

Policy 6000.6

Head Start/Early Head Start

Major Program Policies

The School Board of Broward County, FL

Approved by Policy Council: January 29, 2018

Approved by Governing Body: May 1, 2018

All School Board of Broward County, Florida employees must comply with School Board Policies. The Head Start/Early Head Start Major Program Policies provide guidance in meeting the revised Head Start Program Performance Standards published in September 2016, and the Head Start for School Readiness Act of 2007.

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The Performance Standards are divided into 5 major parts with corresponding subparts. The Policy below summarizes the Performance Standards as they apply to the School Board of Broward County's (SBBC) Head Start/Early Head Start program.

This document is designed to outline SBBC Head Start/Early Head Start's compliance with federal regulations in the following areas:

- Fiscal
- Child Health and Development
- Education and Early Childhood Development
- Child Health and Safety
- Child Nutrition
- Child Mental Health
- Family Partnerships
- Community Partnerships
- Program Governance
- Management Systems and Procedures
- Human Resources Management
- Facilities, Materials, and Equipment
- Eligibility, Recruitment, Selection, Enrollment, and Attendance
- Staffing Requirements
- Program Options
- Disabilities
- Transportation
- Ongoing Monitoring Plan
- Policy Council Bylaws

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§Part 1301 — Program Governance

1301.1 Purpose.

SBBC must establish and maintain a formal structure for program governance that includes a governing body (SBBC), a policy council and a parent committee. SBBC has a legal and fiscal responsibility to administer and oversee the Head Start and Early Head Start programs. Policy councils are responsible for the direction of the Head Start and Early Head Start programs.

§1301.2 Governing body.

1) Composition. The composition of the governing body consists of the elected members of the SBBC.

2) Duties and responsibilities.

a. SBBC is responsible for the following:

- i. Legal and fiscal responsibility for administering and overseeing the Head Start Program, including the safeguarding of Federal funds;
- ii. Participate in the development, planning, and evaluation of the Head Start programs;
- iii. Ensuring compliance with Federal laws (including regulations) and applicable State, tribal, and local laws (including regulations); and
- iv. Other activities, including:
 - Establishing procedures and criteria for recruitment, selection, and enrollment of children;
 - Reviewing all applications for funding and amendments to applications for funding for programs;
 - Establishing procedures and guidelines for accessing and collecting information including:
 - Monthly financial statements
 - Monthly program information summaries
 - Program enrollment reports
 - Monthly reports of meals and snacks
 - The financial audit
 - The Annual Self-Assessment
 - The Community Assessment
 - Communication and guidance from the Office of Head Start (OHS)
 - Program Information Reports (PIR)
 - Reviewing and approving all major policies for Head Start, including:
 - The annual self-assessment and financial audit;
 - Progress in carrying out the programmatic and fiscal provisions in the grant application, including implementation of corrective actions; and
 - Personnel policies regarding the hiring, evaluation, termination, and compensation of SBBC Head Start employees;
 - Developing procedures for how members of the policy council are selected;
 - Approving financial management, accounting, and reporting policies, and compliance with laws and regulations related to financial statements, including the:
 - Approval of all major financial expenditures;
 - Annual approval of the operating budget;
 - Selection (except when a financial auditor is assigned by the State under State law or is assigned under local law) of independent financial auditors who shall report all critical accounting policies and practices; and
 - Monitoring of actions to correct any audit findings and of other action necessary to comply with applicable laws (including regulations) governing financial statement and accounting practices;

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- Reviewing results from monitoring conducted by OHS, including appropriate follow-up activities
 - Approving personnel policies and procedures, including policies and procedures regarding the hiring, evaluation, compensation, and termination of Head Start Administrative Staff, the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other person in an equivalent position;
 - Establishing, adopting, and periodically updating written standards of conduct for standards and formal procedures for disclosing, addressing, and resolving:
 - Any conflict of interest, and any appearance of a conflict of interest, by SBBC Board Members, Administrators and employees of the Head Start/Early Intervention Department (HS/EI), and any consultants and agents who provide services or furnish goods to the Head Start program; and
 - Complaints, including investigations, when appropriate; and
 - To the extent practicable and appropriate, at the discretion of SBBC Board, establishing advisory committees to oversee key responsibilities related to program governance and improvement of the Head Start program.
- b. The SBBC Board must use ongoing monitoring results, data on school readiness goals, other information to conduct its responsibilities.
- 3) Advisory committees.
- a. Advisory Committees may be established as deemed necessary for effective governance and improvement of the program.
- b. If an advisory committee is established to oversee key responsibilities related to program governance, it must:
- i. Establish the structure, communication, and oversight in such a way that the legal and fiscal responsibility is maintained; and,
 - ii. Notify the responsible OHS official of its intent to establish such an advisory committee.

§1301.3 Policy council.

- 1) Establishing the policy council. The Head Start/Early Intervention (HS/EI) Department must establish and maintain a policy council responsible for the direction of the Head Start program.
- 2) Composition.
- a. The HS/EI Department must establish a policy council as early in the program year as possible. Parents of children currently enrolled in each program option must be proportionately represented on the policy council at the delegate level.
- b. The program must ensure members of the policy council do not have a conflict of interest. Staff may not serve on the policy council except parents who occasionally substitute as staff.
- 3) Duties and responsibilities.
- a. The Policy Council is responsible for the following activities:
- i. Support the active involvement of parents in supporting program operations
 - ii. Program recruitment, selection, and enrollment priorities
 - iii. Applications for funding and amendments to applications for funding
 - iv. Budget planning for program expenditures, including policies for reimbursement and participation in policy council activities
 - v. Bylaws for the operation of the Policy Council
 - vi. Personnel policies and decisions regarding the employment of staff, including standards of conduct for staff and volunteers and criteria for the employment and dismissal of staff
 - vii. Develop procedures for how members of the Policy Council will be elected
- b. A policy council must use ongoing monitoring results, data on school readiness goals, other information described in 1302.102 to conduct its responsibilities.

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- 4) Term.
 - a. A member will serve for one year.
 - b. If the member intends to serve for another year, s/he must stand for re-election.
 - c. The policy council must include in its bylaws how many one-year terms, not to exceed five terms, a person may serve.
 - d. The HS/EI Department must seat a successor policy council, before an existing policy council may be dissolved.
- 5) Reimbursement. The HS/EI Department must enable low-income members to participate fully in their policy council responsibilities by providing, if necessary, reimbursements for reasonable expenses incurred by the low-income members.

§1301.4 Parent committees.

- 1) Establishing parent committees. The HS/EI Department must establish a parent committee comprised exclusively of parents of currently enrolled children as early in the program year as possible. This committee must be established at the center level for center-based programs. The HS/EI Department must ensure that parents of currently enrolled children understand the process for elections to the policy council or policy committee and other leadership opportunities.
- 2) Requirements of parent committees. Within the parent committee structure, the HS/EI Department may determine the best methods to engage families using strategies that are most effective in their community, as long as the program ensures the parent committee carries out the following minimum responsibilities:
 - a. Advise staff in developing and implementing local program policies, activities, and services to ensure they meet the needs of children and families;
 - b. Have a process for communication with the policy council; and
 - c. Within the guidelines established by SBBC and the Policy Council, participate in the recruitment and screening of Early Head Start and Head Start employees.

§1301.5 Training.

The HS/EI Department must provide appropriate training and technical assistance or orientation to the governing body, any advisory committee members, and the policy council, including training on program performance standards and training indicated in 1302.12 to ensure the members understand the information they receive and can effectively oversee and participate in the programs in Head Start or Early Head Start.

§1301.6 Impasse procedures.

- 1) To facilitate meaningful consultation and collaboration about decisions of SBBC and the Policy Council, they must jointly establish written procedures for resolving internal disputes between SBBC and the Policy Council in a timely manner that include impasse procedures. These procedures must:
 - a. Demonstrate that SBBC considers proposed decisions from the Policy Council and that the Policy Council considers proposed decisions from SBBC;
 - b. If there is a disagreement, require SBBC and the Policy Council to notify the other in writing why it does not accept a decision; and,
 - c. Describe a decision-making process and a timeline to resolve disputes and reach decisions that are not arbitrary, capricious, or illegal.
- 2) If the decision-making process does not result in a resolution and an impasse continues, SBBC and the Policy Council must select a mutually agreeable third party mediator and participate in a formal process of mediation that leads to a resolution of the dispute.
- 3) If no resolution is reached with a mediator, SBBC and the Policy Council must select a mutually agreeable arbitrator whose decision is final.

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§Part 1302 — Program Operations

§1302.1 Overview.

This part implements statutory requirements in the Head Start Act, by outlining all of the relevant program performance standards that are required to operate SBBC's Head Start and Early Head Start program. This covers the full range of operations from enrolling eligible children and providing program services to those children and their families, to managing programs to ensure staff are qualified and supported to effectively provide services. This part also focuses on using data through ongoing program improvement to ensure high-quality service.

Subpart A — Eligibility, Recruitment, Selection, Enrollment, and Attendance

§1302.10 Purpose.

This subpart describes requirements of the Head Start/Early Head Start program for determining community strengths, needs and resources as well as recruitment areas. It contains requirements and procedures for the eligibility determination, recruitment, selection, enrollment and attendance of children and explains the policy concerning the charging of fees.

§1302.11 Determining community strengths, needs, and resources.

- 1) Service area
 - a. The HS/EI Department must propose locations of the Head Start programs based on the community assessment.
- 2) Community wide strategic planning and needs assessment (community assessment)
 - a. To design a program that meets community needs, and builds on strengths and resources, the HS/EI Department must conduct a community assessment at least once over the five-year grant period. The community assessment must use data that describes community strengths, needs, and resources and include, at a minimum:
 - i. The number of eligible infants, toddlers, preschool age children, and expectant mothers, including their geographic location, race, ethnicity, and languages they speak, including:
 - Children experiencing homelessness in collaboration with, to the extent possible
 - Children in foster care; and
 - Children with disabilities, including types of disabilities and relevant services and resources provided to these children by community agencies;
 - ii. The education, health, nutrition and social service needs of eligible children and their families, including prevalent social or economic factors that impact their well-being;
 - iii. Typical work, school, and training schedules of parents with eligible children;
 - iv. Other child development, child care centers, and family child care programs that serve eligible children, including home visiting, publicly funded state and local preschools, and the approximate number of eligible children served;
 - v. Resources that are available in the community to address the needs of eligible children and their families; and,
 - vi. Strengths of the community.
 - b. The HS/EI Department must annually review and update the community assessment to reflect any significant changes including increased availability of publicly-funded pre-kindergarten (including an assessment of how the pre-kindergarten available in the community meets the needs of the parents and children served by the program, and whether it is offered for a full school day), rates of family and child homelessness, and significant shifts in community demographics and resources.
 - c. The HS/EI Department must consider whether the characteristics of the community allow it to include children from diverse economic backgrounds that would be supported by other funding

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sources, including private pay, in addition to the program's eligible funded enrollment. The HS/EI Department must not enroll children from diverse economic backgrounds if it would result in serving less than its eligible funded enrollment.

§1302.12 Determining, verifying, and documenting eligibility.

1) Process overview.

a. The HS/EI Department must:

- i. Conduct an in-person interview with each family, unless an in-person interview is not possible or convenient for the family, then a telephone interview may be conducted;
 - ii. Verify information age and eligibility as outlined in paragraphs 6 and 7 of this section; and,
 - iii. Create an eligibility determination record for enrolled participants according to paragraph 9 of this section.
- b. If the district has an alternate method to reasonably determine eligibility based on its community assessment, geographic and administrative data, or from other reliable data sources, it may petition the responsible OHS official to waive eligibility requirements.

2) Age requirements.

- a. For Early Head Start, except when the child is transitioning to Head Start, a child must be an infant or a toddler younger than three years old.
- b. For Head Start, a child must:
- i. Be at least three years old or, turn three years old by September 1 (for 3-year-old class)
 - ii. Be at least four years old or, turn four years old by September 1 (for 4-year-old class)
 - iii. Be no older than the age required to attend school.

3) Eligibility requirements.

a. A pregnant woman or a child is eligible if:

- i. The family's income is equal to or below the poverty line; or,
- ii. The family is eligible for or, in the absence of child care, would be potentially eligible for public assistance; including TANF child-only payments; or,
- iii. The child is homeless, as defined in Section 725(2)63 of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a (2).; or,
- iv. The child is in foster care.

b. If the family does not meet a criterion outlined, the program may enroll a child who would benefit from services, provided that these participants only make up to 10 percent of the Head Start enrollment.

4) Additional allowances for programs.

a. The HS/EI Department may enroll an additional 35 percent of participants whose families do not meet the criterion outlined above and whose incomes are below 130 percent of the poverty line, if the department:

- i. Establishes and implements outreach, and enrollment policies and procedures to ensure it is meeting the needs of eligible pregnant women, children, and children with disabilities, before serving pregnant women or children who do not meet the criteria and,
- ii. Establishes criteria that ensure pregnant women and children eligible under the criteria are served first.

b. If the HS/EI Department chooses to enroll participants who do not meet criteria, and whose family incomes are between 100 and 130 percent of the poverty line, it must be able to report to the Head Start regional program office:

- i. How it is meeting the needs of low-income families or families potentially eligible for public assistance, homeless children, and children in foster care, and include local demographic data on these populations;
- ii. Outreach and enrollment policies and procedures that ensure it is meeting the needs of eligible

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- children or pregnant women, before serving over-income children or pregnant women;
 - iii. Efforts, including outreach, to be fully enrolled with eligible pregnant women or children;
 - iv. Policies, procedures, and selection criteria it uses to serve eligible children;
 - v. Its current enrollment and its enrollment for the previous year;
 - vi. The number of pregnant women and children served, disaggregated by the eligibility criteria listed in this section; and,
 - vii. The eligibility criteria category of each child on the program's waiting list.
- 5) Additional allowances for Indian Tribes.
- a. If another program does not serve the approved service area, the district must serve all eligible Indian and non-Indian pregnant women or children who wish to enroll before serving over-income pregnant women or children.
- 6) Verifying age. HS/EI staff must verify a child's age according to program policies and procedures. The district's policies and procedures cannot require families to provide documents that confirm a child's age if doing so creates a barrier for the family to enroll the child.
- 7) Verifying eligibility.
- a. To verify eligibility based on income, the HS/EI Department must use tax forms, pay stubs, or other proof of income to determine the family income for the relevant time period.
 - i. If the family cannot provide tax forms, pay stubs, or other proof of income for the relevant time period, program staff may accept written statements from employers, including individuals who are self-employed, for the relevant time period and use information provided to calculate total annual income with appropriate multipliers.
 - ii. If the family reports no income for the relevant time period, the district may accept the family's signed declaration to that effect, if staff describes efforts made to verify the family's income, and explains how the family's total income was calculated or seeks information from third parties about the family's eligibility, if the family gives written consent. If a family gives consent to contact third parties, staff must adhere to program safety and privacy policies and procedures and ensure the eligibility determination record adheres to paragraph 9 of this section.
 - iii. If the family can demonstrate a significant change in income for the relevant time period, district staff may consider current income circumstances.
 - b. To verify whether a family is eligible for, or in the absence of child care, would be potentially eligible for public assistance, the HS/EI Department must have documentation from either the state, local, or tribal public assistance agency that shows the family either receives public assistance or that shows the family is potentially eligible to receive public assistance.
 - c. To verify whether a family is homeless, the district may accept a written statement from a homeless services provider, school personnel, or other service agency attesting that the child is homeless or any other documentation that indicates homelessness, including documentation from a public or private agency, a declaration, information gathered on enrollment or application forms, or notes from an interview with staff to establish the child is homeless; or any other document that establishes homelessness.
 - i. If a family can provide one of the documents described above, staff must describe efforts made to verify the accuracy of the information provided and state whether the family is eligible because they are homeless.
 - ii. If a family cannot provide one of the documents described above to prove the child is homeless, staff may accept the family's signed declaration to that effect, if, in a written statement, staff describes the child's living situation that meets the definition of homeless in Section 725(2)63 of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a (2)
 - iii. The HS/EI Department may seek information from third parties who have firsthand knowledge about a family's living situation, if the family gives written consent. If the family gives consent

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to contact third parties, staff must adhere to program privacy policies and procedures and ensure the eligibility determination record adheres to paragraph 9 of this section.

- d. To verify whether a child is in foster care, staff must accept either a court order or other legal or government-issued document, a written statement from a government child welfare official that demonstrates the child is in foster care, or proof of a foster care payment.
- 8) Eligibility duration.
- a. If a child is determined eligible under this section and is participating in the Head Start program, he or she will remain eligible through the end of the succeeding program year except that the Head Start program may choose not to enroll a child when there are compelling reasons for the child not to remain in Head Start, such as when there is a change in the child's family income and there is a child with a greater need for Head Start services.
 - b. Children who are enrolled in the program receiving funds under the authority the Head Start Act remain eligible while they participate in the program.
 - c. If a child moves from the Early Head Start program to the Head Start program, district staff must verify the family's eligibility again.
 - d. If the parents wish to enroll their child who has been enrolled in the district's Early Head Start program, the HS/EI Department must ensure, whenever possible, the child receives Head Start services until enrolled in school, provided the child is eligible.
- 9) Records.
- a. The HS/EI Department must keep eligibility determination records for each participant and ongoing records of the required eligibility training for staff. These records may be kept electronically.
 - b. Each eligibility determination record must include:
 - i. Copies of any documents or statements, including declarations, that are deemed necessary to verify eligibility;
 - ii. A statement that staff has made reasonable efforts to verify information by:
 - Conducting either an in-person, or a telephone interview with the family; and,
 - Describing efforts made to verify eligibility, and, collecting documents required for third party verification that includes the family's written consent to contact each third party, the third parties' names, titles, and affiliations, and information from third parties regarding the family's eligibility.
 - iii. A statement that identifies whether:
 - The family's income is below income guidelines for its size, and lists the family's size;
 - The family is eligible for or, in the absence of child care, potentially eligible for public assistance;
 - The child is a homeless child or the child is in foster care;
 - The family was determined to be eligible under paragraphs 3 and 4.
 - c. The HS/EI Department must keep eligibility determination records for those currently enrolled, as long as they are enrolled, and, for one year after they have either stopped receiving services; or are no longer enrolled.
- 10) Program policies and procedures on violating eligibility determination regulations. The HS/EI Department must establish written policies and procedures that describe all actions taken against staff who intentionally violate federal and program eligibility determination regulations and who enroll pregnant women and children that are not eligible to receive Early Head Start or Head Start services.
- 11) Training on eligibility.
- a. All governing body, policy council, management, and staff who determine eligibility on applicable federal regulations and program policies and procedures must be trained. Training must, at a minimum:
 - i. Include methods on how to collect complete and accurate eligibility information from families

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- and third party sources;
- ii. Incorporate strategies for treating families with dignity and respect and for dealing with possible issues of domestic violence, stigma, and privacy; and,
- iii. Explain program policies and procedures that describe actions taken against staff, families, or participants who attempt to provide or intentionally provide false information.
- b. New management and staff members who make eligibility determinations must be trained within 90 days of hiring.
- c. All governing body and policy council members within 180 days of the beginning of the term of a new governing body or policy council.
- d. The HS/EI Department must develop policies on how often training will be provided after the initial training.

§1302.13 Recruitment of children.

In order to reach those most in need of services, the HS/EI Department must develop and implement a recruitment process designed to actively inform all families with eligible children within the recruitment area of the availability of program services, and encourage and assist them in applying for admission to the program. The district must include specific efforts to actively locate and recruit children with disabilities and other vulnerable children, including homeless children and children in foster care.

§1302.14 Selection process.

1) Selection criteria.

- a. The HS/EI Department must annually establish selection criteria that weigh the prioritization of selection of participants, based on community needs identified in the community needs assessment as described in 1302.11, and including family income, whether the child is homeless, whether the child is in foster care, the child's age, whether the child is eligible for special education and related services, or early intervention services, as appropriate, as determined under the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. 1400 *et seq.*) and, other relevant family or child risk factors.
- b. In the event that Head Start eligible children can enroll in high-quality publicly funded pre-kindergarten within the service area for a full school day, the district must prioritize younger children as part of the selection criteria.
- c. The HS/EI Department must not deny enrollment based on a disability or chronic health condition or its severity.

2) Children eligible for services under IDEA.

- a. The district must ensure at least 10 percent of its total funded enrollment is filled by children eligible for services under IDEA, unless the responsible OHS official grants a waiver.
- b. If the requirement above has been met, children eligible for services under IDEA should be prioritized for the available slots in accordance with the district's selection criteria described above.

3) Waiting lists. The HS/EI Department must develop at the beginning of each enrollment year and maintain during the year a waiting list that ranks children according to the district's selection criteria.

§1302.15 Enrollment.

