part-day slots to full-working day slots; and
 - Serving additional infants and toddlers pursuant to section 645(a)(5);"
 - A Head Start agency that is not an EHS grantee, if approved to serve younger children will be designated an EHS agency.
- Beginning in 2009 "the Secretary shall establish policies and procedures to assure that, for fiscal year 2009 and thereafter, not less than 10 percent of the total number of children actually enrolled by each Head Start agency and each delegate agency will be children with disabilities who are determined to be eligible for special education and related services, or early intervention services, as appropriate, as determined by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) by the state or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act."

Note: this could mean a major change for the majority of programs

- There is a greater focus on serving homeless children
- There is a loosely worded paragraph which appears to allow some reduction of numbers without a reduction of funding... "in the event that the amount appropriated to carry out the program under this subchapter for a fiscal year does not exceed the amount appropriated for the prior fiscal year, or is not sufficient to maintain services comparable to the services provided under this subchapter during the prior fiscal year, a Head Start agency may negotiate with the Secretary a reduced funded enrollment level without a reduction in the amount of the grant received by the agency under this subchapter, if such agency can reasonably demonstrate that such reduced funded enrollment level is necessary to maintain the quality of services

- **Program designation** - this refers to grant ownership and the possibility of recompetition and in essence provides for the convening of an expert panel to develop a system of identifying high quality programs using multiple sources of data. The new system will require programs identified as not providing a high quality comprehensive early childhood program to enter into open competition. Those who are deemed to be providing a "high quality comprehensive early childhood program" will receive a 5 year designation. This designation could be lost for cause.

Note: This language implies that ALL programs will be considered for designation or non-designation in this process and all could be subject to competition.

- **Monitoring** must now carry a balanced focus upon strengths as well as areas in need of improvement.
- Strategic planning becomes much more important.
 - "Community-wide Strategic Planning" is linked at least 10 separate times in the bill to key areas of accountability, emphasizing the importance of this effort and document.
 - The Director of Collaboration will be required to develop a strategic plan for the state based upon a state-wide assessment.
- **Enrollment:** In cases of under-enrollment, much is written about processes to help programs look at enrollment challenges, and then "in general, if, after receiving technical assistance and developing and implementing the plan as described in paragraphs (3) and (4) for 12 months, a Head Start agency that is operating a program with an actual enrollment that is less than 97% of its funded enrollment, the Secretary may -
 - Designate that the agency as chronically under-enrolled and
 - Recapture, withhold or reduce the base grant for the program by a percentage equal to the percentage difference between funded enrollment and actual enrollment for the program for the most recent year for which the agency is determined to be under-enrolled..."
- **Governing Body - membership:**
 - Not less than 1 member shall have a background and expertise in fiscal management or accounting
 - Not less than 1 member shall have a background and expertise in early childhood education and development
 - Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body
 - Additional members shall
 - Reflect the community to be served including parents of children who are currently or were formerly enrolled in Head Start programs
 - Are selected for their expertise in education, business administration or community affairs
 - Exceptions shall be made to requirements (above) 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

- If a person described in the requirements (above) 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.
- **Policy Council:** the definition of Policy Council members and membership eligibility is essentially the current definition. The Responsibilities of Policy Council are stated as follows:
 - "the policy council shall approve and submit to the governing body decisions about each of the following activities:
 - Activities to support the active involvement of parents....
 - Program recruitment selection and enrollment priorities
 - Applications for funding and amendments to applications for funding, prior to submissions of applications...
 - Budget planning for program expenditures, including policies for reimbursement and participation in policy council activities
 - Bylaws for the operation of the policy council
 - Program personnel policies and decisions regarding the employment of programs staff, consistent with paragraph (1)(E)(iv)(IX) ... *[which refers to actions taken by the governing body under specific requirements for that group]* including standards of conduct for program staff, contractors and volunteers and criteria for the employment and dismissal of program staff
 - Developing procedures for how members of the policy council of the Head Start agency will be elected
 - Recommendations on the selection of delegate agencies and their service areas...

Note: the term "shared governance" is NOT used in any of this language and this language CAN be interpreted to say that the Policy Council merely sends its recommendations to the Governing Body for these areas of consideration. That being said, however, there is a clause on Program Governance Administration which speaks to impasse policies.

- **Impasse Policies** - the Secretary shall develop policies, procedures and guidance for Head Start agencies concerning -
 - The resolution of internal disputes including any impasse in the governance of Head Start programs, and
 - The facilitation of meaningful consultation and collaboration about decisions of the governing body and policy council
- The bill creates a **State Advisory Council on Early Childhood Education and Care**. Membership has been sharply reduced from earlier version, for which we had advocated. Membership will be a representative of:
 - State agency responsible for child care.
 - The State educational agency
 - Local education agencies
 - Institutions of higher education
 - Local providers of early childhood education

- Head Start agencies located in the State, including migrant and seasonal and Indian Head Start.
 - State agency responsible for programs under section 619 or part c of IDEA
 - State agency responsible for health or mental health care
 - The State Director of Head Start Collaboration
 - Representatives of other entities determined to be important to the Governor
- **Partnerships with LEAs.** Considerable language in the report about local Head Start agencies having extensive collaboration and coordination partnerships with their local education agencies.
 - There is a requirement that there be a memo of understanding - no later than 1 year from the passage of this bill - between the Head Start agency and the LEA that will ensure all the activities outlined by the feds, and will include:
 - Plans to coordinate activities regarding
 - Educational activities, curricular objectives and instruction
 - Public information dissemination and access to programs for families contacting the Head Start program or any of the preschool programs
 - Selection priorities for eligible children to be served by the programs
 - Service areas
 - Staff training including opportunities for joint staff training on topics such as academic content standards, instructional methods, curricula and social and emotional development
 - Program technical assistance
 - Provision of additional services to meet the needs of working parents as applicable
 - Communications and parent outreach for smooth transitions to kindergarten
 - Provision and use of facilities, transportation and other program elements and
 - Other elements mutually agreed upon by the parties...
 - These agreements must be submitted to the Secretary and the State Collaboration director not later than 30 days after the agreements are signed
 - There is a particular focus upon each LEA in the Head Start target area that is offering pre-K services

Note: there are exceptions to this requirement

- **State Training Offices.** There is the provision that the training network shall be a state based training provider, capable of providing training to HS and EHS, and the Secretary shall enter into contracts with 1 or more entities that have a demonstrated expertise in supporting the delivery of high quality training...
 - This language offers a range of possibilities for state associations and other local groups. A creative alliance would be worthwhile developing for the purpose of securing some of these funds...there will likely be great competition to become a contractor for these sizeable funds within each state.

- **Teacher Education.** Extensive language about teacher education, assistant teacher education and professional development. By 2013 (with some phase-in steps)...
 - 50% of Teachers nationwide at Bachelors or beyond
 - 100% of Education Coordinators with a Bachelors degree
 - Assistants have a CDA, enrolled in CDA or baccalaureate degree program or in a CDA program with two years to complete.
 - Teacher in-service of 15 hours

- Family Services staff will also have training and education standards created and implemented.

- A professional development plan will be required for everyone involved in providing direct services to children.

- **Centers of Excellence** will be nominated, and awarded, and if funds are available, given bonus dollars to enhance their services and enable them to serve as a resource to other providers. Special additional funding will be required to create and launch the Centers of Early Childhood Excellence.

- NRS is gone, and the Secretary will establish an assessment process following an evaluation of the issue, and recommendations by the National Academy of Sciences.