- 1) Funded enrollment. The district must maintain its funded enrollment level and fill any vacancy as soon as possible. Vacancies must be filled within 30 days.
- 2) Continuity of enrollment.
 - a. The HS/EI Department must make efforts to maintain enrollment of eligible children for the following year.
 - b. Under exceptional circumstances, the HS/EI Department may maintain a child's enrollment in Head Start for a third year, provided that family income is verified again. The HS/EI Department

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- may maintain a child's enrollment in Early Head Start as described in 1302.12.
- c. If the district serves homeless children or children in foster care, it must make efforts to maintain the child's enrollment regardless of whether the family or child moves to a different service area, or transition the child to Head Start in a different service area, as required in 1302.72 according to the family's needs.
 - 3) Reserved slots. If the district determines from the community assessment there are families experiencing homelessness in the area, or children in foster care that could benefit from services, the program may reserve one or more enrollment slots for pregnant women and children experiencing homelessness and children in foster care, when a vacancy occurs. No more than three percent of the district's funded enrollment slots may be reserved. If the reserved enrollment slot is not filled within 30 days, the enrollment slot becomes vacant and then must be filled.
 - 4) Other enrollment. Children from diverse economic backgrounds who are funded with other sources, including private pay, are not considered part of the district's eligible funded enrollment.
 - 5) State immunization enrollment requirements. The district must comply with state immunization enrollment and attendance requirements, with the exception of homeless children as described in 1302.16.
 - 6) Voluntary parent participation. Parent participation in any program activity is voluntary, including consent for data sharing, and is not required as a condition of the child's enrollment.

§1302.16 Attendance.

- 1) Promoting regular attendance. The HS/EI Department must track attendance for each child.
 - a. The HS/EI Department must implement a process to ensure children are safe when they do not arrive at school. If a child is unexpectedly absent and a parent has not contacted the program within one hour of program start time, the staff must attempt to contact the parent to ensure the child's well-being.
 - b. The HS/EI Department must implement strategies to promote attendance. At a minimum, staff must:
 - i. Provide information about the benefits of regular attendance;
 - ii. Support families to promote the child's regular attendance;
 - iii. Conduct a home visit or make other direct contact with a child's parents if a child has multiple unexplained absences (such as two consecutive unexplained absences); and,
 - iv. Within the first 60 days of program operation, and on an ongoing basis thereafter, use individual child attendance data to identify children with patterns of absence that put them at risk of missing ten percent of program days per year and develop appropriate strategies to improve individual attendance among identified children, such as direct contact with parents or intensive case management, as necessary.
 - c. If a child ceases to attend, staff must make appropriate efforts to reengage the family to resume attendance, including as described above. If the child's attendance does not resume, then the program must consider that slot vacant. This action is not considered expulsion as described in 1302.17.
- 2) Managing systematic program attendance issues. If the Head Start program's monthly average daily attendance rate falls below 85 percent, staff must analyze the causes of absenteeism to identify any systematic issues that contribute to the program's absentee rate. Staff must use this data to make necessary changes in a timely manner as part of ongoing oversight and correction and inform its continuous improvement efforts as described in 1302.102.
- 3) Supporting attendance of homeless children.
 - a. If the district determines a child is eligible under 1302.12, it must allow the child to attend for up to 90 days or as long as allowed under state licensing requirements, without immunization and other records, to give the family reasonable time to present these documents. The HS/EI

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Department must work with families to get children immunized as soon as possible in order to comply with state licensing requirements.

- b. If a child experiencing homelessness is unable to attend classes regularly because the family does not have transportation to and from the program facility, the program must utilize community resources, where possible, to provide transportation for the child.

§1302.17 Suspension and expulsion.

1) Limitations on suspension.

- a. The district must prohibit or severely limit the use of suspension due to a child's behavior. Such suspensions may only be temporary in nature.
- b. A temporary suspension must be used only as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications.
- c. Before the HS/EI Department determines whether a temporary suspension is necessary, staff must engage with a mental health consultant, collaborate with the parents, and utilize appropriate community resources – such as behavior coaches, psychologists, other appropriate specialists, or other resources – as needed, to determine no other reasonable option is appropriate.
- d. If a temporary suspension is deemed necessary, the program must help the child return to full participation in all program activities as quickly as possible while ensuring child safety by:
 - i. Continuing to engage with the parents and a mental health consultant, and continuing to utilize appropriate community resources;
 - ii. Developing a written plan to document the action and supports needed;
 - iii. Providing services that include home visits; and,
 - iv. Determining whether a referral to the Exceptional Student Learning Services (ESLS) Department is appropriate.

2) Prohibition on expulsion.

- a. The HS/EI Department cannot expel or unenroll a child from Head Start because of a child's behavior.
- b. When a child exhibits persistent and serious challenging behaviors, staff must explore all possible steps and document all steps taken to address such problems and facilitate the child's safe participation in the program. Such steps must include, at a minimum, engaging a mental health consultant, considering the appropriateness of providing appropriate services and supports under section 504 of the Rehabilitation Act to ensure that the child who satisfies the definition of disability in 29 U.S.C. 705(9)(b)14 of the Rehabilitation Act is not excluded from the program on the basis of disability, and consulting with the parents and the child's teacher and:
 - i. If the child has an individualized family service plan (IFSP) or individualized education program (IEP), the program must consult with the agency responsible for the IFSP or IEP to ensure the child receives the needed support services; or,
 - ii. If the child does not have an IFSP or IEP, the district must collaborate, with parental consent, with the ESLS Department to determine the child's eligibility for services.
- c. If, after the district has explored all possible steps and documented all steps taken, the HS/EI Department, in consultation with the parents, the child's teacher, the ESLS Department (if applicable), and the mental health consultant, determines that the child's continued enrollment presents a continued serious safety threat to the child or other enrolled children and determines the program is not the most appropriate placement for the child, the program must work with such entities to directly facilitate the transition of the child to a more appropriate placement.

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§1302.18 Fees.

- 1) Policy on fees. The district must not charge eligible families a fee to participate in Head Start, including special events such as field trips, and cannot in any way condition an eligible child's enrollment or participation in the program upon the payment of a fee.
- 2) Allowable fees.
 - a. The district must only accept a fee from families of enrolled children for services that are in addition to services funded by Head Start, such as child care before or after funded Head Start hours. The district may not condition a Head Start child's enrollment on the ability to pay a fee for additional hours.
 - b. In order to support programs serving children from diverse economic backgrounds or using multiple funding sources, district may charge fees to private pay families and other non-Head Start enrolled families to the extent allowed by any other applicable federal, state or local funding sources.

Subpart B — Program Structure

§1302.20 Determining program structure.

- 1) Choose a program option.
 - a. The HS/EI Department must choose to operate one or more of the following program options: center-based, home-based, family child care, or an approved locally-designed variation as described in 1302.24. The program option(s) chosen must meet the needs of children and families based on the community assessment. A Head Start program serving preschool-aged children may not provide only the option described in 1302.22.
 - b. To choose a program option and develop a program calendar, the HS/EI Department must consider in conjunction with the annual review of the community assessment whether it would better meet child and family needs through conversion of existing slots to full school day or full working day slots, extending the program year, conversion of existing Head Start slots to Early Head Start slots, and ways to promote continuity of care and services. The HS/EI Department must work to identify alternate sources to support full working day services. If no additional funding is available, program resources may be used.
- 2) Comprehensive services. All program options must deliver the full range of services, as described in subparts C, D, E, F, and G of this part.
- 3) Conversion.
 - a. Consistent with the Head Start Act, the district may request to convert Head Start slots to Early Head Start slots through the re-funding application process or as a separate grant amendment.
 - b. The program must obtain SBBC Board and Policy Council and approval and submit the request to their regional office when proposing a conversion of Head Start services to Early Head Start services.
 - c. The request to the regional office must include:
 - i. A grant application budget and a budget narrative that clearly identifies the funding amount for the Head Start and Early Head Start programs before and after the proposed conversion;
 - ii. The results of the community assessment demonstrating how the proposed use of funds would best meet the needs of the community, including a description of how the needs of eligible Head Start children will be met in the community when the conversion takes places;
 - iii. A revised program schedule that describes the program option(s) and the number of funded enrollment slots for Head Start and Early Head Start programs before and after the proposed conversion;
 - iv. A description of how the needs of pregnant women, infants, and toddlers will be addressed;
 - v. A discussion of the district's capacity to carry out an effective Early Head Start program in

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- accordance with the requirements of the Head Start Act and all applicable regulations;
- vi. Assurances that the district will participate in training and technical assistance activities required of all Early Head Start grantees;
 - vii. A discussion of the qualifications and competencies of the child development staff proposed for the Early Head Start program, as well as a description of the facilities and program infrastructure that will be used to support the new or expanded Early Head Start program;
 - viii. A discussion of any one-time funding necessary to implement the proposed conversion and how the district intends to secure such funding; and,
 - ix. The proposed timetable for implementing this conversion, including updating school readiness goals.
- 4) Source of funding. The HS/EI Department may consider hours of service that meet the Head Start Program Performance Standards, regardless of the source of funding, as hours of planned class operations for the purposes of meeting the Head Start and Early Head Start service duration requirements in this subpart.

§1302.21 Center-based option.

- 1) Setting. The center-based option delivers the full range of services, consistent with 1302.20. Education and child development services are delivered primarily in classroom settings.
- 2) Ratios and group size.
 - a. Staff-child ratios and group size maximums must be determined by the age of the majority of children and the needs of children present. The HS/EI Department must determine the age of the majority of children in a class at the start of the year and may adjust this determination during the program year, if necessary. Where state or local licensing requirements are more stringent than the teacher-child ratios and group size specifications in this section, the district must meet the stricter requirements. The HS/EI Department must maintain appropriate ratios during all hours of program operation, except:
 - i. For brief absences of a teaching staff member for no more than five minutes; and,
 - ii. During nap time, one teaching staff member may be replaced by one staff member or trained volunteer who does not meet the teaching qualifications required for the age.
 - b. An Early Head Start class that serves children under 36 months old must have two appropriately certified personnel with no more than eight children, or three appropriately certified personnel with no more than nine children. Each certified personnel must be assigned consistent, primary responsibility for no more than four children to promote continuity of care for individual children. The district must minimize personnel changes throughout a child’s enrollment, whenever possible, and consider mixed age group classes to support continuity of care.
 - c. A class that serves a majority of children who are three years old must have no more than 17 children with a teacher and teacher assistant.
 - d. A class that serves a majority of children who are four and five years old must have no more than 20 children with a teacher and a teacher assistant.

Table to §1302.21(b) — Center-based group size

4 and 5 year olds	No more than 20 children enrolled in any class. No more than 17 children enrolled in any double session class.
3 year olds	No more than 17 children enrolled in any class No more than 15 children enrolled in any double session class.
Under 3 years old	No more than 8 or 9 children enrolled in any class, depending on the number of certified personnel.

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- 3) Service duration.
 - a. Early Head Start.
 - i. Under the Early Head Start Extended Duration grant, the district must provide 1,380.5 annual hours of planned class operations for all enrolled children.
 - b. Head Start.
 - i. The district must provide 1,020 annual hours of planned class operations over the course of at least eight months per year for all Head Start center-based funded enrollment.
 - c. Calendar planning. The district must:
 - i. Plan its year using a reasonable estimate of the number of days during a year that classes may be closed due to problems such as inclement weather; and,
 - ii. Make every effort to schedule makeup days using existing resources if hours of planned class operations fall below the number required per year.
- 4) Licensing and square footage requirements.
 - a. The facilities used by the program must meet state, tribal, or local licensing requirements, even if exempted by the licensing entity. When state, tribal, or local requirements vary from Head Start requirements, the most stringent provision takes precedence.
 - b. Each classroom must have at least 35 square feet of usable indoor space per child available for the care and use of children (exclusive of bathrooms, halls, kitchen, staff rooms, and storage places) and at least 75 square feet of usable outdoor play space per child.
 - c. A school that operates two or more groups within an area must ensure clearly defined, safe divisions to separate groups. The school must ensure such spaces are learning environments that facilitate the implementation of the requirements in subpart C of this part. The divisions must limit noise transfer from one group to another to prevent disruption of an effective learning environment.

§1302.22 Home-based option.

- 1) Setting. The home-based option delivers the full range of services, through visits with the child's parents, primarily in the child's home and through group socialization opportunities in a socialization classroom, community facility, home, or on field trips. The home-based option may be used to deliver services to both home-based and center-based Early Head Start children during the summer months.
- 2) Caseload. The home-based program must maintain an average caseload of 10 to 12 families per home visitor with a maximum of 12 families for any individual home visitor.
- 3) Service duration.
 - a. Early Head Start. The Early Head Start home-based program must:
 - i. Provide one home visit per week per family that lasts at least an hour and a half and provide a minimum of 46 visits per year; and,
 - ii. Provide, at a minimum, 22 group socialization activities distributed over the course of the school year.
 - b. Meeting minimum requirements. The home-based program must:
 - i. Make up planned home visits or scheduled group socialization activities that were canceled by the program, and to the extent possible attempt to make up planned home visits canceled by the family; and,
 - ii. Not replace home visits or scheduled group socialization activities for medical or social service appointments for the purposes of meeting the minimum requirements.
- 4) Safety requirements. The areas for learning, playing, sleeping, toileting, preparing food, and eating in facilities used for group socializations in the home-based option must meet the safety standards described in 1302.47

Subpart C — Education and Child Development Program Services

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§1302.30 Purpose.

The HS/EI Department must provide high-quality early education and child development services, including for children with disabilities that promote children’s cognitive, social, and emotional growth for later success in school. The HS/EI Department must ensure responsive and effective teacher-child interactions are embedded in the curriculum. The home-based program must promote secure parent-child relationships and help parents provide high-quality early learning experiences. The program must implement a research-based curriculum, and screening and assessment procedures that support individualization and growth in the areas of development described in the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* and support family engagement in children’s learning and development. The HS/EI Department must ensure delivery of developmentally, culturally, and linguistically appropriate learning experiences in language, literacy, mathematics, social and emotional functioning, approaches to learning, science, physical skills, and creative arts. To deliver such high-quality early education and child development services, the school-based program must implement, at a minimum, the elements contained in 1302.31 through 1302.34, and the home-based program must implement, at a minimum, the elements in 1302.33 and 1302.35.

§1302.31 Teaching and the learning environment.

- 1) Teaching and the learning environment. The HS/EI Department must ensure teachers and other relevant staff provide responsive care, effective teaching, and an organized learning environment that promotes healthy development and children’s skill growth aligned with the *Head Start Early Learning Outcomes Framework: Ages Birth to Five*, including for children with disabilities. The program must also support implementation of such environment with integration of regular and ongoing supervision and a system of individualized and ongoing professional development, as appropriate. This includes, at a minimum, the practices described below.
- 2) Effective teaching practices.
 - a. Teaching practices must:
 - i. Emphasize nurturing and responsive practices, interactions, and environments that foster trust and emotional security; are communication and language rich; promote critical thinking and problem-solving; social, emotional, behavioral, and language development; provide supportive feedback for learning; motivate continued effort; and support all children’s engagement in learning experiences and activities;
 - ii. Focus on promoting growth in the developmental progressions described in the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* by aligning with and using the Framework and the curricula as described in 1302.32 to direct planning of organized activities, schedules, lesson plans, and the implementation of high-quality early learning experiences that are responsive to and build upon each child’s individual pattern of development and learning;
 - iii. Integrate child assessment data in individual and group planning; and,
 - iv. Include developmentally appropriate learning experiences in language, literacy, social and emotional development, math, science, social studies, creative arts, and physical development that are focused toward achieving progress outlined in the *Head Start Early Learning Outcomes Framework: Ages Birth to Five*.
 - b. For dual language learners, the program must recognize bilingualism and biliteracy as strengths and implement research-based teaching practices that support their development. These practices must:
 - i. For an infant or toddler dual language learner, include teaching practices that focus on the development of the home language, when there is a teacher with appropriate language competency, and experiences that expose the child to English;
 - ii. For a preschool age dual language learner, include teaching practices that focus on both English language acquisition and the continued development of the home language; or,

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- iii. If staff do not speak the home language of all children in the learning environment, include steps to support the development of the home language for dual language learners such as having culturally and linguistically appropriate materials available and other evidence-based strategies. Programs must work to identify volunteers who speak children's home language/s who could be trained to work in the classroom to support children's continued development of the home language.
- c. Learning environment. The HS/EI Department must ensure teachers implement well-organized learning environments with developmentally appropriate schedules, lesson plans, and indoor and outdoor learning experiences that provide adequate opportunities for choice, play, exploration, and experimentation among a variety of learning, sensory, and motor experiences and:
 - i. For infants and toddlers, promote relational learning and include individualized and small group activities that integrate appropriate daily routines into a flexible schedule of learning experiences; and,
 - ii. For preschool age children, include teacher-directed and child-initiated activities, active and quiet learning activities, and opportunities for individual, small group, and large group learning activities.
- d. Materials and space for learning. To support implementation of the curriculum and the requirements described in this section, the HS/EI Department must ensure age-appropriate equipment, materials, supplies and physical space for indoor and outdoor learning environments, including functional space is provided. The equipment, materials and supplies must include any necessary accommodations and the space must be accessible to children with disabilities. The program must change materials intentionally and periodically to support children's interests, development, and learning.
- e. Promoting learning through approaches to rest, meals, routines, and physical activity.
 - i. The HS/EI Department must ensure implementation of an intentional, age appropriate approach to accommodate children's need to nap or rest, and that, for preschool age children provides a regular time every day at which preschool age children are encouraged but not forced to rest or nap. The program must provide alternative quiet learning activities for children who do not need or want to rest or nap.
 - ii. The HS/EI Department must ensure implementation of snack and meal times in ways that support development and learning. For bottle-fed infants, this approach must include holding infants during feeding to support socialization. Snack and meal times must be structured and used as learning opportunities that support teaching staff-child interactions and foster communication and conversations that contribute to a child's learning, development, and socialization. The program is encouraged to meet this requirement with family style meals when developmentally appropriate. The program must also provide sufficient time for children to eat, not use food as reward or punishment, and not force children to finish their food.
 - iii. Routines, such as hand washing and diapering, and transitions between activities, must be approached as opportunities for strengthening development, learning, and skill growth.
 - iv. Physical activity and intentional movement must be integrated into curricular activities and daily routines in ways that support health and learning. Physical activity must not be used as reward or punishment.

§1302.32 Curricula.

1) Curricula.

- a. The center-based program must implement developmentally appropriate research-based early childhood curricula, including additional curricular enhancements, as appropriate that:
 - i. Are based on scientifically valid research and have standardized training procedures and curriculum materials to support implementation;

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- ii. Are aligned with the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* and, as appropriate, state early learning and development standards; and are sufficiently content-rich to promote measurable progress toward development and learning outlined in the Framework; and,
 - iii. Have an organized developmental scope and sequence that include plans and materials for learning experiences based on developmental progressions and how children learn.
 - b. The HS/EI Department must support staff to effectively implement curricula and at a minimum monitor curriculum implementation and fidelity, and provide support, feedback, and supervision for continuous improvement of its implementation through the system of training and professional development.
- 2) Adaptation. Should the program choose to make significant adaptations to a curriculum or a curriculum enhancement to better meet the needs of one or more specific populations, an external early childhood education curriculum or content area expert must be used to develop such significant adaptations. The program must assess whether the adaptation adequately facilitates progress toward meeting school readiness goals, consistent with the process described in 1302.102.

§1302.33 Child screenings and assessments.

1) Screening.

- a. In collaboration with each child's parent and with parental consent, the HS/EI Department must complete or obtain a current developmental screening to identify concerns regarding a child's developmental, behavioral, motor, language, social, cognitive, and emotional skills within 45 calendar days of when the child first attends the program.
- b. The HS/EI Department must use one or more research-based developmental standardized screening tools to complete the screening. The HS/EI Department must use as part of the screening additional information from family members, teachers, and relevant staff familiar with the child's typical behavior.
- c. If warranted through screening and additional relevant information and with direct guidance from a mental health or child development professional the HS/EI Department must, with the parent's consent, promptly and appropriately address any needs identified through:
 - i. Referral to ESLS Department for a formal evaluation to assess the child's eligibility for services under IDEA as soon as possible, and not to exceed timelines required under IDEA; and,
 - ii. Partnership with the child's parents and the ESLS Department to support families through the formal evaluation process.
- d. If a child is determined to be eligible for services under IDEA, the HS/EI Department must partner with parents and the ESLS Department, as appropriate, and deliver the services in subpart F of this part.
- e. If, after the formal evaluation, the ESLS Department determines the child is not eligible for early intervention or special education and related services under IDEA, the HS/EI Department must:
 - i. Seek guidance from a mental health or child development professional to determine if the formal evaluation shows the child has a significant delay in one or more areas of development that is likely to interfere with the child's development and school readiness; and,
 - ii. If the child has a significant delay, partner with parents to help the family access services and supports to help address the child's identified needs.
 - Such additional services and supports may be available through a child's health insurance or it may be appropriate for the program to provide needed services and supports under section 504 of the Rehabilitation Act if the child satisfies the definition of disability in 29 U.S.C. section 705(9)(b) of the Rehabilitation Act, to ensure that the child who satisfies the definition of disability in 29 U.S.C. 705(9)(b) of the Rehabilitation Act is not excluded from the program on the basis of disability.

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- The HS/EI Department may use program funds for such services and supports when no other sources of funding are available.
- 2) Assessment for individualization.
- a. The HS/EI Department must conduct standardized and structured assessments, which may be observation-based or direct, for each child that provide ongoing information to evaluate the child's developmental level and progress in outcomes aligned to the goals described in the *Head Start Early Learning Child Outcomes Framework: Ages Birth to Five*. Such assessments must result in usable information for teachers, home visitors, and parents and be conducted with sufficient frequency to allow for individualization within the program year.
 - b. The HS/EI Department must regularly use information detailed above along with informal teacher observations and additional information from family and staff, as relevant, to determine a child's strengths and needs, inform and adjust strategies to better support individualized learning and improve teaching practices in the center-based setting and improve home visit strategies in home-based models.
 - c. If warranted from the information gathered from the two previous paragraphs of this section and with direct guidance from a mental health or child development professional and a parent's consent, the HS/EI Department must refer the child to the ESLS Department for a formal evaluation to assess a child's eligibility for services under IDEA.
- 3) Characteristics of screenings and assessments.
- a. Screenings and assessments must be valid and reliable for the population and purpose for which they will be used, including by being conducted by qualified and trained personnel, and being age, developmentally, culturally and linguistically appropriate, and appropriate for children with disabilities, as needed.
 - b. When serving children who speak a language other than English, the HS/EI Department must use qualified bilingual staff, contractors, or consultants to:
 - i. Assess language skills in English and in the child's home language, to assess both the child's progress in the home language and in English language acquisition;
 - ii. Conduct screenings and assessments for domains other than language skills in the language or languages that best capture the child's development and skills in the specific domain; and,
 - iii. Ensure those conducting the screening or assessment know and understand the child's language and culture and have sufficient skill level in the child's home language to accurately administer the screening or assessment and to record and understand the child's responses, interactions, and communications.
 - c. When serving a child who speaks a language other than English and qualified bilingual staff, contractors, or consultants are not able to conduct screenings and assessments, the HS/EI Department must use an interpreter in conjunction with a qualified staff person to conduct screenings and assessments as described above.
 - d. When the program serves a child who speaks a language other than English and can demonstrate that there is not a qualified bilingual staff person or interpreter, then screenings and assessments may be conducted in English. In such a case, the HS/EI Department must also gather and use other information, including structured observations over time and information gathered in a child's home language from the family, for use in evaluating the child's development and progress.
- 4) Prohibitions on use of screening and assessment data. The use of screening and assessment items and data on any screening or assessment authorized under this subchapter by any agent of the federal government is prohibited for the purposes of ranking, comparing, or otherwise evaluating individual children for purposes other than research, training, or technical assistance, and is prohibited for the purposes of providing rewards or sanctions for individual children or staff. The HS/EI Department must not use screening or assessments to exclude children from enrollment or participation.

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§1302.34 Parent and family engagement in education and child development services.

- 1) Purpose. The center-based HS/EI Department must structure education and child development services to recognize parents' roles as children's lifelong educators, and to encourage parents to engage in their child's education.
- 2) Engaging parents and family members. The HS/EI Department must offer opportunities for parents and family members to be involved in the program's education services and implement policies to ensure:
 - a. The program's settings are open to parents during all program hours;
 - b. Teachers regularly communicate with parents to ensure they are well-informed about their child's routines, activities, and behavior;
 - c. Teachers hold parent conferences, as needed, but no less than two times per program year, to enhance the knowledge and understanding of both staff and parents of the child's education and developmental progress and activities in the program;
 - d. Parents have the opportunity to learn about and to provide feedback on selected curricula and instructional materials used in the program;
 - e. Parents and family members have opportunities to volunteer in the class and during group activities;
 - f. Teachers inform parents, about the purposes of and the results from screenings and assessments and discuss their child's progress;
 - g. Teachers conduct at least two home visits per program year for each family, including one before the program year begins, if feasible, to engage the parents in the child's learning and development, except that such visits may take place at school site or another safe location that affords privacy at the parent's request, or if a visit to the home presents significant safety hazards for staff.

§1302.35 Education in home-based programs.

- 1) Purpose. The home-based program must provide home visits and group socialization activities that promote secure parent-child relationships and help parents provide high-quality early learning experiences in language, literacy, mathematics, social and emotional functioning, approaches to learning, science, physical skills, and creative arts. The program must implement a research-based curriculum that delivers developmentally, linguistically, and culturally appropriate home visits and group socialization activities that support children's cognitive, social, and emotional growth for later success in school.
- 2) Home-based program design. The home-based program must ensure all home visits are:
 - a. Planned jointly by the home visitor and parents, and reflect the critical role of parents in the early learning and development of their children, including that the home visitor is able to effectively communicate with the parent, directly or through an interpreter;
 - b. Planned using information from ongoing assessments that individualize learning experiences;
 - c. Scheduled with sufficient time to serve all enrolled children in the home and conducted with parents and are not conducted when only babysitters or other temporary caregivers are present;
 - d. Scheduled with sufficient time and appropriate staff to ensure effective delivery of services described in subparts D, E, F, and G of this part through home visiting, to the extent possible.
- 3) Home visit experiences. The home-based program must ensure all home visits focus on promoting high-quality early learning experiences in the home and growth towards the goals described in the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* and must use such goals and the curriculum to plan home visit activities that implement:
 - a. Age and developmentally appropriate, structured child-focused learning experiences;
 - b. Strategies and activities that promote parents' ability to support the child's cognitive, social, emotional, language, literacy, and physical development;
 - c. Strategies and activities that promote the home as a learning environment that is safe, nurturing, responsive, and language- and communication- rich;
 - d. Research-based strategies and activities for children who are dual language learners that recognize

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- bilingualism and biliteracy as strengths, and focus on the development of the home language, while providing experiences that expose both parents and children to English; and,
- e. Follow-up with the families to discuss learning experiences provided in the home between each visit, address concerns, and inform strategies to promote progress toward school readiness goals.
- 4) Home-based curriculum. The home-based program must:
- a. Ensure home-visiting and group socializations implement a developmentally appropriate research-based early childhood home-based curriculum that:
 - i. Promotes the parent’s role as the child’s teacher through experiences focused on the parent-child relationship and, as appropriate, the family’s traditions, culture, values, and beliefs;
 - ii. Aligns with the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* and, as appropriate, state early learning standards, and, is sufficiently content-rich within the Framework to promote measurable progress toward goals outlined in the Framework; and,
 - iii. Has an organized developmental scope and sequence that includes plans and materials for learning experiences based on developmental progressions and how children learn.
 - b. Support staff in the effective implementation of the curriculum and at a minimum monitor curriculum implementation and fidelity, and provide support, feedback, and supervision for continuous improvement of its implementation through the system of training and professional development.
 - c. If the program chooses to make significant adaptations to a curriculum or curriculum enhancement to better meet the needs of one or more specific populations, the program must:
 - i. Partner with early childhood education curriculum or content experts; and,
 - ii. Assess whether the adaptation adequately facilitates progress toward meeting school readiness goals consistent with the process described in 1302.102.
 - d. Provide parents with an opportunity to review selected curricula and instructional materials used in the program.
- 5) Group socialization.
- a. The home-based program must ensure group socializations are planned jointly with families, conducted with both child and parent participation, occur in a classroom, community facility, home or field trip setting, as appropriate.
 - b. Group socializations must be structured to:
 - i. Provide age appropriate activities for participating children that are intentionally aligned to school readiness goals, the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* and the home-based curriculum; and,
 - ii. Encourage parents to share experiences related to their children’s development with other parents in order to strengthen parent-child relationships and to help promote parents’ understanding of child development;
- 6) Screening and assessments. The home-based program must implement provisions in 1302.33 and inform parents about the purposes of and the results from screenings and assessments and discuss their child’s progress.

Subpart D — Health Program Services

§1302.40 Purpose.

- 1) The HS/EI Department must provide high-quality health, oral health, mental health, and nutrition services that are developmentally, culturally, and linguistically appropriate and that will support each child’s growth and school readiness.
- 2) The HS/EI Department must establish and maintain a Health Services Advisory Committee that includes Head Start parents, professionals, and other volunteers from the community.

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§1302.41 Collaboration and communication with parents.

- 1) For all activities described in this part, the HS/EI Department must collaborate with parents as partners in the health and well-being of their children in a linguistically and culturally appropriate manner and communicate with parents about their child's health needs and development concerns in a timely and effective manner.
- 2) At a minimum, the HS/EI Department must:
 - a. Obtain advance authorization from the parent or other person with legal authority for all health and developmental procedures administered through the program or by contract or agreement, and, maintain written documentation if they refuse to give authorization for health services; and,
 - b. Share with parents the policies for health emergencies that require rapid response on the part of staff or immediate medical attention.

§1302.42 Child health status and care.

- 1) Source of healthcare.
 - a. The HS/EI Department, within 30 calendar days after the child first attends the program or, for the home-based program, receives a home visit, must consult with parents to determine whether each child has ongoing sources of continuous, accessible health care provided by a health care professional that maintains the child's ongoing health record and is not primarily a source of emergency or urgent care and health insurance coverage.
 - b. If the child does not have such a source of ongoing care and health insurance coverage or access to care through the Indian Health Service, the HS/EI Department must assist families in accessing a source of care and health insurance that will meet these criteria, as quickly as possible.
- 2) Ensuring up-to-date child health status.
 - a. Within 90 calendar days after the child first attends the HS/EI Department or, for the home-based program, receives a home visit, the program must:
 - i. Obtain determinations from health care and oral health care professionals as to whether or not the child is up-to-date on a schedule of age appropriate preventive and primary medical and oral health care, based on: the well-child visits and dental periodicity schedules as prescribed by the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program of the Medicaid agency of the state in which they operate, immunization recommendations issued by the Centers for Disease Control and Prevention, and any additional recommendations from the local Health Services Advisory Committee that are based on prevalent community health problems;
 - ii. Assist parents with making arrangements to bring the child up-to-date as quickly as possible; and, if necessary, directly facilitate provision of health services to bring the child up-to-date with parent consent as described in 1302.41.
 - b. Within 45 calendar days after the child first attends the program or, for the home-based program, receives a home visit, the HS/EI Department must either obtain or perform evidence-based vision and hearing screenings.
 - c. The HS/EI Department must identify each child's nutritional health needs, taking into account available health information, including the child's health records, and family and staff concerns, including special dietary requirements, food allergies, and community nutrition issues as identified through the community assessment or by the Health Services Advisory Committee.
- 3) Ongoing care.
 - a. The HS/EI Department must help parents continue to follow recommended schedules of well-child and oral health care.
 - b. The HS/EI Department must implement periodic observations or other appropriate strategies for HS/EI Department staff and parents to identify any new or recurring developmental, medical, oral, or mental health concerns.

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- c. The HS/EI Department must facilitate and monitor necessary oral health preventive care, treatment and follow-up, including topical fluoride treatments. In communities where there is a lack of adequate fluoride available through the water supply and for every child with moderate to severe tooth decay, The HS/EI Department must also facilitate fluoride supplements, and other necessary preventive measures, and further oral health treatment as recommended by the oral health professional.
- 4) Extended follow-up care.
 - a. The HS/EI Department must facilitate further diagnostic testing, evaluation, treatment, and follow-up plan, as appropriate, by a licensed or certified professional for each child with a health problem or developmental delay, such as elevated lead levels or abnormal hearing or vision results that may affect child's development, learning, or behavior.
 - b. The HS/EI Department must develop a system to track referrals and services provided and monitor the implementation of a follow-up plan to meet any treatment needs associated with a health, oral health, social and emotional, or developmental problem.
 - c. The HS/EI Department must assist parents, as needed, in obtaining any prescribed medications, aids or equipment for medical and oral health conditions.
- 5) Use of funds.
 - a. The HS/EI Department must use program funds for the provision of diapers and formula for enrolled children during the program day.
 - b. The HS/EI Department may use program funds for professional medical and oral health services when no other source of funding is available. When program funds are used for such services, the district must have written documentation of their efforts to access other available sources of funding.

§1302.43 Oral health practices.

The HS/EI Department must promote effective oral health hygiene by ensuring all children with teeth are assisted by appropriate staff, or volunteers, if available, in brushing their teeth with toothpaste containing fluoride once daily.

§1302.44 Child nutrition.

1) Nutrition service requirements.

- a. The HS/EI Department must design and implement nutrition services that are culturally and developmentally appropriate, meet the nutritional needs of and accommodate the feeding requirements of each child, including children with special dietary needs and children with disabilities. Family style meals are encouraged as described in 1302.31.
- b. Specifically, the HS/EI Department must:
 - i. Ensure each child in Head Start receives meals and snacks that provide one half to two thirds of the child's daily nutritional needs, depending upon the length of the program day;
 - ii. Serve three- to five-year-olds meals and snacks that conform to USDA requirements in 7 CFR parts 210, 220, and 226, and are high in nutrients and low in fat, sugar, and salt;
 - iii. Feed infants and toddlers according to their individual developmental readiness and feeding skills as recommended in USDA requirements outlined in 7 CFR parts 210, 220, and 226, and ensure infants and young toddlers are fed on demand to the extent possible;
 - iv. Ensure bottle-fed infants are never laid down to sleep with a bottle;
 - v. Serve all children in morning center-based settings who have not received breakfast upon arrival at the program a nourishing breakfast;
 - vi. Provide appropriate healthy snacks and meals to each child during group socialization activities in the home-based option;
 - vii. Promote breastfeeding, including providing facilities to properly store and handle breast milk

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- and make accommodations, as necessary, for mothers who wish to breastfeed during program hours, and if necessary, provide referrals to lactation consultants or counselors; and,
- viii. Make safe drinking water available to children during the program day.
- 2) Payment sources. The HS/EI Department must use funds from USDA Food, Nutrition, and Consumer Services child nutrition programs as the primary source of payment for meal services. Early Head Start and Head Start funds may be used to cover those allowable costs not covered by the USDA.

§1302.45 Child mental health and social and emotional well-being.

- 1) Wellness promotion. To support a program-wide culture that promotes children's mental health, social and emotional well-being, and overall health, the HS/EI Department must:
- a. Provide supports for effective classroom management and positive learning environments; supportive teacher practices; and, strategies for supporting children with challenging behaviors and other social, emotional, and mental health concerns;
 - b. Secure mental health consultation services on a schedule of sufficient and consistent frequency to ensure a mental health consultant is available to partner with staff and families in a timely and effective manner;
 - c. Obtain parental consent for mental health consultation services at enrollment; and,
 - d. Build community partnerships to facilitate access to additional mental health resources and services, as needed.
- 2) Mental health consultants. The HS/EI Department must ensure mental health consultants assist:
- a. The HS/EI Department to implement strategies to identify and support children with mental health and social and emotional concerns;
 - b. Teachers, including family child care providers, to improve classroom management and teacher practices through strategies that include using classroom observations and consultations to address teacher and individual child needs and creating physical and cultural environments that promote positive mental health and social and emotional functioning;
 - c. Other staff, including home visitors, to meet children's mental health and social and emotional needs through strategies that include observation and consultation;
 - d. Staff to address prevalent child mental health concerns, including internalizing problems such as appearing withdrawn and externalizing problems such as challenging behaviors; and,
 - e. In helping both parents and staff to understand mental health and access mental health interventions, if needed.
 - f. In the implementation of the policies to limit suspension and prohibit expulsion as described in 1302.17.

§1302.46 Family support services for health, nutrition, and mental health.

- 1) Parent collaboration. The HS/EI Department must collaborate with parents to promote children's health and well-being by providing medical, oral, nutrition and mental health education support services that are understandable to individuals, including individuals with low health literacy.
- 2) Opportunities.
- a. Such collaboration must include opportunities for parents to:
 - i. Learn about preventive medical and oral health care, emergency first aid, environmental hazards, and health and safety practices for the home including health and developmental consequences of tobacco products use and exposure to lead, and safe sleep;
 - ii. Discuss their child's nutritional status with staff, including the importance of physical activity, healthy eating, and the negative health consequences of sugar-sweetened beverages, and how to select and prepare nutritious foods that meet the family's nutrition and food budget needs;
 - iii. Learn about healthy pregnancy and postpartum care, as appropriate, including breastfeeding support and treatment options for parental mental health or substance abuse problems,

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- including perinatal depression;
- iv. Discuss with staff and identify issues related to child mental health and social and emotional well-being, including observations and any concerns about their child's mental health, typical and atypical behavior and development, and how to appropriately respond to their child and promote their child's social and emotional development; and,
- v. Learn about appropriate vehicle and pedestrian safety for keeping children safe.
- b. The HS/EI Department must provide ongoing support to assist parents' navigation through health systems to meet the general health and specifically identified needs of their children and must assist parents:
 - i. In understanding how to access health insurance for themselves and their families, including information about private and public health insurance and designated enrollment periods;
 - ii. In understanding the results of diagnostic and treatment procedures as well as plans for ongoing care; and,
 - iii. In familiarizing their children with services they will receive while enrolled in the program and to enroll and participate in a system of ongoing family health care.

§1302.47 Safety practices.

- 1) The HS/EI Department must establish, train staff on, implement, and enforce a system of health and safety practices that ensure children are kept safe at all times.
- 2) The HS/EI Department must develop and implement a system of management, including ongoing training, oversight, correction and continuous improvement in accordance with 1302.102, that includes policies and practices to ensure all facilities, equipment and materials, background checks, safety training, safety and hygiene practices and administrative safety procedures are adequate to ensure child safety. This system must ensure:
 - a. Facilities. All facilities where children are served, including areas for learning, playing, sleeping, toileting, and eating are, at a minimum:
 - i. Meet licensing requirements in accordance with 1302.21 and 1302.23;
 - ii. Clean and free from pests;
 - iii. Free from pollutants, hazards and toxins that are accessible to children and could endanger children's safety;
 - iv. Designed to prevent child injury and free from hazards, including choking, strangulation, electrical, and drowning hazards, hazards posed by appliances and all other safety hazards;
 - v. Well lit, including emergency lighting;
 - vi. Equipped with safety supplies that are readily accessible to staff, including, at a minimum, fully-equipped and up-to-date first aid kits and appropriate fire safety supplies;
 - vii. Free from firearms or other weapons that are accessible to children;
 - viii. Designed to separate toileting and diapering areas from areas for preparing food, cooking, eating, or children's activities; and,
 - ix. Kept safe through an ongoing system of preventative maintenance.
 - b. Equipment and materials. Indoor and outdoor play equipment, cribs, cots, feeding chairs, strollers, and other equipment used in the care of enrolled children, and as applicable, other equipment and materials meet standards set by the Consumer Product Safety Commission (CPSC) or the American Society for Testing and Materials, International (ASTM). All equipment and materials must at a minimum:
 - i. Be clean and safe for children's use and are appropriately disinfected;
 - ii. Be accessible only to children for whom they are age appropriate;
 - iii. Be designed to ensure appropriate supervision of children at all times;
 - iv. Allow for the separation of infants and toddlers from preschoolers during play in center-based programs; and,

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- v. Be kept safe through an ongoing system of preventative maintenance.
- c. Background checks. All staff have complete background checks in accordance with 1302.90.
- d. Safety training.
 - i. Staff with regular child contact. All staff with regular child contact have initial orientation training within three months of hire and ongoing training in all state, local, tribal, federal and program-developed health, safety and child care requirements to ensure the safety of children in their care; including, at a minimum, and as appropriate based on staff roles and ages of children they work with, training in:
 - The prevention and control of infectious diseases;
 - Prevention of sudden infant death syndrome and use of safe sleeping practices;
 - Administration of medication, consistent with standards for parental consent;
 - Prevention and response to emergencies due to food and allergic reactions;
 - Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;
 - Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
 - Emergency preparedness and response planning for emergencies;
 - Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
 - Appropriate precautions in transporting children, if applicable;
 - First aid and cardiopulmonary resuscitation; and,
 - Recognition and reporting of child abuse and neglect, in accordance with the requirement at paragraph (2)(e) of this section.
 - ii. Staff without regular child contact. All staff with no regular responsibility for or contact with children have initial orientation training within three months of hire; ongoing training in all state, local, tribal, federal and program-developed health and safety requirements applicable to their work; and training in the program's emergency and disaster preparedness procedures.
- e. Safety practices. All staff and consultants follow appropriate practices to keep children safe during all activities, including, at a minimum:
 - i. Reporting of suspected or known child abuse and neglect, including that staff comply with applicable federal, state, local, and tribal laws;
 - ii. Safe sleep practices, including ensuring that all sleeping arrangements for children under 18 months of age use firm mattresses or cots, as appropriate, and for children under 12 months, soft bedding materials or toys must not be used;
 - iii. Appropriate indoor and outdoor supervision of children at all times;
 - iv. Only releasing children to an authorized adult, and;
 - v. All standards of conduct described in 1302.90.
- f. Hygiene practices. All staff systematically and routinely implement hygiene practices that at a minimum ensure:
 - i. Appropriate toileting, hand washing, and diapering procedures are followed;
 - ii. Safe food preparation; and,
 - iii. Exposure to blood and body fluids are handled consistent with standards of the Occupational Safety Health Administration.
- g. Administrative safety procedures. The HS/EI Department shall establish, follow, and practice, as appropriate, procedures for, at a minimum:
 - i. Emergencies;
 - ii. Fire prevention and response;
 - iii. Protection from contagious disease, including appropriate inclusion and exclusion policies for when a child is ill, and from an infectious disease outbreak, including appropriate notifications of any reportable illness;

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- iv. The handling, storage, administration, and record of administration of medication;
 - v. Maintaining procedures and systems to ensure children are only released to an authorized adult; and,
 - vi. Child specific health care needs and food allergies that include accessible plans of action for emergencies. For food allergies, The HS/EI Department must also post individual child food allergies prominently where staff can view wherever food is served.
 - h. Disaster-preparedness-plan. The HS/EI Department has all-hazards emergency management/disaster preparedness and response plans for more and less likely events including natural and manmade disasters and emergencies, and violence in or near programs.
- 3) The HS/EI Department must report any safety incidents in accordance with 1302.102.

Subpart E — Family and Community Engagement Program Services

§1302.50 Family engagement.

- 1) Purpose. The HS/EI Department must integrate parent and family engagement strategies into all systems and program services to support family well-being and promote children’s learning and development. Programs are encouraged to develop innovative two-generation approaches that address prevalent needs of families across their program that may leverage community partnerships or other funding sources.
- 2) Family engagement approach. The HS/EI Department must:
 - a. Recognize parents as their children’s primary teachers and nurturers and implement intentional strategies to engage parents in their children’s learning and development and support parent-child relationships, including specific strategies for father engagement;
 - b. Develop relationships with parents and structure services to encourage trust and respectful, ongoing two-way communication between staff and parents to create welcoming program environments that incorporate the unique cultural, ethnic, and linguistic backgrounds of families in the program and community;
 - c. Collaborate with families in a family partnership process that identifies needs, interests, strengths, goals, and services and resources that support family well-being, including family safety, health, and economic stability;
 - d. Provide parents with opportunities to participate in the program as employees or volunteers;
 - e. Conduct family engagement services in the family’s preferred language, or through an interpreter, to the extent possible, and ensure families have the opportunity to share personal information in an environment in which they feel safe; and,
 - f. Implement procedures for teachers, home visitors, and family support staff to share information with each other, as appropriate and consistent with the requirements in part 1303 subpart C, of this chapter; FERPA; or IDEA, to ensure coordinated family engagement strategies with children and families in the classroom, home, and community.

§1302.51 Parent activities to promote child learning and development.

- 1) The HS/EI Department must promote shared responsibility with parents for children’s early learning and development, and implement family engagement strategies that are designed to foster parental confidence and skills in promoting children’s learning and development. These strategies must include:
 - a. Offering activities that support parent-child relationships and child development including language, dual language, literacy, and bi-literacy development as appropriate;
 - b. Providing parents with information about the importance of their child’s regular attendance, and partner with them, as necessary, to promote consistent attendance; and,
 - c. For dual language learners, information and resources for parents about the benefits of bilingualism and biliteracy.

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- 2) The HS/EI Department must, at a minimum, offer opportunities for parents to participate in a research-based parenting curriculum that builds on parents' knowledge and offers parents the opportunity to practice parenting skills to promote children's learning and development. The HS/EI Department that chooses to make significant adaptations to the parenting curriculum to better meet the needs of one or more specific populations must work with an expert or experts to develop such adaptations.

§1302.52 Family partnership services.

- 1) Family partnership process. The HS/EI Department must implement a family partnership process that includes a family partnership agreement and the activities described in this section to support family well-being, including family safety, health, and economic stability, to support child learning and development, to provide, if applicable, services and supports for children with disabilities, and to foster parental confidence and skills that promote the early learning and development of their children. The process must be initiated as early in the program year as possible and continue for as long as the family participates in the program, based on parent interest and need.
- 2) Identification of family strengths and needs. The HS/EI Department must implement intake and family assessment procedures to identify family strengths and needs related to the family engagement outcomes as described in the *Head Start Parent Family and Community Engagement Framework*, including family well-being, parent-child relationships, families as lifelong educators, families as learners, family engagement in transitions, family connections to peers and the local community, and families as advocates and leaders.
- 3) Individualized family partnership services. The HS/EI Department must offer individualized family partnership services that:
 - a. Collaborate with families to identify interests, needs, and aspirations related to the family engagement outcomes described above;
 - b. Help families achieve identified individualized family engagement outcomes;
 - c. Establish and implement a family partnership agreement process that is jointly developed and shared with parents in which staff and families to review individual progress, revise goals, evaluate and track whether identified needs and goals are met, and adjust strategies on an ongoing basis, as necessary, and;
 - d. Assign staff and resources based on the urgency and intensity of identified family needs and goals.
- 4) Existing plans and community resources. In implementing this section, the HS/EI Department must take into consideration any existing plans for the family made with other community agencies and availability of other community resources to address family needs, strengths, and goals, in order to avoid duplication of effort.

§1302.53 Community partnerships and coordination with other early childhood and education programs.

- 1) Community partnerships.
 - a. The HS/EI Department must establish ongoing collaborative relationships and partnerships with community organizations such as establishing joint agreements, procedures, or contracts and arranging for onsite delivery of services as appropriate, to facilitate access to community services that are responsive to children's and families' needs and family partnership goals, and community needs and resources, as determined by the community assessment.
 - b. The HS/EI Department must establish necessary collaborative relationships and partnerships, with community organizations that may include:
 - i. Health care providers, including child and adult mental health professionals, Medicaid managed care networks, dentists, other health professionals, nutritional service providers, providers of prenatal and postnatal support, and substance abuse treatment providers;
 - ii. Individuals and agencies that provide services to children with disabilities and their families,

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- elementary schools, state preschool providers, and providers of child care services;
 - iii. Family preservation and support services and child protective services and any other agency to which child abuse must be reported under state or tribal law;
 - iv. Educational and cultural institutions, such as libraries and museums, for both children and families;
 - v. Temporary Assistance for Needy Families, nutrition assistance agencies, workforce development and training programs, adult or family literacy, adult education, and post-secondary education institutions, and agencies or financial institutions that provide asset-building education, products and services to enhance family financial stability and savings;
 - vi. Housing assistance agencies and providers of support for children and families experiencing homelessness, including the local educational agency liaison designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*);
 - vii. Domestic violence prevention and support providers; and,
 - viii. Other organizations or businesses that may provide support and resources to families.
- 2) Coordination with other programs and systems. The HS/EI Department must take an active role in promoting coordinated systems of comprehensive early childhood services to low-income children and families in their community through communication, cooperation, and the sharing of information among agencies and their community partners, while protecting the privacy of child records in accordance with subpart C of part 1303 of this chapter and applicable federal, state, local, and tribal laws.
- a. Quality Rating and Improvement Systems. The HS/EI Department must participate in its state or local Quality Rating and Improvement System (QRIS) if:
 - i. Its state or local QRIS accepts Head Start monitoring data to document quality indicators included in the state's tiered system;
 - ii. Participation would not impact The HS/EI Department's ability to comply with the Head Start Program Performance Standards; and,
 - iii. The HS/EI Department has not provided the Office of Head Start with a compelling reason not to comply with this requirement.(Note: At the time this policy was developed, the State of Florida does not have a required QRIS.)
 - b. Data systems. The HS/EI Department should integrate and share relevant data with state education data systems, to the extent practicable, if the HS/EI Department can receive similar support and benefits as other participating early childhood programs.

Subpart F — Additional Services for Children with Disabilities

§1302.60 Full participation in program services and activities.

The HS/EI Department must ensure enrolled children with disabilities, including but not limited to those who are eligible for services under IDEA, and their families receive all applicable program services delivered in the least restrictive possible environment and that they fully participate in all program activities.

§1302.61 Additional services for children.

- 1) Additional services for children with disabilities. The HS/EI Department must ensure the individualized needs of children with disabilities, including but not limited to those eligible for services under IDEA, are being met and all children have access to and can fully participate in the full range of activities and services. The HS/EI Department must provide any necessary modifications to the environment, multiple and varied formats for instruction, and individualized accommodations and supports as necessary to support the full participation of children with disabilities. The HS/EI Department must ensure all individuals with disabilities are protected from discrimination under and provided with all services and program modifications required by section 504 of the Rehabilitation Act (29 U.S.C. 794),

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the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and their implementing regulations.

- 2) Services during IDEA eligibility determination. While the ESLS Department determines a child's eligibility, the HS/EI Department must provide individualized services and supports, to the maximum extent possible, to meet the child's needs. Such additional supports may be available through a child's health insurance or it may be appropriate or required to provide the needed services and supports under section 504 of the Rehabilitation Act if the child satisfies the definition of disability in section 705(9)(b) of the Rehabilitation Act. When such supports are not available through alternate means, pending the evaluation results and eligibility determination, the HS/EI Department must individualize program services based on available information such as parent input and child observation and assessment data and may use program funds for these purposes.
- 3) Additional services for children with an IFSP or IEP. To ensure the individual needs of children eligible for services under IDEA are met, the HS/EI Department must:
 - a. Work closely with the ESLS Department, the family, and other service partners, as appropriate, to ensure:
 - i. Services for a child with disabilities will be planned and delivered as required by their IFSP or IEP, as appropriate;
 - ii. Children are working towards the goals in their IFSP or IEP;
 - iii. Elements of the IFSP or IEP that the HS/EI Department cannot implement are implemented by other appropriate agencies, related service providers and specialists;
 - iv. IFSPs and IEPs are being reviewed and revised, as required by IDEA; and,
 - v. Services are provided in a child's regular Early Head Start or Head Start classroom to the greatest extent possible.
 - b. Plan and implement the transition services described in subpart G of this part, including at a minimum:
 - i. For children with an IFSP who are transitioning out of Early Head Start, collaborate with the parents, and the ESLS Department, to ensure appropriate steps are undertaken in a timely and appropriate manner to determine the child's eligibility for services under Part B of IDEA; and,
 - ii. For children with an IEP who are transitioning out of Head Start to kindergarten, collaborate with the parents, and ESLS Department, to ensure steps are undertaken in a timely and appropriate manner to support the child and family as they transition to a new setting.

§1302.62 Additional services for parents.

- 1) Parents of all children with disabilities.
 - a. The HS/EI Department must collaborate with parents of children with disabilities, including but not limited to children eligible for services under IDEA, to ensure the needs of their children are being met, including support to help parents become advocates for services that meet their children's needs and information and skills to help parents understand their child's disability and how to best support the child's development;
 - b. The HS/EI Department must assist parents to access services and resources for their family, including securing adaptive equipment and devices and supports available through a child's health insurance or other entities, creating linkages to family support programs, and helping parents establish eligibility for additional support programs, as needed and practicable.
- 2) Parents of children eligible for services under IDEA. For parents of children eligible for services under IDEA, the HS/EI Department must also help parents:
 - a. Understand the referral, evaluation, and service timelines required under IDEA;
 - b. Actively participate in the eligibility process and IFSP or IEP development process with the ESLS Department, including by informing parents of their right to invite the program to participate in all meetings;
 - c. Understand the purposes and results of evaluations and services provided under an IFSP or IEP;

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and,

- d. Ensure their children's needs are accurately identified in, and addressed through, the IFSP or IEP.

§1302.63 Coordination and collaboration with Exceptional Student Learning Support Department (ESLS)

- 1) The HS/EI Department must coordinate with the ESLS Department to identify children enrolled or who intend to enroll in Head Start that may be eligible for services under IDEA, including through the process described in 1302.33 and through participation in the local agency Child Find efforts.
- 2) The HS/EI Department must work to develop processes with the ESLS Department to improve service delivery to children eligible for services under IDEA, including the referral and evaluation process, service coordination, promotion of service provision in the least restrictive appropriate community-based setting and reduction in dual enrollment which causes reduced time in a less restrictive setting, and transition services as children move from services provided under Part C of IDEA to services provided under Part B of IDEA and from preschool to kindergarten.
- 3) The HS/EI Department must participate in the development of the IFSP or IEP if requested by the child's parents, and the implementation of the IFSP or IEP. At a minimum, the HS/EI Department must offer:
 - a. To provide relevant information from its screenings, assessments, and observations to the team developing a child's IFSP or IEP; and,
 - b. To participate in meetings with the ESLS Department to develop or review an IEP or IFSP for a child being considered for Head Start enrollment, a currently enrolled child, or a child transitioning from Head Start.
- 4) The HS/EI Department must retain a copy of the IEP or IFSP for any child enrolled in Head Start for the time the child is in the program, consistent with the IDEA requirements in 34 CFR parts 300 and 303.

Subpart G — Transition Services

§1302.70 Transitions from Early Head Start.

- 1) Implementing transition strategies and practices. An Early Head Start program must implement strategies and practices to support successful transitions for children and their families transitioning out of Early Head Start.
- 2) Timing for transitions. To ensure the most appropriate placement and service following participation in Early Head Start, the HS/EI Department must, at least six months prior to each child's third birthday, implement transition planning for each child and family that:
 - i. Takes into account the child's developmental level and health and disability status, progress made by the child and family while in Early Head Start, current and changing family circumstances and, the availability of Head Start, other public pre-kindergarten, and other early education and child development services in the community that will meet the needs of the child and family; and,
 - ii. Transitions the child into Head Start or another program as soon as possible after the child's third birthday but permits the child to remain in Early Head Start for a limited number of additional months following the child's third birthday if necessary for an appropriate transition.
- 3) Family collaborations. The HS/EI Department must collaborate with parents of Early Head Start children to implement strategies and activities that support successful transitions from Early Head Start and, at a minimum, provide information about the child's progress during the program year and provide strategies for parents to continue their involvement in and advocacy for the education and development of their child.
- 4) Early Head Start and Head Start collaboration. Early Head Start and Head Start programs must work together to maximize enrollment transitions from Early Head Start to Head Start, consistent with the

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eligibility provisions in subpart A, and promote successful transitions through collaboration and communication.

- 5) Transition services for children with an IFSP. The HS/EI Department must provide additional transition services for children with an IFSP, at a minimum, as described in subpart F of this part.

§1302.71 Transitions from Head Start to kindergarten.

- 1) Implementing transition strategies and practices. The HS/EI Department that serves children who will enter kindergarten in the following year must implement transition strategies to support a successful transition to kindergarten.
- 2) Family collaborations for transitions.
 - a. The HS/EI Department must collaborate with parents of enrolled children to implement strategies and activities that will help parents advocate for and promote successful transitions to kindergarten for their children, including their continued involvement in the education and development of their child.
 - b. At a minimum, such strategies and activities must:
 - i. Help parents understand their child's progress during Head Start;
 - ii. Help parents understand practices they use to effectively provide academic and social support for their children during their transition to kindergarten and foster their continued involvement in the education of their child;
 - iii. Prepare parents to exercise their rights and responsibilities concerning the education of their children in the elementary school setting, including services and supports available to children with disabilities and various options for their child to participate in language instruction educational programs; and,
 - iv. Assist parents in the ongoing communication with teachers and other school personnel so that parents can participate in decisions related to their children's education.
- 3) Community collaborations for transitions.
 - a. The HS/EI Department must collaborate with the Early Learning Language Acquisition (ELLA) Department, as appropriate, and kindergarten teachers to implement strategies and activities that promote successful transitions to kindergarten for children, their families, and the elementary school.
 - b. At a minimum, such strategies and activities must include:
 - i. Coordination with schools or other appropriate departments to ensure children's relevant records are transferred to the school or next placement in which a child will enroll, consistent with privacy requirements in subpart C of part 1303 of this chapter;
 - ii. Communication between appropriate staff and their counterparts in the schools to facilitate continuity of learning and development, consistent with privacy requirements in subpart C of part 1303 of this chapter; and,
 - iii. Participation, as possible, for joint training and professional development activities for Head Start and kindergarten teachers and staff.
 - c. The HS/EI department must collaborate with schools to determine the availability of summer school programming for children who will be entering kindergarten and work with parents and school districts to enroll children in such programs, as appropriate.
- 4) Learning environment activities. The HS/EI Department must implement strategies and activities in the learning environment that promote successful transitions to kindergarten for enrolled children, and at a minimum, include approaches that familiarize children with the transition to kindergarten and foster confidence about such transition.
- 5) Transition services for children with an IEP. The HS/EI Department must provide additional transition services for children with an IEP, at a minimum, as described in subpart F of this part.

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§1302.72 Transitions between programs.

- 1) For families and children who move out of the community in which they are currently served, including homeless families and foster children, the HS/EI Department must undertake efforts to support effective transitions to other Early Head Start or Head Start programs. If Early Head Start or Head Start is not available, the HS/EI Department should assist the family to identify another early childhood program that meets their needs.
- 2) When serving children whose families have decided to transition them to other early education programs, including public pre-kindergarten, in the year prior to kindergarten entry, the program must undertake strategies and activities described in 1302.71, as practicable and appropriate.

Subpart H — Services to Enrolled Pregnant Women

§1302.80 Enrolled pregnant women.

- 1) Within 30 days of enrollment, the HS/EI Department must determine whether each enrolled pregnant woman has an ongoing source of continuous, accessible health care – provided by a health care professional that maintains her ongoing health record and is not primarily a source of emergency or urgent care – and, as appropriate, health insurance coverage.
- 2) If an enrolled pregnant woman does not have a source of ongoing care as described above and, as appropriate, health insurance coverage, The HS/EI Department must, as quickly as possible, facilitate her access to such a source of care that will meet her needs.
- 3) The HS/EI Department must facilitate the ability of all enrolled pregnant women to access comprehensive services through referrals that, at a minimum, include nutritional counseling, food assistance, oral health care, mental health services, substance abuse prevention and treatment, and emergency shelter or transitional housing in cases of domestic violence.
- 4) The HS/EI Department must provide a newborn visit with each mother and baby to offer support and identify family needs. The HS/EI Department must schedule the newborn visit within two weeks after the infant's birth.

§1302.81 Prenatal and postpartum information, education, and services.

- 1) The HS/EI Department must provide enrolled pregnant women, fathers, and partners or other relevant family members the prenatal and postpartum information, education and services that address, as appropriate, fetal development, the importance of nutrition, the risks of alcohol, drugs, and smoking, labor and delivery, postpartum recovery, parental depression, infant care and safe sleep practices, and the benefits of breastfeeding.
- 2) The HS/EI Department must also address needs for appropriate supports for emotional well-being, nurturing and responsive caregiving, and father engagement during pregnancy and early childhood.

§1302.82 Family partnership services for enrolled pregnant women.

- 1) The HS/EI Department must engage enrolled pregnant women and other relevant family members, such as fathers, in the family partnership services as described in 1302.52 and include a specific focus on factors that influence prenatal and postpartum maternal and infant health.
- 2) The HS/EI Department must engage enrolled pregnant women and other relevant family members, such as fathers, in discussions about program options, plan for the infant's transition to program enrollment, and support the family during the transition process, where appropriate.

Subpart I — Human Resources Management

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§1302.90 Personnel policies.

- 1) Establishing personnel policies and procedures. The HS/EI Department must establish written personnel policies and procedures that are approved by the SBBC Board and Policy Council and that are available to all staff.
- 2) Background checks and selection procedures.
 - a. Before a person is hired, directly or through contract, including transportation staff and contractors, the HS/EI Department must conduct an interview, verify references, conduct a sex offender registry check and obtain one of the following:
 - i. State or tribal criminal history records, including fingerprint checks; or,
 - ii. Federal Bureau of Investigation criminal history records, including fingerprint checks.
 - b. The HS/EI Department has 90 days after an employee is hired to complete the background check process by obtaining:
 - i. Whichever check listed in this section was not obtained prior to the date of hire; and,
 - ii. Child abuse and neglect state registry check, if available.
 - c. The HS/EI Department must review the information found in each employment application and complete background check to assess the relevancy of any issue uncovered by the complete background check including any arrest, pending criminal charge, or conviction and must use Child Care and Development Fund (CCDF) disqualification factors described in 42 U.S.C. 9858f(c) (1)(D) and 42 U.S.C. 9858f(h)(1) or tribal disqualifications factors to determine whether the prospective employee can be hired or the current employee must be terminated.
 - d. The HS/EI Department must ensure a newly hired employee, consultant, or contractor does not have unsupervised access to children until the complete background check process is complete.
 - e. The school district must conduct the complete background check for each employee, consultant, or contractor at least once every five years which must include each of the four checks listed in this section, and review and make employment decisions based on the information as described above, unless the HS/EI Department can demonstrate to the responsible OHS official that it has a more stringent system in place that will ensure child safety.
 - f. The HS/EI Department must consider current and former program parents for employment vacancies for which such parents apply and are qualified.
- 3) Standards of conduct.
 - a. The HS/EI Department must ensure all staff, consultants, contractors, and volunteers abide by the program's standards of conduct that:
 - i. Ensure staff, consultants, contractors, and volunteers implement positive strategies to support children's well-being and prevent and address challenging behavior;
 - ii. Ensure staff, consultants, contractors, and volunteers do not maltreat or endanger the health or safety of children, including, at a minimum, that staff must **not**:
 - Use corporal punishment;
 - Use isolation to discipline a child;
 - Bind or tie a child to restrict movement or tape a child's mouth;
 - Use or withhold food as a punishment or reward
 - Use toilet learning/training methods that punish, demean, or humiliate a child;
 - Use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting a child;
 - Physically abuse a child;
 - Use any form of verbal abuse, including profane, sarcastic language, threats, or derogatory remarks about the child or child's family; or,
 - Use physical activity or outdoor time as a punishment or reward;
 - iii. Ensure staff, consultants, contractors, and volunteers respect and promote the unique identity of each child and family and do not stereotype on any basis, including gender, race, ethnicity,

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- culture, religion, disability, sexual orientation, or family composition;
- iv. Require staff, consultants, contractors, and volunteers to comply with program confidentiality policies concerning personally identifiable information about children, families, and other staff members in accordance with subpart C of part 1303 of this chapter and applicable federal, state, local, and tribal laws; and,
 - v. Ensure no child is left alone or unsupervised by staff, consultants, contractors, or volunteers while under their care.
- b. Personnel policies and procedures must include appropriate penalties for staff, consultants, and volunteers who violate the standards of conduct.
- 4) Communication with dual language learners and their families.
- a. The HS/EI Department must ensure staff and program consultants or contractors are familiar with the ethnic backgrounds and heritages of families in the program and are able to serve and effectively communicate, either directly or through interpretation and translation, with children who are dual language learners and to the extent feasible, with families with limited English proficiency.
 - b. If a majority of children in a class or home-based program speak the same language, at least one class staff member or home visitor must speak such language.

§1302.91 Staff qualifications and competency requirements.

- 1) Purpose. The HS/EI Department must ensure all staff, consultants, and contractors engaged in the delivery of program services have sufficient knowledge, training and experience, and competencies to fulfill the roles and responsibilities of their positions and to ensure high-quality service delivery in accordance with the program performance standards. The HS/EI Department must provide ongoing training and professional development to support staff in fulfilling their roles and responsibilities.
- 2) Head Start/Early Head Start director. The HS/EI Department must ensure the Head Start/Early Head Start director, has, at a minimum, a baccalaureate degree and experience in supervision of staff, fiscal management, and administration.
- 3) Fiscal officer. The HS/EI Department must assess staffing needs in consideration of the fiscal complexity of the organization and applicable financial management requirements and secure the regularly scheduled or ongoing services of a fiscal officer with sufficient education and experience to meet their needs. The HS/EI Department must ensure the fiscal officer is a certified public accountant or has, at a minimum, a baccalaureate degree in accounting, business, fiscal management, or a related field.
- 4) Child and family services management staff qualification requirements.
 - a. Family, health, and disabilities management. The HS/EI Department must ensure staff responsible for management and oversight of family services, health services, and services to children with disabilities have, at a minimum, a baccalaureate degree, preferably related to one or more of the disciplines they oversee.
 - b. Education management. As prescribed in the Head Start Act, the HS/EI Department must ensure staff that serve as education managers or coordinators, including those that serve as curriculum specialists, have a baccalaureate or advanced degree in early childhood education or a baccalaureate or advanced degree and equivalent coursework in early childhood education with early education teaching experience.
- 5) Child and family services staff.
 - a. Early Head Start center-based certified personnel qualification requirements. As prescribed in the Head Start Act, the HS/EI Department must ensure center-based certified personnel that provide direct services to infants and toddlers in Early Head Start centers have a minimum of a Child Development Associate (CDA) credential or comparable credential, and have been trained or have equivalent coursework in early childhood development with a focus on infant and toddler development.
 - b. Head Start center-based teacher qualification requirements. As prescribed in the Head Start Act,

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the HS/EI Department must ensure all center-based teachers have at least an associate's or bachelor's degree in child development or early childhood education, equivalent coursework. At least fifty percent of the district's Head Start teachers must have a minimum of a bachelor's degree in childhood development, early childhood education or equivalent coursework.

- c. Head Start assistant teacher qualification requirements. As prescribed in the Head Start Act, the HS/EI Department must ensure Head Start assistant teachers, at a minimum, have a CDA credential or a state-awarded certificate that meets or exceeds the requirements for a CDA credential, are enrolled in a Family Child Care CDA program that will lead to an associate or baccalaureate degree or, are enrolled in a CDA credential program to be completed within two years of the time of hire.
- c. Center-based teachers, assistant teachers, and family child care provider competencies. The HS/EI Department must ensure center-based teachers and assistant teachers demonstrate competency to provide effective and nurturing teacher-child interactions, plan and implement learning experiences that ensure effective curriculum implementation and use of assessment and promote children's progress across the standards described in the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* and applicable state early learning and development standards, including for children with disabilities and dual language learners, as appropriate.
- d. Home visitors. The HS/EI Department must ensure home visitors providing home-based education services:
 - i. Have a minimum of a home-based CDA credential or comparable credential, or equivalent coursework as part of an associate's or bachelor's degree; and,
 - ii. Demonstrate competency to plan and implement home-based learning experiences that ensure effective implementation of the home visiting curriculum and promote children's progress across the standards described in the *Head Start Early Learning Outcomes Framework: Ages Birth to Five*, including for children with disabilities and dual language learners, as appropriate, and to build respectful, culturally responsive, and trusting relationships with families.
- e. Family services staff qualification requirements. The HS/EI Department must ensure staff who work directly with families on the family partnership process have within eighteen months of hire, at a minimum, a credential or certification in social work, human services, family services, counseling or a related field.
- f. Health professional qualification requirements.
 - i. The HS/EI Department must ensure health procedures are performed only by a licensed or certified health professional.
 - ii. The HS/EI Department must ensure all mental health consultants are licensed or certified mental health professionals. The HS/EI Department must use mental health consultants with knowledge of and experience in serving young children and their families, if available in the community.
 - iii. The HS/EI Department must use staff or consultants to support nutrition services who are registered dietitians or nutritionists with appropriate qualifications.
- g. Coaches. The HS/EI Department must ensure coaches providing the services described in 1302.92 have a minimum of a baccalaureate degree in early childhood education or a related field.

§1302.92 Training and professional development.

- 1) The HS/EI Department must provide to all new staff, consultants, and volunteers, an orientation that focuses on, at a minimum, the goals and underlying philosophy of the program and on the ways they are implemented.
- 2) The HS/EI Department must establish and implement a systematic approach to staff training and professional development designed to assist staff in acquiring or increasing the knowledge and skills needed to provide high-quality, comprehensive services within the scope of their job responsibilities, and attached to academic credit as appropriate. At a minimum, the system must include:

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- a. Staff completing a minimum of 15 clock hours of professional development per year. For teaching staff, such professional development must be high-quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and regularly evaluated for effectiveness.
 - b. Training on methods to handle suspected or known child abuse and neglect cases, that comply with applicable federal, state, local, and tribal laws;
 - c. Training for child and family services staff on best practices for implementing family engagement strategies in a systemic way, as described throughout this part;
 - d. Training for child and family services staff, including staff that work on family services, health, and disabilities, that builds their knowledge, experience, and competencies to improve child and family outcomes; and,
 - e. Research-based approaches to professional development for education staff, that are focused on effective curricula implementation, knowledge of the content in *Head Start Early Learning Outcomes Framework: Ages Birth to Five*, partnering with families, supporting children with disabilities and their families, providing effective and nurturing adult-child interactions, supporting dual language learners as appropriate, addressing challenging behaviors, preparing children and families for transitions (as described in subpart G of this part), and use of data to individualize learning experiences to improve outcomes for all children.
- 3) The HS/EI Department must implement a research-based, coordinated coaching strategy for education staff that:
- a. Assesses all education staff to identify strengths, areas of needed support, and which staff would benefit most from intensive coaching;
 - b. At a minimum, provides opportunities for intensive coaching to those education staff identified through the process above, including opportunities to be observed and receive feedback and modeling of effective teacher practices directly related to program performance goals;
 - c. At a minimum, provides opportunities for education staff not identified for intensive coaching through the process above to receive other forms of research-based professional development aligned with program performance goals;
 - d. Ensures intensive coaching opportunities for the staff identified through the process above that:
 - i. Align with the program's school readiness goals, curricula, and other approaches to professional development;
 - ii. Utilize a coach with adequate training and experience in adult learning and in using assessment data to drive coaching strategies aligned with program performance goals;
 - iii. Provide ongoing communication between the coach, director, curriculum specialist, and any other relevant staff; and,
 - iv. Include clearly articulated goals informed by the program's goals, as described in 1302.102, and a process for achieving those goals; and,
 - e. Establishes policies that ensure assessment results are not used to solely determine punitive actions for staff identified as needing support, without providing time and resources for staff to improve.
- 4) If the HS/EI Department needs to develop or significantly adapt their approach to research-based professional development to better meet the training needs of education staff, such that it does not include the requirements above, the HS/EI Department must partner with external early childhood education professional development experts. The HS/EI Department must assess whether the adaptation adequately supports staff professional development, consistent with the process laid out in subpart J of this part.

§1302.93 Staff health and wellness.

- 1) The HS/EI Department must ensure each staff member has an initial health examination and a periodic re-examination as recommended by their health care provider in accordance with state, tribal, or local

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requirements that include screeners or tests for communicable diseases, as appropriate. The HS/EI Department must ensure staff do not, because of communicable diseases, pose a significant risk to the health or safety of others in the program that cannot be eliminated or reduced by reasonable accommodation, in accordance with the Americans with Disabilities Act and section 504 of the Rehabilitation Act.

- 2) The HS/EI Department must make mental health and wellness information available to staff regarding health issues that may affect their job performance, and must provide regularly scheduled opportunities to learn about mental health, wellness, and health education.

§1302.94 Volunteers.

- 1) The HS/EI Department must ensure regular volunteers have been screened for appropriate communicable diseases in accordance with state, tribal or local laws. In the absence of state, tribal or local law, the Health Services Advisory Committee must be consulted regarding the need for such screenings.
- 2) The HS/EI Department must ensure children are never left alone with volunteers.

Subpart J — Program Management and Quality Improvement

§1302.100 Purpose.

The HS/EI Department must provide management and a process of ongoing monitoring and continuous improvement for achieving program goals that ensures child safety and the delivery of effective, high-quality program services.

§1302.101 Management system.

- 1) Implementation. The HS/EI Department must implement a management system that:
 - a. Ensures The HS/EI Department, fiscal, and human resource management structure that provides effective management and oversight of all program areas and fiduciary responsibilities to enable delivery of high-quality services in all of the program services described in subparts C, D, E, F, G, and H of this part;
 - b. Provides regular and ongoing supervision to support individual staff professional development and continuous program quality improvement;
 - c. Ensures budget and staffing patterns that promote continuity of care for all children enrolled, allow sufficient time for staff to participate in appropriate training and professional development, and allow for provision of the full range of services described in subparts C, D, E, F, G, and H of this part; and,
 - d. Maintains an automated accounting and record keeping system adequate for effective oversight.
- 2) Coordinated approaches. At the beginning of each program year, and on an ongoing basis throughout the year, the HS/EI Department must design and implement program-wide coordinated approaches that ensure:
 - a. The training and professional development system, as described in 1302.92, effectively supports the delivery and continuous improvement of high-quality services;
 - b. The full and effective participation of children who are dual language learners and their families, by
 - i. Utilizing information from the program’s community assessment about the languages spoken throughout the program service area to anticipate child and family needs;
 - ii. Identifying community resources and establishing ongoing collaborative relationships and partnerships with community organizations consistent with the requirements in 1302.53; and,
 - iii. Systematically and comprehensively addressing child and family needs by facilitating meaningful access to program services, including, at a minimum, curriculum, instruction,

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- staffing, supervision, and family partnerships with bilingual staff, oral language assistance and interpretation, or translation of essential program materials, as appropriate.
- c. The full and effective participation of all children with disabilities, including but not limited to children eligible for services under IDEA, by providing services with appropriate facilities, program materials, curriculum, instruction, staffing, supervision, and partnerships, at a minimum, consistent with section 504 of the Rehabilitation Act and the Americans with Disabilities Act; and,
 - d. The management of program data to effectively support the availability, usability, integrity, and security of data. The HS/EI Department must establish procedures on data management, and have them approved by the SBBC board and policy council, in areas such as quality of data and effective use and sharing of data, while protecting the privacy of child records in accordance with subpart C of part 1303 of this chapter and applicable federal, state, local, and tribal laws.

§1302.102 Achieving program goals.

- 1) Establishing program goals. The HS/EI Department, in collaboration with the SBBC board and Policy Council, must establish goals and measurable objectives that include:
 - a. Strategic long-term goals for ensuring programs are and remain responsive to community needs as identified in their community assessment as described in subpart A of this part;
 - b. Goals for the provision of educational, health, nutritional, and family and community engagement program services as described in the program performance standards to further promote the school readiness of enrolled children;
 - c. School readiness goals that are aligned with the *Head Start Early Learning Outcomes Framework: Ages Birth to Five*, state and tribal early learning standards, as appropriate, and requirements and expectations of schools Head Start children will attend, per the requirements of subpart B of part 1304 of this part; and,
 - d. Effective health and safety practices to ensure children are safe at all times, per the requirements in 1302.47, 1302.90, 1302.92, and 1302.94 and part 1303 subpart F, of this chapter.
- 2) Monitoring program performance.
 - a. Ongoing compliance oversight and correction. In order to ensure effective ongoing oversight and correction, the HS/EI Department must establish and implement a system of ongoing oversight that ensures effective implementation of the program performance standards, including ensuring child safety, and other applicable federal regulations as described in this part, and must:
 - i. Collect and use data to inform this process;
 - ii. Correct quality and compliance issues immediately, or as quickly as possible;
 - iii. Work with the SBBC board and the policy council to address issues during the ongoing oversight and correction process and during federal oversight; and,
 - iv. Implement procedures that prevent recurrence of previous quality and compliance issues, including previously identified deficiencies, safety incidents, and audit findings.
 - b. Ongoing assessment of program goals. The HS/EI Department must effectively oversee progress towards program goals on an ongoing basis and annually must:
 - i. Conduct a self-assessment that uses program data including aggregated child assessment data, and professional development and parent and family engagement data as appropriate, to evaluate the program's progress towards meeting goals established in this section, compliance with program performance standards throughout the program year, and the effectiveness of the professional development and family engagement systems in promoting school readiness;
 - ii. Communicate and collaborate with the SBBC board and Policy Council, HS/EI Department staff, and parents of enrolled children when conducting the annual self-assessment; and,
 - iii. Submit findings of the self-assessment, including information listed in above, to the responsible OHS official.
- 3) Using data for continuous improvement.

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- a. The HS/EI Department must implement a process for using data to identify program strengths and needs, develop and implement plans that address program needs, and continually evaluate compliance with program performance standards and progress towards achieving program goals described above.
 - b. This process must:
 - i. Ensure data is aggregated, analyzed and compared in such a way to assist agencies in identifying risks and informing strategies for continuous improvement in all program service areas;
 - ii. Ensure child-level assessment data is aggregated and analyzed at least three times a year, including for sub-groups, such as dual language learners and children with disabilities, as appropriate, and used with other program data described in this section to direct continuous improvement related to curriculum choice and implementation, teaching practices, professional development, program design and other program decisions, including changing or targeting scope of services; and,
 - iii. Use information from ongoing monitoring and the annual self-assessment, and program data on teaching practice, staffing and professional development, child-level assessments, family needs assessments, and comprehensive services, to identify program needs, and develop and implement plans for program improvement; and,
 - iv. Use program improvement plans as needed to either strengthen or adjust content and strategies for professional development, change program scope and services, refine school readiness and other program goals, and adapt strategies to better address the needs of sub-groups.
- 4) Reporting.
- a. The HS/EI Department must submit:
 - i. Status reports, determined by ongoing oversight data, to the SBBC board and Policy Council, at least semi-annually;
 - ii. Reports, as appropriate, to the responsible OHS official immediately or as soon as practicable, related to any significant incidents affecting the health and safety of program participants, circumstances affecting the financial viability of the program, breaches of personally identifiable information, or program involvement in legal proceedings, any matter for which notification or a report to state, tribal, or local authorities is required by applicable law, including at a minimum:
 - Any reports regarding agency staff or volunteer compliance with federal, state, tribal, or local laws addressing child abuse and neglect or laws governing sex offenders;
 - Incidents that require classrooms or centers to be closed for any reason;
 - Legal proceedings by any party that are directly related to program operations; and,
 - All conditions required to be reported under 1304.12, including disqualification from the Child and Adult Care Food Program (CACFP) and license revocation.
 - b. Annually, the HS/EI Department must publish and disseminate a report that complies with the Head Start Act and includes a summary of the HS/EI Department's most recent community assessment, as described in 1302.11, consistent with privacy protections in subpart C of part 1303 of this chapter.
 - c. If the HS/EI Department has had a deficiency identified, it must submit, to the responsible OHS official, a quality improvement plan as required in the Head Start Act.

§1302.103 Implementation of program performance standards.

- 1) The HS/EI Department must implement a program-wide approach for the effective and timely implementation of the changes to the program performance standards, including the purchase of materials and allocation of staff time, as appropriate.
- 2) The HS/EI Department's approach to implement the changes included in parts 1301 through 1304 of

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this chapter must ensure adequate preparation for effective and timely service delivery to children and their families including, at a minimum, review of community assessment data to determine the most appropriate strategy for implementing required program changes, including assessing any changes in the number of children who can be served, as necessary, the purchase of and training on any curriculum, assessment, or other materials, as needed, assessment of program-wide professional development needs, assessment of staffing patterns, the development of coordinated approaches described in 1302.101, and the development of appropriate protections for data sharing.

Part 1303 – Financial and Administrative Requirements

§1303.1 Overview.

This part specifies the financial and administrative requirements for Head Start. Subpart A of this part outlines the financial requirements. Subpart B of this part specifies the administrative requirements. Subpart C of this part implements the statutory provision that ensures the confidentiality of any personally identifiable data, information, and records collected or maintained. Subpart D of this part prescribes regulations for the operation of delegate agencies. Subpart E of this part implements the statutory requirements related to facilities. Subpart F prescribes regulations on transportation.

Subpart A — Financial Requirements

§1303.2 Purpose.

This subpart establishes regulations applicable to program administration and grants management for all grants under the Act.

The following chart includes OHS regulations that apply to all grants made under the Act:

Cite	Title
45 CFR part 16	Department grant appeals process
45 CFR part 30	OHS Standards and Procedures for Claims collection
45 CFR part 46	Protection of human subjects
45 CFR part 75	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
45 CFR part 80 45 CFR part 80	Nondiscrimination under programs receiving federal assistance through the Department of Health and Human Services Effectuation of title VI and VII of the Civil Rights Act of 1964
45 CFR part 81	Practice and procedure for hearings under part 80
45 CFR part 84	Nondiscrimination on the basis of handicap in federally assisted programs
45 CFR part 87	Equal treatment for faith based organizations
2 CFR part 170	FFATA Sub-award and executive compensation
2 CFR 25.110	CCR/DUNS requirement

§1303.4 Federal financial assistance, non-federal match, and waiver requirements.

In accordance with the Head Start Act, federal financial assistance to the district will not exceed 80 percent of the approved total program costs. The district must contribute 20 percent as non-federal match each budget period. The responsible OHS official may approve a waiver of all or a portion of the non-federal match requirement on the basis of the grantee’s written application submitted for the budget period and any supporting evidence the responsible OHS official requires. In deciding whether to grant a waiver, the responsible OHS official will consider the circumstances and whether the grantee has made a reasonable

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effort to comply with the non-federal match requirement.

§1303.5 Limitations on development and administrative costs.

1) Limitations.

- a) Costs to develop and administer the Head Start program cannot be excessive or exceed 15 percent of the total approved program costs. Allowable costs to develop and administer a Head Start program cannot exceed 15 percent of the total approved program costs, which includes both federal costs and non-federal match, unless the responsible OHS official grants a waiver that approves a higher percentage in order to carry out the purposes of the Head Start Act.
- b) To assess total program costs and determine whether the district meets this requirement, the grantee must:
 - i. Determine the costs to develop and administer its program, including the local costs of necessary resources;
 - ii. Categorize total costs as development and administrative or program costs;
 - iii. Identify and allocate the portion of dual benefits costs that are for development and administration;
 - iv. Identify and allocate the portion of indirect costs that are for development and administration versus program costs; and,
 - v. Delineate all development and administrative costs in the grant application and calculate the percentage of total approved costs allocated to development and administration.

2) Waivers.

- a) The responsible OHS official may grant a waiver for each budget period if a delay or disruption to program services is caused by circumstances beyond the agency's control, or if an agency is unable to administer the program within the 15 percent limitation and if the agency can demonstrate efforts to reduce its development and administrative costs.
- b) If at any time within the grant funding cycle, the district estimates development and administration costs will exceed 15 percent of total approved costs, it must submit a waiver request to the responsible OHS official that explains why costs exceed the limit, that indicates the time period the waiver will cover, and that describes what the grantee will do to reduce its development and administrative costs to comply with the 15 percent limit after the waiver period.

Subpart B — Administrative Requirements

§1303.10 Purpose.

The district must observe standards of organization, management, and administration that will ensure, so far as reasonably possible, that all program activities are conducted in a manner consistent with the purposes of the Head Start Act and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism.

§1303.11 Limitations and prohibitions.

The district must adhere to sections of the Head Start Act pertaining to union organizing, the Davis-Bacon Act, limitations on compensation, non-discrimination, unlawful activities, political activities, and obtaining parental consent.

§1303.12 Insurance and bonding.

The district must have an ongoing process to identify risks and have cost-effective insurance for those identified risks. The district must specifically consider the risk of accidental injury to children while participating in the program. The HS/EI Department must submit proof of appropriate coverage in its initial application for funding. The process of identifying risks must also consider the risk of losses resulting from

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fraudulent acts by individuals authorized to disburse Head Start funds. If the district lacks sufficient coverage to protect the federal government's interest, the district must maintain adequate fidelity bond coverage.

Subpart C — Protections for the Privacy of Child Records

§1303.20 Establishing procedures.

The HS/EI Department must establish procedures to protect the confidentiality of any personally identifiable information (PII) in child records.

§1303.21 Program procedures – applicable confidentiality provisions.

- 1) The district must comply with the confidentiality provisions of FERPA.
- 2) If Head Start serves a child who is referred to, or found eligible for services under, IDEA, then district must comply with the applicable confidentiality provisions in Part B or Part C of IDEA to protect the PII in records of those children.

§1303.22 Disclosures with, and without, parental consent.

- 1) Disclosure with parental consent.
 - a. Subject to the exceptions in paragraphs 2 and 3 of this section, the procedures to protect PII must require the program to obtain a parent's written consent before the program may disclose such PII from child records.
 - b. The procedures to protect PII must require the program to ensure the parent's written consent specifies what child records may be disclosed, explains why the records will be disclosed, and identifies the party or class of parties to whom the records may be disclosed. The written consent must be signed and dated.
 - c. "Signed and dated written consent" under this part may include a record and signature in electronic form that:
 - i. Identifies and authenticates a particular person as the source of the electronic consent; and,
 - ii. Indicates such person's approval of the information.
 - d. The HS/EI Department must explain to the parent that the granting of consent is voluntary on the part of the parent and may be revoked at any time. If a parent revokes consent, that revocation is not retroactive and therefore it does not apply to an action that occurred before the consent was revoked.
- 2) Disclosure without parental consent but with parental notice and opportunity to refuse. The procedures to protect PII must allow the HS/EI Department to disclose such PII from child records without parental consent if the program notifies the parent about the disclosure, provides the parent, upon the parent's request, a copy of the PII from child records to be disclosed in advance, and gives the parent an opportunity to challenge and refuse disclosure of the information in the records, before the program forwards the records to officials at the program, school, or school district in which the child seeks or intends to enroll or where the child is already enrolled so long as the disclosure is related to the child's enrollment or transfer.
- 3) Disclosure without parental consent. The procedures to protect PII must allow the program to disclose such PII from child records without parental consent to
 - a. Officials within the program or acting for the program, such as contractors and sub-recipients, if the official provides services for which the program would otherwise use employees, the program determines it is necessary for Head Start services, and the program maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement;

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- b. Officials within the program, acting for the program, or from a federal or state entity, in connection with an audit or evaluation of education or child development programs, or for enforcement of or compliance with federal legal requirements of the program; provided the program maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement, including the destruction of the PII when no longer needed for the purpose of the disclosure, except when the disclosure is specifically authorized by federal law or by the responsible OHS official;
- c. Officials within the program, acting for the program, or from a federal or state entity, to conduct a study to improve child and family outcomes, including improving the quality of programs, for, or on behalf of, the program, provided the program maintains oversight with respect to the use, further disclosure, and maintenance of child records, such as through a written agreement, including the destruction of the PII when no longer needed for the purpose of the disclosure;
- d. Appropriate parties in order to address a disaster, health or safety emergency during the period of the emergency, or a serious health and safety risk such as a serious food allergy, if the program determines that disclosing the PII from child records is necessary to protect the health or safety of children or other persons;
- e. Comply with a judicial order or lawfully issued subpoena, provided the program makes a reasonable effort to notify the parent about all such subpoenas and court orders in advance of the compliance therewith, unless:
 - i. A court has ordered that neither the subpoena, its contents, nor the information provided in response be disclosed;
 - ii. The disclosure is in compliance with an ex parte court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.
 - iii. A parent is a party to a court proceeding directly involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the program is not required; or,
 - iv. SBBC initiates legal action against a parent or a parent initiates legal action against SBBC, then the HS/EI Department may disclose to the court, also without a court order or subpoena, the child records relevant for the program to act as plaintiff or defendant.
- f. The Secretary of Agriculture or an authorized representative from the USDA Food and Nutrition Service to conduct program monitoring, evaluations, and performance measurements for the Child and Adult Care Food Program under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, if the results will be reported in an aggregate form that does not identify any individual: provided, that any data collected must be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the Secretary of Agriculture and any PII must be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements;
- g. A caseworker or other representative from a state, local, or tribal child welfare agency, who has the right to access a case plan for a child who is in foster care placement, when such agency is legally responsible for the child's care and protection, under state or tribal law, if the agency agrees in writing to protect PII, to use information from the child's case plan for specific purposes intended of addressing the child's needs, and to destroy information that is no longer needed for those purposes; and,
- h. Appropriate parties in order to address suspected or known child maltreatment and is consistent with applicable federal, state, local, and tribal laws on reporting child abuse and neglect.

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- 4) Written agreements. When The HS/EI Department establishes a written agreement with a third party, the procedures to protect such PII must require the program to annually review and, if necessary, update the agreement. If the third party violates the agreement, then the program may:
 - a. Provide the third party an opportunity to self-correct; or,
 - b. Prohibit the third party from access to records for a set period of time as established by the programs governing body and policy council.
- 5) Annual notice. The procedures to protect PII must require the program to annually notify parents of their rights in writing described in this subpart and applicable definitions in part 1305 of this chapter, and include in that notice a description of the types of PII that may be disclosed, to whom the PII may be disclosed, and what may constitute a necessary reason for the disclosure without parental consent as described in paragraph (c) of this section.
- 6) Limit on disclosing PII. The HS/EI Department must only disclose the information that is deemed necessary for the purpose of the disclosure.

§1303.23 Parental rights.

- 1) Inspect record.
 - a. A parent has the right to inspect child records.
 - b. If the parent requests to inspect child records, the program must make the child records available within a reasonable time, but no more than 45 days after receipt of request.
 - c. If the HS/EI Department maintains child records that contain information on more than one child, the program must ensure the parent only inspects information that pertains to the parent's child.
 - d. The HS/EI Department shall not destroy a child record with an outstanding request to inspect and review the record under this section.
- 2) Amend record.
 - a. A parent has the right to ask the program to amend information in the child record that the parent believes is inaccurate, misleading, or violates the child's privacy.
 - b. The HS/EI Department must consider the parent's request and, if the request is denied, render a written decision to the parent within a reasonable time that informs the parent of the right to a hearing.
- 3) Hearing.
 - a. If the parent requests a hearing to challenge information in the child record, the HS/EI Department must schedule a hearing within a reasonable time, notify the parent, in advance, about the hearing, and ensure the person who conducts the hearing does not have a direct interest in its outcome.
 - b. The HS/EI Department must ensure the hearing affords the parent a full and fair opportunity to present evidence relevant to the issues.
 - c. If the HS/EI Department determines from evidence presented at the hearing that the information in the child records is inaccurate, misleading, or violates the child's privacy, they must either amend or remove the information and notify the parent in writing.
 - d. If the HS/EI Department determines from evidence presented at the hearing that information in the child records is accurate, does not mislead, or otherwise does not violate the child's privacy, they must inform the parent of the right to place a statement in the child records that either comments on the contested information or that states why the parent disagrees with the decision.
- 4) Right to copy of record. The HS/EI Department must provide a parent, free of charge, an initial copy of child records disclosed to third parties with parental consent and, upon parent request, an initial copy of child records disclosed to third parties, unless the disclosure was for a court that ordered neither the subpoena, its contents, nor the information furnished in response be disclosed.

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- 5) Right to inspect written agreements. A parent has the right to review any written agreements with third parties.

§1303.24 Maintaining records.

- 1) The HS/EI Department must maintain child records in a manner that ensures only parents, and officials within the program or acting on behalf of the program have access, and such records must be destroyed within a reasonable timeframe after such records are no longer needed or required to be maintained.
- 2) The HS/EI Department must maintain, with the child records, for as long as the records are maintained, information on all individuals, agencies, or organizations to whom a disclosure of PII from the child records was made (except for program officials and parents) and why the disclosure was made. If the HS/EI Department uses a web-based data system to maintain child records, the program must ensure such child records are adequately protected and maintained according to current industry security standards.
- 3) If a parent places a statement in the child record, the HS/EI Department must maintain the statement with the contested part of the child record for as long as the program maintains the record and, disclose the statement whenever it discloses the portion of the child record to which the statement relates.

Subpart D — Delegation of Program Operations

At the time this Policy was written, SBBC is the sole provider for the Head Start grant and does not have delegate agencies. In the event that SBBC determines the need for delegate agencies, Subpart D 1303.30 through 1303.33 of the Head Start Performance Standards shall be in effect.

§1303.30 Grantee responsibility and accountability.

§1303.31 Determining and establishing delegate agencies.

§1303.32 Evaluations and corrective actions for delegate agencies.

§1303.33 Termination of delegate agencies.

Subpart E — Facilities

§1303.40 Purpose.

This subpart prescribes what the district must establish to show it is eligible to purchase, construct and renovate facilities as outlined in section 644(c), (f) and (g) of the Act. It explains how the district may apply for funds, details what measures the district must take to protect federal interest in facilities purchased, constructed or renovated with grant funds, and concludes with other administrative provisions. This subpart applies to major renovations. It only applies to minor renovations and repairs, when they are included with a purchase application and are part of purchase costs.

The HS/EI Department complies with all SBBC policies related to facilities and construction. The HS/EI Department identifies modular at school sites that are federal interest with a sign referencing Head Start Performance Standard 1303.54.

§1303.41 Approval of previously purchased facilities.

§1303.42 Eligibility to purchase, construct, and renovate facilities.

§1303.43 Use of grant funds to pay fees.

§1303.44 Applications to purchase, construct, and renovate facilities.

§1303.45 Cost-comparison to purchase, construct, and renovate facilities.

§1303.46 Recording and posting notices of federal interest.

§1303.47 Contents of notices of federal interest.

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§1303.48 Grantee limitations on federal interest.

§1303.49 Protection of federal interest in mortgage agreements.

§1303.50 Third party leases and occupancy arrangements.

§1303.51 Subordination of the federal interest.

§1303.52 Insurance, bonding, and maintenance.

- 1) Purpose. If the district uses federal funds to purchase or continue purchase on a facility, excluding modular units, the grantee must obtain a title insurance policy for the purchase price that names the responsible OHS official as an additional loss payee.
- 2) Insurance coverage.
If the district uses federal funds to purchase or continue purchase on a facility or modular unit the grantee must maintain physical damage or destruction insurance at the full replacement value of the facility, for as long as the grantee owns or occupies the facility.
 - a. If a facility is located in an area the National Flood Insurance Program defines as high risk, the grantee must maintain flood insurance for as long as the grantee owns or occupies the facility.
 - b. The district must submit to the responsible OHS official, within 10 days after coverage begins, proof of insurance coverage required under paragraphs (a) and (b) of this section.
- 3) Maintenance. The district must keep all facilities purchased or constructed in whole or in part with Head Start funds in good repair in accordance with all applicable federal, state, and local laws, rules and regulations, including Head Start requirements, zoning requirements, building codes, health and safety regulations and child care licensing standards.

§1303.53 Copies of documents.

The district must submit to the responsible OHS official, within 10 days after filing or execution, copies of deeds, leases, loan instruments, mortgage agreements, notices of federal interest, and other legal documents related to the use of Head Start funds for purchase, construction, major renovation, or the discharge of any debt secured by the facility.

§1303.54 Record retention.

The district must retain records pertinent to the lease, purchase, construction or renovation of a facility funded in whole or in part with Head Start funds, for as long as the grantee owns or occupies the facility, plus three years.

§1303.55 Procurement procedures.

- 1) The district must comply with all grants management regulations, including specific regulations applicable to transactions in excess of the current simplified acquisition threshold, cost principles, and its own procurement procedures, and must provide, to the maximum extent practical, open and full competition.
- 2) The district must obtain the responsible OHS official's written approval before it uses Head Start funds, in whole or in part, to contract construction or renovation services. The grantee must ensure these contracts are paid on a lump sum fixed-price basis.
- 3) The district must obtain prior written approval from the responsible OHS official for contract modifications that would change the scope or objective of a project or would materially alter the costs, by increasing the amount of grant funds needed to complete the project.
- 4) The district must ensure all construction and renovation contracts paid, in whole or in part with Head Start funds contain a clause that gives the responsible OHS official or his or her designee access to the facility, at all reasonable times, during construction and inspection.

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§1303.56 Inspection of work.

Subpart F — Transportation

§1303.70 Purpose.

- 1) Applicability. This rule applies to all agencies, including those that provide transportation services, with the exceptions and exclusions provided in this section, regardless of whether such transportation is provided directly on agency owned or leased vehicles or through arrangement with a private or public transportation provider.
- 2) Providing transportation services.
 - a. If transportation services are not provided, either for all or a portion of the children, the HS/EI Department must provide reasonable assistance, such as information about public transit availability, to the families of such children to arrange transportation to and from its activities, and provide information about these transportation options in recruitment announcements.
 - b. If transportation services are provided, the HS/EI Department must make reasonable efforts to coordinate transportation resources with other human services agencies in its community in order to control costs and to improve the quality and the availability of transportation services.
 - c. If transportation services are provided, the HS/EI Department must ensure all accidents involving vehicles that transport children are reported in accordance with applicable state requirements.
- 3) Waiver.
 - a. If transportation services are provided, the HS/EI Department must comply with all provisions in this subpart. A Head Start program may request to waive a specific requirement in this part, in writing, to the responsible OHS official, as part of an agency's annual application for financial assistance or amendment and must submit any required documentation the responsible OHS official deems necessary to support the waiver. The responsible OHS official is not authorized to waive any requirements with regard to children enrolled in an Early Head Start program. The HS/EI Department may request a waiver when:
 - i. Adherence to a requirement in this part would create a safety hazard in the circumstances faced by the agency; and,
 - ii. For preschool children, compliance with requirements related to child restraint systems at 1303.71 and 1303.72 or bus monitors at 1303.72 will result in a significant disruption to the program and the agency demonstrates that waiving such requirements is in the best interest of the children involved.
 - b. The responsible OHS official is not authorized to waive any requirements of the Federal Motor Vehicle Safety Standards (FMVSS) made applicable to any class of vehicle under 49 CFR part 571.

§1303.71 Vehicles.

- 1) Required use of schools buses or allowable alternative vehicles. The HS/EI Department, with the exception of transportation services to children served under a home-based option, must ensure all vehicles used or purchased with grant funds to provide transportation services to enrolled children are school buses or allowable alternate vehicles that are equipped for use of height- and weight-appropriate child restraint systems, and that have reverse beepers.
- 2) Emergency equipment. The district must ensure each vehicle used in providing such services is equipped with an emergency communication system clearly labeled and appropriate emergency safety equipment, including a seat belt cutter, charged fire extinguisher, and first aid kit.
- 3) Auxiliary seating. The district must ensure any auxiliary seating, such as temporary or folding jump seats, used in vehicles of any type providing such services are built into the vehicle by the manufacturer as part of its standard design, are maintained in proper working order, and are inspected as part of the annual inspection required under paragraph (e)(2)(i) of this section.

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- 4) Child restraint systems. The district must ensure each vehicle used to transport children receiving such services is equipped for use of age, height, and weight-appropriate child safety restraint systems as defined in part 1305 of this chapter.
- 5) Vehicle maintenance.
 - a. The district must ensure vehicles used to provide such services are in safe operating condition at all times.
 - b. The program must:
 - i. At a minimum, conduct an annual thorough safety inspection of each vehicle through an inspection program licensed or operated by the state;
 - ii. Carry out systematic preventive maintenance on vehicles; and,
 - iii. Ensure each driver implements daily pre-trip vehicle inspections.
- 6) New vehicle inspection. The district must ensure bid announcements for school buses and allowable alternate vehicles to transport children in its program include correct specifications and a clear statement of the vehicle's intended use. The program must ensure vehicles are examined at delivery to ensure they are equipped in accordance with the bid specifications and that the manufacturer's certification of compliance with the applicable FMVSS is included with the vehicle.

§1303.72 Vehicle operation.

- 1) Safety. The HS/EI Department must ensure:
 - a. Each child is seated in a child restraint system appropriate to the child's age, height, and weight;
 - b. Baggage and other items transported in the passenger compartment are properly stored and secured, and the aisles remain clear and the doors and emergency exits remain unobstructed at all times;
 - c. Up-to-date child rosters and lists of the adults each child is authorized to be released to, including alternates in case of emergency, are maintained and no child is left behind, either at the classroom or on the vehicle at the end of the route; and,
 - d. With the exception of transportation services to children served under a home-based option, there is at least one bus monitor on board at all times, with additional bus monitors provided as necessary.
- 7) Driver qualifications. The district, with the exception of transportation services to children served under a home-based option, must ensure drivers, at a minimum:
 - a. In states where such licenses are granted, have a valid Commercial Driver's License (CDL) for vehicles in the same class as the vehicle the driver will operating; and,
 - b. Meet any physical, mental, and other requirements as necessary to perform job-related functions with any necessary reasonable accommodations.
- 8) Driver application review. In addition to the applicant review process prescribed 1302.90(b) of this chapter, the district, with the exception of transportation services to children served under a home-based option, must ensure the applicant review process for drivers includes, at minimum:
 - a. Disclosure by the applicant of all moving traffic violations, regardless of penalty;
 - b. A check of the applicant's driving record through the appropriate state agency, including a check of the applicant's record through the National Driver Register, if available;
 - c. A check that drivers qualify under the applicable driver training requirements in the state or tribal jurisdiction; and,
 - d. After a conditional employment offer to the applicant and before the applicant begins work as a driver, a medical examination, performed by a licensed doctor of medicine or osteopathy, establishing that the individual possesses the physical ability to perform any job-related functions with any necessary accommodations.
- 9) Driver training.
 - a. The district must ensure any person employed as a driver receives training prior to transporting any enrolled child and receives refresher training each year.
 - b. Training must include:

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- i. Classroom instruction and behind-the-wheel instruction sufficient to enable the driver to operate the vehicle in a safe and efficient manner, to safely run a fixed route, to administer basic first aid in case of injury, and to handle emergency situations, including vehicle evacuation, operate any special equipment, such as wheelchair lifts, assistance devices or special occupant restraints, conduct routine maintenance and safety checks of the vehicle, and maintain accurate records as necessary; and,
 - ii. Instruction on the topics listed in 1303.75 related to transportation services for children with disabilities.
 - c. The district must ensure the annual evaluation of each driver of a vehicle used to provide such services includes an on-board observation of road performance.
- 10) **Bus monitor training.** The district must train each bus monitor before the monitor begins work, on child boarding and exiting procedures, how to use child restraint systems, completing any required paperwork, how to respond to emergencies and emergency evacuation procedures, how to use special equipment, child pick-up and release procedures, how to conduct and pre- and post-trip vehicle checks. Bus monitors are also subject to staff safety training requirements in 1302.47 of this chapter including Cardio Pulmonary Resuscitation (CPR) and first aid.

§1303.73 Trip routing.

- 1) The district must consider safety of the children it transports when it plans fixed routes.
- 2) The district must also ensure:
 - a. The time a child is in transit to and from the program must not exceed one hour unless there is no shorter route available or any alternative shorter route is either unsafe or impractical;
 - b. Vehicles are not loaded beyond maximum passenger capacity at any time;
 - c. Drivers do not back up or make U-turns, except when necessary for safety reasons or because of physical barriers;
 - d. Stops are located to minimize traffic disruptions and to afford the driver a good field of view in front of and behind the vehicle;
 - e. When possible, stops are located to eliminate the need for children to cross the street or highway to board or leave the vehicle;
 - f. Either a bus monitor or another adult escorts children across the street to board or leave the vehicle if curbside pick-up or drop off is impossible; and,
 - g. Drivers use alternate routes in the case of hazardous conditions that could affect the safety of the children who are being transported, such as ice or water build up, natural gas line breaks, or emergency road closing.

§1303.74 Safety procedures.

- 1) The HS/EI Department must ensure children who receive transportation services are taught safe riding practices, safety procedures for boarding and leaving the vehicle and for crossing the street to and from the vehicle at stops, recognition of the danger zones around the vehicle, and emergency evacuation procedures, including participating in an emergency evacuation drill conducted on the vehicle the child will be riding.
- 2) The district that provides transportation services must ensure at least two bus evacuation drills in addition to the one required under paragraph (a) of this section are conducted during the program year.

§1303.75 Children with disabilities.

- 1) The HS/EI Department must ensure there are school buses or allowable alternate vehicles adapted or designed for transportation of children with disabilities available as necessary to transport such children enrolled in Head Start. This requirement does not apply to the transportation of children receiving home-based services unless school buses or allowable alternate vehicles are used to transport the other

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children served under the home-based option by the grantee. Whenever possible, children with disabilities must be transported in the same vehicles used to transport other children enrolled in the Head Start or Early Head Start program.

- 2) The HS/EI Department must ensure special transportation requirements in a child's IEP or IFSP are followed, including special pick-up and drop-off requirements, seating requirements, equipment needs, any assistance that may be required, and any necessary training for bus drivers and monitors.

§Part 1304 — Federal Administrative Procedures

Subpart A — Monitoring, Suspension, Termination, Denial of Refunding, Reduction in Funding, and their Appeals

§1304.1 Purpose.

- 1) The purpose of this part outlines OHS's responsibility to monitor whether a grantee meets program governance, program operations, and financial and administrative standards described in this regulation and to identify areas for improvements and areas of strength as part of the grantee's ongoing self-assessment process. This subpart focuses on the monitoring process. It discusses areas of noncompliance, deficiencies, and corrective action through quality improvement plans.
- 2) OHS prescribes procedures for notice and appeal for certain adverse actions. This subpart establishes rules and procedures to suspend financial assistance to a grantee, deny a grantee's application for refunding, terminate, or reduce a grantee's assistance under the Act when the grantee improperly uses federal funds or fails to comply with applicable laws, regulations, policies, instructions, assurances, terms and conditions or, if the grantee loses its legal status or financial viability. This subpart does not apply to reductions to a grantee's financial assistance based on chronic under-enrollment procedures at section 641A(h) of the Act or to matters described in subpart B. This subpart does not apply to any administrative action based upon any violation, or alleged violation, of title VI of the Civil Rights Act of 1964. Except as otherwise provided for in this subpart, the appeals and processes in this subpart will be governed by the Departmental Appeals Board regulations at 45 CFR part 16.

§1304.2 Monitoring.

- 1) Areas of noncompliance. If a responsible OHS official determines through monitoring, that a grantee fails to comply with any of the standards described in parts 1301, 1302, and 1303 of this chapter, the official will notify the grantee promptly in writing, identify the area of noncompliance, and specify when the grantee must correct the area of noncompliance.
- 2) Deficiencies. If it is determined that a grantee meets one of the criteria for a deficiency, OHS shall inform the grantee of the deficiency. The grantee must correct the deficiency as the responsible OHS official determines.
- 3) Quality improvement plans. If the responsible OHS official does not require the grantee to correct a deficiency immediately, the grantee must submit to the official, for approval, a quality improvement plan that adheres to the Head Start Act.

§1304.3 Suspension with notice.

- 1) Grounds to suspend financial assistance with notice. If a grantee breaches or threatens to breach any requirement stated in 1304.3 through 1304.5, the responsible OHS official may suspend the grantee's financial assistance, in whole or in part, after it has given the grantee notice and an opportunity to show cause why assistance should not be suspended.
- 2) Notice requirements.

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- a. The responsible OHS official must notify the grantee in writing that ACF intends to suspend financial assistance, in whole or in part. The notice must:
 - i. Specify grounds for the suspension;
 - ii. Include the date suspension will become effective;
 - iii. Inform the grantee that it has the opportunity to submit to the responsible OHS official, at least seven days before suspension becomes effective, any written material it would like the official to consider, and to inform the grantee that it may request, in writing, no later than seven days after the suspension notice was mailed, to have an informal meeting with the responsible OHS official;
 - iv. Invite the grantee to voluntarily correct the deficiency; and,
 - v. Include a copy of this subpart.
 - b. The responsible OHS official must promptly transmit the suspension notice to the grantee. The notice becomes effective when the grantee receives the notice, when the grantee refuses delivery, or when the suspension notice is returned to sender unclaimed.
- 3) Opportunity to show cause. The grantee may submit to the responsible OHS official any written material to show why financial assistance should not be suspended. The grantee may also request, in writing, to have an informal meeting with the responsible OHS official. If the grantee requests an informal meeting, the responsible OHS official must schedule the meeting within seven days after the grantee receives the suspension notice.
- 4) Extensions. If the responsible OHS official extends the time or the date by which a grantee has to make requests or to submit material, it must notify the grantee in writing.
- 5) Decision.
- a. The responsible OHS official will consider any written material presented before or during the informal meeting, as well as any proof the grantee has adequately corrected what led to suspension, and will render a decision within five days after the informal meeting. If no informal meeting is held, the responsible OHS official will render a decision within five days after it receives written material from all concerned parties.
 - b. If the responsible OHS official finds the grantee failed to show cause why ACF should not suspend financial assistance, the official may suspend financial assistance, in whole or in part, and under terms and conditions as he or she deems appropriate.
 - c. A suspension must not exceed 30 days, unless the following occurs:
 - i. There are multiple and recurring deficiencies for 180 days or more and no substantial or significant progress toward meeting the goals of the Quality Improvement Plan or eliminating all deficiencies or;
 - ii. The grantee requests the suspension continues for an additional period of time and the responsible OHS official agrees.
 - d. The responsible OHS official may appoint an agency to serve as an interim grantee to operate the program until the grantee's suspension is lifted, or as otherwise provided in the Head Start Act.
- 6) Obligations incurred during suspension. New obligations the grantee incurs while under suspension are not allowed unless the responsible OHS official expressly authorizes them in the suspension notice or in an amendment to the suspension notice. Necessary and otherwise allowable costs which the grantee could not reasonably avoid during the suspension period will be allowed if they result from obligations the grantee properly incurred before suspension and not in anticipation of suspension or termination. The responsible OHS official may allow third-party in-kind contributions applicable to the suspension period to satisfy cost sharing or matching requirements.
- 7) Modify or rescind suspension. The responsible OHS official may modify or rescind suspension at any time, if the grantee can satisfactorily show that it has adequately corrected what led to suspension and that it will not repeat such actions or inactions. Nothing in this section precludes the OHS official from imposing suspension again for additional 30-day periods if the cause of the suspension has not been

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corrected.

§1304.4 Emergency suspension without advance notice.

- 1) Grounds to suspend financial assistance without advance notice. The responsible OHS official may suspend financial assistance, in whole or in part, without prior notice and an opportunity to show cause if there is an emergency situation, such as a serious risk for substantial injury to property or loss of project funds, a federal, state, or local criminal statute violation, or harm to staff or participants' health and safety.
- 2) Emergency suspension notification requirements.
 - a. The emergency suspension notification must:
 - i. Specify the grounds for the suspension;
 - ii. Include terms and conditions of any full or partial suspension;
 - iii. Inform that grantee it cannot make or incur any new expenditures or obligations under suspended portion of the program; and,
 - iv. Advise that within five days after the emergency suspension becomes effective, the grantee may request, in writing, an informal meeting with the responsible OHS official to show why the basis for the suspension was not valid and should be rescinded and that the grantee has corrected any deficiencies.
 - b. The responsible OHS official must promptly transmit the emergency suspension notification to the grantee that shows the date of receipt. The emergency suspension becomes effective upon delivery of the notification or upon the date the grantee refuses delivery, or upon return of the notification unclaimed.
 - c. Within two workdays after the grantee receives the emergency suspension notification, the grantee must send a copy of the notice to delegate agencies affected by the suspension.
 - d. The responsible OHS official must inform affected delegate agencies that they have the right to participate in the informal meeting.
- 3) Opportunity to show cause. If the grantee requests an informal meeting, the responsible OHS official must schedule a meeting within five workdays after it receives the grantee's request. The suspension will continue until the grantee has been afforded such opportunity and until the responsible OHS official renders a decision. Notwithstanding provisions in this section, the responsible OHS official may proceed to deny refunding or to initiate termination proceedings at any time even though the grantee's financial assistance has been suspended in whole or in part.
- 4) Decision.
 - a. The responsible OHS official will consider any written material presented before or during the informal meeting, as well as any proof the grantee has adequately corrected what led to suspension, and render a decision within five work days after the informal meeting.
 - b. If the responsible OHS official finds the grantee failed to show cause why suspension should be rescinded, the responsible OHS official may continue the suspension, in whole or in part, and under the terms and conditions specified in the emergency suspension notification.
 - c. A suspension must not exceed 30 days, unless the following occurs:
 - i. There are multiple and recurring deficiencies for 180 days or more and no substantial or significant progress toward meeting the goals of the Quality Improvement Plan or eliminating all deficiencies or;
 - ii. The grantee requests the suspension continues for an additional period of time and the responsible OHS official agrees.
 - d. The responsible OHS official may appoint an agency to serve as an interim grantee to operate the program until either the grantee's emergency suspension is lifted or a new grantee is selected.
- 5) Obligations incurred during suspension. Any new obligations the grantee incurs during the suspension period will not be allowed unless the responsible OHS official expressly authorizes them in the

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suspension notice or in an amendment to the suspension notice. Necessary and otherwise allowable costs which the grantee could not reasonably avoid during the suspension period will be allowed if those costs result from obligations properly incurred before suspension and not in anticipation of suspension, denial of refunding or termination. The responsible OHS official may allow third-party in-kind contributions applicable to the suspension period to satisfy cost sharing or matching requirements.

- 6) Modify or rescind suspension. The responsible OHS official may modify or rescind suspension at any time, if the grantee can satisfactorily show that it has adequately corrected what led to the suspension and that it will not repeat such actions or inactions. Nothing in this section precludes the OHS official from imposing suspension again for additional 30 day periods if the cause of the suspension has not been corrected.

§1304.5 Termination and denial of refunding.

- 1) Grounds to terminate financial assistance or deny a grantee's application for refunding.

- a. A responsible OHS official may terminate financial assistance in whole or in part to a grantee or deny a grantee's application for refunding.
- b. The responsible OHS official may terminate financial assistance in whole or in part, or deny refunding to a grantee for any one or for all of the following reasons:
 - i. The grantee is no longer financially viable;
 - ii. The grantee has lost the requisite legal status or permits;
 - iii. The grantee has failed to timely correct one or more deficiencies as defined in the Head Start Act;
 - iv. The grantee has failed to comply with eligibility requirements;
 - v. The grantee has failed to comply with the Head Start grants administration or fiscal requirements set forth in 45 CFR part 1303;
 - vi. The grantee has failed to comply with requirements in the Act;
 - vii. The grantee is debarred from receiving federal grants or contracts; or
 - viii. The grantee has failed to abide by any other terms and conditions of its award of financial assistance, or any other applicable laws, regulations, or other applicable federal or state requirements or policies.

- 2) Notice requirements.

- a. The responsible OHS official will notify the grantee and such notice will:
 - i. Include the legal basis for termination or adverse action as described in above;
 - ii. Include factual findings on which the action is based or reference specific findings in another document that form the basis for termination or denial of refunding;
 - iii. Cite to any statutory provisions, regulations, or policy issuances on which ACF relies for its determination;
 - iv. Inform the grantee that it may appeal the denial or termination within 30 days to the Departmental Appeals Board, that the appeal will be governed by 45 CFR part 1652, except as otherwise provided in the Head Start appeals regulations, that a copy of the appeal must be sent to the responsible OHS official, and that it has the right to request and receive a hearing;
 - v. Inform the grantee that only its board of directors, or an official acting on the board's behalf can appeal the decision;
 - vi. Name the delegate agency, if the actions of that delegate are the basis, in whole or in part, for the proposed action; and,
 - vii. Inform the grantee that the appeal must meet requirements in paragraph (c) of this section; and, that if the responsible OHS official fails to meet requirements in this paragraph, the pending action may be dismissed without prejudice or remanded to reissue it with corrections.
- b. The responsible OHS official must provide the grantee as much notice as possible, but must notify the grantee no later than 30 days after ACF receives the annual application for refunding, that it has

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- the opportunity for a full and fair hearing on whether refunding should be denied.
- 3) Grantee's appeal.
 - a. The grantee must adhere to procedures and requirements for appeals in 45 CFR part 1652, file the appeal with the Departmental Appeals Board, and serve a copy of the appeal on the responsible OHS official who issued the termination or denial of refunding notice. The grantees must also serve a copy of its appeal on any affected delegate.
 - b. Unless funding has been suspended, funding will continue while a grantee appeals a termination decision, unless the responsible OHS official renders an adverse decision, or unless the current budget period is expired. If the responsible OHS official has not rendered a decision by the end of the current budget period, the official will award the grantee interim funding until a decision is made or the project period ends.
 - 4) Funding during suspension. If a grantee's funding is suspended, the grantee will not receive funding during the termination proceedings, or at any other time, unless the action is rescinded or the grantee's appeal is successful.
 - 5) Interim and replacement grantees. The responsible OHS official may appoint an interim or replacement grantee as soon as a termination action is affirmed by the Departmental Appeals Board.
 - 6) Opportunity to show cause.
 - a. If the Departmental Appeals Board sets a hearing for a proposed termination or denial of refunding action, the grantee has five workdays to send a copy of the notice it receives from the Departmental Appeals Board, to all delegate agencies that would be financially affected by termination and to each delegate agency identified in the notice.
 - b. The grantee must send to the Departmental Appeals Board and to the responsible OHS official a list of the delegate agencies it notified and the dates when it notified them.
 - c. If the responsible OHS official initiated proceedings because of a delegate agency's activities, the official must inform the delegate agency that it may participate in the hearing. If the delegate agency chooses to participate in the hearing, it must notify the responsible OHS official in writing within 30 days of the grantee's appeal. If any other delegate agency, person, agency or organization wishes to participate in the hearing, it may request permission to do so from the Departmental Appeals Board.
 - d. If the grantee fails to appear at the hearing, without good cause, the grantee will be deemed to have waived its right to a hearing and consented to have the Departmental Appeals Board make a decision based on the parties' written information and argument.
 - e. A grantee may waive the hearing and submit written information and argument for the record, within a reasonable period of time to be fixed by the Departmental Appeals Board.
 - f. The responsible OHS official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the hearing.
 - 7) Decision. The Departmental Appeals Board's decision and any measure the responsible OHS official takes after the decision is fully binding upon the grantee and its delegate agencies, whether or not they actually participated in the hearing.

§1304.7 Legal fees.

- 1) SBBC is not authorized to charge to its grant legal fees or other costs incurred to appeal terminations, reductions of funding, or denials of applications of refunding decisions.
- 2) If The HS/EI Department prevails in a termination, reduction, or denial of refunding decision, the responsible OHS official may reimburse the agency for reasonable and customary legal fees, incurred during the appeal, if:
 - a. The Departmental Appeals Board overturns the responsible OHS official's decision;
 - b. The agency can prove it incurred fees during the appeal; and,
 - c. The agency can prove the fees incurred are reasonable and customary.

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Subpart B — Designation Renewal

§1304.10 Purpose and scope.

The purpose of this subpart is to set forth policies and procedures for the designation renewal of Head Start and Early Head Start programs. It is intended that these programs be administered effectively and responsibly; that applicants to administer programs receive fair and equitable consideration; and that the legal rights of current Head Start and Early Head Start grantees be fully protected. The Designation Renewal System is established in this part to determine whether Head Start and Early Head Start agencies deliver high-quality services to meet the educational, health, nutritional, and social needs of the children and families they serve; meet the program and financial requirements and standards described in section 641A(a)(1) of the Head Start Act; and qualify to be designated for funding for five years without competing for such funding as required under section 641(c) of the Head Start Act with respect to Head Start agencies and pursuant to section 645A(b)(12) and (d) with respect to Early Head Start agencies. A competition to select a new Head Start or Early Head Start agency to replace a Head Start or Early Head Start agency that has been terminated voluntarily or involuntarily is not part of the Designation Renewal System established in this Part, and is subject instead to the requirements of 1304.20.

§1304.11 Basis for determining whether a Head Start agency will be subject to an open competition.

A Head Start or Early Head Start agency shall be required to compete for its next five years of funding whenever the responsible OHS official determines that one or more of the following seven conditions existed during the relevant time period covered by the responsible OHS official's review under 1304.15:

- 1) An agency has been determined by the responsible OHS official to have one or more deficiencies on a single review conducted under section 641A(c)(1)(A), (C), or (D) of the Act in the relevant time period covered by the responsible OHS official's review under 1304.15.
- 2) An agency has been determined by the responsible OHS official based on a review conducted under section 641A(c)(1)(A), (C), or (D) of the Act during the relevant time period covered by the responsible OHS official's review under 1304.15 not to have:
 - a. Established program goals for improving the school readiness of children participating in its program in accordance with the requirements of section 641A(g)(2) of the Act and demonstrated that such goals:
 - i. Appropriately reflect the ages of children, birth to five, participating in the program;
 - ii. Align with the *Birth to Five Head Start Child Outcomes Framework*, state early learning guidelines, and the requirements and expectations of the schools, to the extent that they apply to the ages of children, birth to five, participating in the program and at a minimum address the domains of language and literacy development, cognition and general knowledge, approaches toward learning, physical well-being and motor development, and social and emotional development;
 - iii. Were established in consultation with the parents of children participating in the program.
 - b. Taken steps to achieve the school readiness goals described in this section demonstrated by:
 - i. Aggregating and analyzing aggregate child-level assessment data at least three times per year (except for programs operating less than 90 days, which will be required to do so at least twice within their operating program period) and using that data in combination with other program data to determine grantees' progress toward meeting its goals, to inform parents and the community of results, and to direct continuous improvement related to curriculum, instruction, professional development, program design and other program decisions; and,
 - ii. Analyzing individual ongoing, child-level assessment data for all children birth to age five participating in the program and using that data in combination with input from parents and families to determine each child's status and progress with regard to, at a minimum, language and literacy development, cognition and general knowledge, approaches toward learning,

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- physical well-being and motor development, and social and emotional development and to individualize the experiences, instructional strategies, and services to best support each child.
- 3) An agency has been determined during the relevant time period covered by the responsible OHS official's review under 1304.15:
 - a. To have an average score across all classrooms observed below the following minimum thresholds on any of the three CLASS: Pre-K domains from the most recent CLASS: Pre-K observation:
 - i. For the Emotional Support domain, the minimum threshold is 4;
 - ii. For the Classroom Organization domain, the minimum threshold is 3;
 - iii. For the Instructional Support domain, the minimum threshold is 2;
 - b. To have an average score across all classrooms observed that is in the lowest 10 percent on any of the three CLASS: Pre-K domains from the most recent CLASS: Pre-K observation among those currently being reviewed unless the average score across all classrooms observed for that CLASS: Pre-K domain is equal to or above the standard of excellence that demonstrates that the classroom interactions are above an exceptional level of quality. For all three domains, the "standard of excellence" is a 6.
 - 4) An agency has had a revocation of its license to operate a Head Start or Early Head Start center or program by a state or local licensing agency during the relevant time period covered by the responsible OHS official's review under 1304.15, and the revocation has not been overturned or withdrawn before a competition for funding for the next five-year period is announced. A pending challenge to the license revocation or restoration of the license after correction of the violation shall not affect application of this requirement after the competition for funding for the next five-year period has been announced.
 - 5) An agency has been suspended from the Head Start or Early Head Start program by ACF during the relevant time period covered by the responsible OHS official's review under 1304.16 and the suspension has not been overturned or withdrawn. If there is a pending appeal and the agency did not have an opportunity to show cause as to why the suspension should not have been imposed or why the suspension should have been lifted if it had already been imposed under this part, the agency will not be required to compete based on this condition. If an agency has received an opportunity to show cause, the condition will be implemented regardless of appeal status.
 - 6) An agency has been debarred from receiving federal or state funds from any federal or state department or agency or has been disqualified from the Child and Adult Care Food Program (CACFP) any time during the relevant time period covered by the responsible OHS official's review under 1304.15 but has not yet been terminated or denied refunding by ACF. (A debarred agency will only be eligible to compete for Head Start funding if it receives a waiver described in 2 CFR 180.13556.)
 - 7) An agency has been determined within the twelve months preceding the responsible OHS official's review under 1304.15 to be at risk of failing to continue functioning as a going concern. The final determination is made by the responsible OHS official based on a review of the findings and opinions of an audit conducted in accordance with section 647 of the Act; an audit, review or investigation by a state agency; a review by the National External Audit Review (NEAR) Center; or an audit, investigation or inspection by the Department of Health and Human Services Office of Inspector General.

§1304.12 Grantee reporting requirements concerning certain conditions.

- 1) Head Start agencies must report in writing to the responsible OHS official within 10 working days of occurrence any of the following events following December 9, 2011:
 - a. The agency has been debarred from receiving federal or state funds from any federal or state department or agency or has been disqualified from the Child and Adult Care Food Program (CACFP).
 - b. The agency has received an audit, audit review, investigation or inspection report from the agency's auditor, a state agency, or the cognizant federal audit agency containing a determination that the agency is at risk for ceasing to be a going concern.

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§1304.13 Requirements to be considered for designation for a five-year period when the existing grantee in a community is not determined to be delivering a high-quality and comprehensive Head Start program and is not automatically renewed.

In order to compete for the opportunity to be awarded a five-year grant, an agency must submit an application to the responsible OHS official that demonstrates that it is the most qualified entity to deliver a high-quality and comprehensive Head Start or Early Head Start program. The application must address the criteria for selection listed at section 641(d)(2) of the Act for Head Start. Any agency that has had its Head Start or Early Head Start grant terminated for cause in the preceding five years is excluded from competing in such competition for the next five years. A Head Start or Early Head Start agency that has had a denial of refunding, as defined in 45 CFR part 1305, in the preceding five years is also excluded from competing.

§1304.15 Designation request, review and notification process.

- 1) Grantees must apply to be considered for Designation Renewal.
 - a. Each Head Start or Early Head Start agency wishing to be considered to have their designation as a Head Start or Early Head Start agency renewed for another five-year period without competition shall request that status from ACF at least 12 months before the end of their five year grant period or by such time as required by OHS.
- 2) ACF will review the relevant data to determine if one or more of the conditions under 1304.11 were met by the Head Start and Early Head Start agency's program:
 - a. During the first year of the transition period, ACF shall review the data on each Head Start and Early Head Start agency to determine if any of the conditions under 1304.11(a) or (d) through (g) were met by the agency's program since June 12, 2009.
 - b. During the remainder of the transition period, ACF shall review the data on each Head Start and Early Head Start agency still under grants with indefinite project periods and for whom ACF has relevant data on all of the conditions in 1304.11(a) through (g) to determine if any of the conditions under 1304.11 (a) or (d) through (g) were met by the agency's program since June 12, 2009, or if the conditions under 1304.11(b) or (c) existed in the agency's program since December 9, 2011.
 - c. Following the transition period, ACF shall review the data on each Head Start and Early Head Start agency in the fourth year of the grant to determine if any of the conditions under 1304.11 existed in the agency's program during the period of that grant.
- 3) ACF will give notice to grantees on Designation Renewal System status, except as provided in 1304.14:
 - a. During the first year of the transition period, ACF shall give written notice to all grantees meeting any of the conditions under 1304.11(a) or (d) through (g) since June 12, 2009, by certified mail return receipt requested or other system that establishes the date of receipt of the notice by the addressee, stating that the Head Start or Early Head Start agency will be required to compete for funding for an additional five-year period, identifying the conditions ACF found, and summarizing the basis for the finding. All grantees that do not meet any of the conditions under 1304.11(a) or (d) through (g) will remain under indefinite project periods until the time period described under paragraph (b)(2) of this section.
 - b. During the remainder of the transition period, ACF shall give written notice to all grantees still under grants with indefinite project periods and on the conditions in 1304.11(a) through (g) by certified mail return receipt requested or other system that establishes the date of receipt of the notice by the addressee stating either:
 - i. The Head Start or Early Head Start agency will be required to compete for funding for an additional five-year period because ACF finds that one or more conditions under 1304.11(a) through (g) has been met during the relevant time period described in paragraph (b) of this section, identifying the conditions ACF found, and summarizing the basis for the finding; or
 - ii. That such agency has been determined on a preliminary basis to be eligible for renewed funding

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- for five years without competition because ACF finds that none of the conditions under 1304.11 have been met during the relevant time period described in paragraph (b) of this section. If prior to the award of that grant, ACF determines that the grantee has met one of the conditions under 1304.11 during the relevant time period described in paragraph (b) of this section, this determination will change and the grantee will receive notice under paragraph (c)(2)(i) of this section that it will be required to compete for funding for an additional five-year period.
- c. Following the transition period, ACF shall give written notice to all grantees at least 12 months before the expiration date of a Head Start or Early Head Start agency's then current grant by certified mail return receipt requested or other system that establishes the date of receipt of the notice by the addressee, stating:
- i. The Head Start or Early Head Start agency will be required to compete for funding for an additional five-year period because ACF finds that one or more conditions under 1304.11 were met by the agency's program during the relevant time period described in paragraph (b) of this section, identifying the conditions ACF found, and summarizing the basis for the finding; or,
 - ii. That such agency has been determined on a preliminary basis to be eligible for renewed funding for five years without competition because ACF finds that none of the conditions under 1304.11 have been met during the relevant time period described in paragraph (b) of this section. If prior to the award of that grant, ACF determines that the grantee has met one of the conditions under 1304.11 during the relevant time period described in paragraph (b) of this section, this determination will change and the grantee will receive notice under paragraph (c)(3)(i) of this section that it will be required to compete for funding for an additional five-year period.

§1304.16 Use of CLASS: Pre-K instrument in the Designation Renewal System.

Except when all children are served in a single classroom, ACF will conduct observations of multiple classes operated by the grantee based on a random sample of all classes and rate the conduct of the classes observed using the CLASS: Pre-K instrument. When the grantee serves children in its program in a single class, that class will be observed and rated using the CLASS: Pre-K instrument. The domain scores for that class will be the domain scores for the grantee for that observation. After the observations are completed, ACF will report to the grantee the scores of the classes observed during the CLASS: Pre-K observations in each of the domains covered by the CLASS: Pre-K instrument. ACF will average CLASS: Pre-K instrument scores in each domain for the classes operated by the agency that ACF observed to determine the agency's score in each domain.

Subpart C — Selection of Grantees through Competition

§1304.20 Selection among applicants.

- 1) In selecting an agency to be designated to provide Head Start, Early Head Start, Migrant or Seasonal Head Start or tribal Head Start or Early Head Start services, the responsible OHS official will consider the applicable criteria at Section 641(d) of the Head Start Act and any other criteria outlined in the funding opportunity announcement.
- 2) In competitions to replace or potentially replace a grantee the responsible OHS official will also consider the extent to which the applicant supports continuity for participating children, the community and the continued employment of effective, well qualified personnel.
- 3) In competitions to replace or potentially replace a current grantee, the responsible OHS official will give priority to applicants that have demonstrated capacity in providing effective, comprehensive, and well-coordinated early childhood education and development services and programs to children and their families.

§2 CFR part 170 FFATA Sub-award and executive compensation

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Subpart A—General

§170.100 Purposes of this part.

This part provides guidance to agencies to establish requirements for recipients' reporting of information on subawards and executive total compensation, as required by the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282), as amended by section 6202 of Public Law 110-252, hereafter referred to as “the Transparency Act”.

§170.105 Types of awards to which this part applies.

This part applies to an agency's grants, cooperative agreements, loans, and other forms of Federal financial assistance subject to the Transparency Act, as defined in 170.320.

§170.110 Types of entities to which this part applies.

- 1) **General.** Through an agency's implementation of the guidance in this part, this part applies to all entities, other than those excepted in this section, that:
 - a. Apply for or receive agency awards; or
 - b. Receive subawards under those awards.
- 2) **Exceptions.**
 - a. None of the requirements in this part apply to an individual who applies for or receives an award as a natural person (*i.e.*, unrelated to any business or non-profit organization he or she may own or operate in his or her name).
 - b. None of the requirements regarding reporting names and total compensation of an entity's five most highly compensated executives apply unless in the entity's preceding fiscal year, it received:
 - i. 80 percent or more of its annual gross revenue in Federal procurement contracts (and subcontracts) and Federal financial assistance awards subject to the Transparency Act, as defined at 170.320 (and subawards); and
 - ii. \$25,000,000 or more in annual gross revenue from Federal procurement contracts (and subcontracts) and Federal financial assistance awards subject to the Transparency Act, as defined at 170.320; and
 - c. The public does not have access to information about the compensation of the senior executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.

§170.115 Deviations.

Deviations from this part require the prior approval of the Office of Management and Budget (OMB).

Subpart B—Policy

§170.200 Requirements for program announcements, regulations, and application instructions.

- 1) Each agency that makes awards of Federal financial assistance subject to the Transparency Act must include the requirements described in paragraph (b) of this section in each program announcement, regulation, or other issuance containing instructions for applicants:
 - a. Under which awards may be made that are subject to Transparency Act reporting requirements; and
 - b. That either:
 - i. Is issued on or after the effective date of this part; or
 - ii. Has application or plan due dates after October 1, 2010.

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- 2) The program announcement, regulation, or other issuance must require each entity that applies and does not have an exception under 170.110(b) to ensure they have the necessary processes and systems in place to comply with the reporting requirements should they receive funding.
- 3) Federal agencies that obtain post-award data on subaward obligations outside of this policy should take the necessary steps to ensure that their recipients are not required, due to the combination of agency-specific and Transparency Act reporting requirements, to submit the same or similar data multiple times during a given reporting period.

§170.220 Award term.

- 1) To accomplish the purposes described in 170.100, an agency must include the award term in Appendix A to this part in each award to a non-Federal entity under which the total funding will include \$25,000 or more in Federal funding at any time during the project or program period.
- 2) An agency:
 - a. Consistent with this section, is not required to include the award term in Appendix A to this part if it determines that there is no possibility that the total amount of Federal funding under the award will equal or exceed \$25,000. However, the agency must subsequently amend the award to add the award term if changes in circumstances increase the total Federal funding under the award to \$25,000 or more during the project or program period.

Appendix A to Part 170—Award term

Reporting Subawards and Executive Compensation.

- 1) Reporting of first-tier subawards.
 - a. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph e. of this award term).
 - b. Where and when to report.
 - i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
 - ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
 - c. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.
- 2) Reporting Total Compensation of Recipient Executives.
 - a. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if:
 - i. the total Federal funding authorized to date under this award is \$25,000 or more;
 - ii. in the preceding fiscal year, you received:
 - 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To

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- determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
- b. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
- i. As part of your registration profile at <https://www.sam.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter
- 3) Reporting of Total Compensation of Subrecipient Executives.
- a. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:
- i. In the subrecipient's preceding fiscal year, the subrecipient received:
 - 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
- b. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
- i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (*i.e.*, between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

4) Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- a. Subawards, and
- b. The total compensation of the five most highly compensated executives of any subrecipient.

5) Definitions. For purposes of this award term:

- a. *Entity* means all of the following, as defined in 2 CFR part 25:
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- b. *Executive* means officers, managing partners, or any other employees in management positions.
- c. *Subaward*:

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- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. __.210 of the attachment to OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”).
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- d. *Subrecipient* means an entity that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
- e. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. *Salary and bonus.*
 - ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
 - v. *Above-market earnings on deferred compensation which is not tax-qualified.*
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

§2 CFR 25.110 CCR/DUNS Requirement

§ 25.110 Types of recipient and sub-recipient entities to which this part applies.

- 1) General. Through an agency's implementation of the guidance in this part, this part applies to all entities, other than those exempted in paragraphs (b), (c), and (d) of this section, that:
 - a. Apply for or receive agency awards; or
 - b. Receive subawards directly from recipients of those agency awards.
- 2) Exemptions for individuals. None of the requirements in this part apply to an individual who applies for or receives Federal financial assistance as a natural person (*i.e.*, unrelated to any business or non-profit organization he or she may own or operate in his or her name).
- 3) Exemptions for Federal agencies. The requirement in this part to maintain a current registration in the CCR does not apply to an agency of the Federal Government that receives an award from another agency.
- 4) Other exemptions.
 - a. Under a condition identified in paragraph (d)(2) of this section, an agency may exempt an entity from an applicable requirement **25.115** to obtain a DUNS number, register in the CCR, or both.
 - i. In that case, the agency must use a generic DUNS number in data it reports to USASpending.gov if reporting for a prime award to the entity is required by the Federal Funding Accountability and Transparency Act (Pub. L. 109–282, hereafter cited as “Transparency Act”).

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- ii. Agency use of a generic DUNS should be used rarely for prime award reporting because it prevents prime awardees from being able to fulfill the subaward or executive compensation reporting required by the Transparency Act.
- b. The conditions under which an agency may exempt an entity are:
 - i. For any entity, if the agency determines that it must protect information about the entity from disclosure, to avoid compromising classified information or national security or jeopardizing the personal safety of the entity's clients.
 - ii. For a foreign entity applying for or receiving an award or subaward for a project or program performed outside the United States valued at less than \$25,000, if the agency deems it to be impractical for the entity to comply with the requirement(s).
- c. Agencies' use of generic DUNS numbers, as described in paragraphs (d)(1) and (2) of this section, should be rare. Having a generic DUNS number limits a recipient's ability to use Government-wide systems that are needed to comply with some reporting requirements.

Part 1305 Definitions

§1305.1 Purpose.

The purpose of this part is to define terms for the purposes of this subchapter.

§1305.2 Terms.

For the purposes of this subchapter, the following definitions apply:

ACF means the Administration for Children and Families in the Department of Health and Human Services.

Act means the Head Start Act, Sec. 635 *et seq.*, Pub. L. 97-35, 95 Stat. 499-511 (codified as amended at 42 U.S.C. Section 9801, *et seq.*).

Aggregate child-level assessment data means the data collected by an agency on the status and progress of the children it serves that have been combined to provide summary information about groups of children enrolled in specific classes, centers, home-based or other options, groups or settings, or other groups of children such as dual language learners, or to provide summary information by specific domains of development.

Allowable alternate vehicle means a vehicle designed for carrying eleven or more people, including the driver, that meets all the Federal Motor Vehicle Safety Standards applicable to school buses, except 49 CFR 571.108 and 571.131.

Budget period means the interval of time, into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes.

Case plan is defined as presented in 42 U.S.C. 675(1)61 which, in summary, is a written document that must include a number of specified items including, but is not limited to, a plan for safe and proper care of the child in foster care placement, health records, and a plan for ensuring the educational stability of the child in foster care.

Child-level assessment data means the data collected by an agency on an individual child from one or more valid and reliable assessments of a child's status and progress, including but not limited to direct assessment,

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structured observations, checklists, staff or parent report measures, and portfolio records or work samples.

Child records means records that:

- (1) Are directly related to the child;
- (2) Are maintained by the program, or by a party acting for the program; and
- (3) Include information recorded in any way, such as print, electronic, or digital means, including media, video, image, or audio format.

Child restraint system means any device designed to restrain, seat, or position children that meets the current requirements of Federal Motor Vehicle Safety Standard No. 213, Child Restraint Systems, 49 CFR 571.213, for children in the weight category established under the regulation, or any device designed to restrain, seat, or position children, other than a Type I seat belt as defined at 49 CFR 571.209, for children not in the weight category currently established by 49 CFR 571.213.

Child with a disability is defined in the same manner as presented in the Head Start Act, 42 U.S.C. 9801.

CLASS: Pre-K means The Classroom Assessment Scoring System (CLASS). The CLASS is an observational instrument that assesses classroom quality in preschool through third grade classrooms. This tool meets the requirements described in 641(c)(1)(D) and 641A(c)(2)(F) of the Head Start Act (42 U.S.C. 9836(c)(1)(D) and 9836a(c)(2)(F)). The CLASS assesses three domains of classroom experience: Emotional Support, Classroom Organization, and Instructional Support.

(1) Emotional Support measures children's social and emotional functioning in the classroom, and includes four dimensions: Positive Climate, Negative Climate, Teacher Sensitivity and Regard for Student Perspectives. Positive Climate addresses the emotional connection, respect, and enjoyment demonstrated between teachers and children and among children. Negative Climate addresses the level of expressed negativity such as anger, hostility, or aggression exhibited by teachers and/or children in the classroom. Teacher Sensitivity addresses teachers' awareness of and responsiveness to children's academic and emotional concerns. Regard for Student Perspectives addresses the degree to which teachers' interactions with children and classroom activities place an emphasis on children's interests, motivations, and points of view.

(2) Classroom Organization measures a broad array of classroom processes related to the organization and management of children's behavior, time, and attention in the classroom. It includes three dimensions: Behavior Management, Productivity, and Instructional Learning Formats. Behavior Management addresses how effectively teachers monitor, prevent, and redirect behavior. Productivity addresses 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 on learning activities. Instructional Learning Formats addresses how teachers facilitate activities and provide interesting materials so that children are engaged and learning opportunities are maximized.

(3) Instructional Support measures the ways in which teachers implement curriculum to effectively support cognitive and language development. It includes three dimensions: Concept Development, Quality of Feedback, and Language Modeling. Concept Development addresses how teachers use instructional discussions and activities to promote children's higher order thinking skills in contrast to a focus on rote instruction. Quality of Feedback addresses how teachers extend children's learning through their responses to children's ideas, comments, and work. Language Modeling addresses the

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extent to which teachers facilitate and encourage children's language.

(4) Assessments with the CLASS involve observation-based measurement of each dimension on a seven point scale. A score ranging from 1 (minimally characteristic) to 7 (highly characteristic) is given for each dimension and represents the extent to which that dimension is characteristic of that classroom. Relevant dimension scores are used to calculate each domain score.

Commercial Driver's License (CDL) means a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR part 38362, to an individual which authorizes the individual to operate a class of commercial motor vehicles.

Construction means new buildings, and excludes renovations, alterations, additions, or work of any kind to existing buildings.

Continuity of care means Head Start or Early Head Start services provided to children in a manner that promotes primary caregiving and minimizes the number of transitions in teachers and teacher assistants that children experience over the course of the day, week, program year, and to the extent possible, during the course of their participation from birth to age three in Early Head Start and in Head Start.

Deficiency is defined in the same manner as presented in the Head Start Act, 42 U.S.C. 980147.

Delegate agency is defined in the same manner as presented in the Head Start Act, 42 U.S.C. 980142.

Development and administrative costs mean costs incurred in accordance with an approved Head Start budget which do not directly relate to the provision of program component services, including services to children with disabilities, as set forth and described in the Head Start program performance standards (45 CFR part 1304).

Disclosure means to permit access to or the release, transfer, or other communication of PII contained in child records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Double session variation means a center-based option that employs a single teacher to work with one group of children in the morning and a different group of children in the afternoon.

Dual benefit costs mean costs incurred in accordance with an approved Head Start budget which directly relate to both development and administrative functions and to the program component services, including services to children with disabilities, as set forth and described in the Head Start program performance standards (45 CFR part 1304).

Dual language learner means a child who is acquiring two or more languages at the same time, or a child who is learning a second language while continuing to develop their first language. The term "dual language learner" may encompass or overlap substantially with other terms frequently used, such as bilingual, English language learner (ELL), Limited English Proficient (LEP), English learner, and children who speak a Language Other Than English (LOTE).

Early Head Start agency means a public or private non-profit or for-profit entity designated by ACF to operate an Early Head Start program to serve pregnant women and children from birth to age three, pursuant to Section 645A(e) of the Head Start Act.

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Enrolled (or any variation of) means a child has been accepted and attended at least one class for center-based or family child care option or at least one home visit for the home-based option.

Enrollment year means the period of time, not to exceed twelve months, during which a Head Start program provides center or home-based services to a group of children and their families.

Facility means a structure, such as a building or modular unit, appropriate for use in carrying out a Head Start program and used primarily to provide Head Start services, including services to children and their families, or for administrative purposes or other activities necessary to carry out a Head Start program.

Family means all persons living in the same household who are supported by the child's parent(s)' or guardian(s)' income; and are related to the child's parent(s) or guardian(s) by blood, marriage, or adoption; or are the child's authorized caregiver or legally responsible party.

Federal interest is a property right which secures the right of the federal awarding agency to recover the current fair market value of its percentage of participation in the cost of the facility in the event the facility is no longer used for Head Start purposes by the grantee or upon the disposition of the property. When a grantee uses Head Start funds to purchase, construct or renovate a facility, or make mortgage payments, it creates a federal interest. The federal interest includes any portion of the cost of purchase, construction, or renovation contributed by or for the entity, or a related donor organization, to satisfy a matching requirement.

Federal Motor Vehicle Safety Standards (FMVSS) means the National Highway and Traffic Safety Administration's standards for motor vehicles and motor vehicle equipment (49 CFR part 571) established under section 30111 of Title 49, United States Code.

Financial viability means that an organization is able to meet its financial obligations, balance funding and expenses and maintain sufficient funding to achieve organizational goals and objectives.

Fixed route means the established routes to be traveled on a regular basis by vehicles that transport children to and from Head Start or Early Head Start program activities, and which include specifically designated stops where children board or exit the vehicle.

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child-care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

Full-working-day means not less than 10 hours of Head Start or Early Head Start services per day.

Funded enrollment means the number of participants which the Head Start grantee is to serve, as indicated on the grant award.

Going concern means an organization that operates without the threat of liquidation for the foreseeable future, a period of at least 12 months.

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Grantee means the local public or private non-profit agency or for-profit agency which has been designated as a Head Start agency under 42 U.S.C. 9836 and which has been granted financial assistance by the responsible HHS official to operate a Head Start program.

Head Start agency means a local public or private non-profit or for-profit entity designated by ACF to operate a Head Start program to serve children age three to compulsory school age, pursuant to section 641(b) and (d) of the Head Start Act.

Head Start Early Learning Outcomes Framework: Ages Birth to Five means the *Head Start Early Learning Outcomes Framework: Ages Birth to Five*, which describes the skills, behaviors, and knowledge that programs must foster in all children. It includes five central domains: Approaches to Learning; Social and Emotional Development; Language and Literacy; Cognition; and Perceptual, Motor, and Physical Development. These central domains are broken into five domains for infants and toddlers and seven domains for preschoolers. Infant and Toddler domains are Approaches to Learning; Social and Emotional Development; Language and Communication; Cognition; and Perceptual, Motor, and Physical Development. Preschool domains are Approaches to Learning; Social and Emotional Development; Language and Communication; Literacy; Mathematics Development; Scientific Reasoning; and Perceptual, Motor, and Physical Development. Domains are divided into sub-domains with goals that describe broad skills, behaviors, and concepts that are important for school success. Developmental progressions describe the skills, behaviors and concepts that children may demonstrate as they progress. As described in the Head Start Act, the Framework is central to program operations that promote high-quality early learning environments (42 U.S.C. 9832(21)(G)(iv)(II)(aa), 42 U.S.C. 9835(o), 42 U.S.C. 9836(d)(2)(C), 42 U.S.C. 9836a(g)(2)(A), 42 U.S.C. 9837(f)(3)(E), 42 U.S.C. 9837a(a)(3), 42 U.S.C. 9837a(a)(14), 42 U.S.C. 9837b(a)(2)(B)(iii), 42 U.S.C. 9837b(a)(4)(A)(i), and 42 U.S.C. 9837b(a)(4)(B)(iii)).

Homeless children means the same as homeless children and youths in Section 725(2)63 of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a (2).

Home visitor means the staff member in the home-based program option assigned to work with parents to provide comprehensive services to children and their families through home visits and group socialization activities.

Hours of planned class operations means hours when children are scheduled to attend. Professional development, training, orientation, teacher planning, data analysis, parent-teacher conferences, home visits, classroom sanitation, and transportation do not count toward the hours of planned class operations.

Income means gross cash income and includes earned income, military income (including pay and allowances, except those described in Section 645(a)(3)(B)64 of the Act), veteran's benefits, Social Security benefits, unemployment compensation, and public assistance benefits. Additional examples of gross cash income are listed in the definition of "income" which appears in U.S. Bureau of the Census, Current Population Reports, Series P-60-185 (available at <https://www2.census.gov/prod2/popscan/p60-185.pdf>).

Indian Head Start agency means a program operated by an Indian tribe (as defined by the Act) or designated by an Indian tribe to operate on its behalf.

Indian tribe is defined in the same manner as presented in the Head Start Act, 42 U.S.C. 980165.

Individualized Education Program is defined in the same manner as presented in the Individuals with

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Disabilities Education Act (20 U.S.C. 1400 *et seq.*)66.

Individualized Family Service Plan is defined in the same manner as presented in the Individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*)67.

Legal status means the existence of an applicant or grantee as a public agency or organization under the law of the state in which it is located, or existence as a private nonprofit or for-profit agency or organization as a legal entity recognized under the law of the state in which it is located. Existence as a private nonprofit agency or organization may be established under applicable state or federal law.

Local agency responsible for implementing IDEA means the early intervention service provider under Part C of IDEA and the local educational agency under Part B of IDEA.

Major renovation means any individual or collection renovation that has a cost equal to or exceeding \$250,000. It excludes minor renovations and repairs except when they are included in a purchase application.

Migrant family means, for purposes of Head Start eligibility, a family with children under the age of compulsory school attendance who changed their residence by moving from one geographic location to another, either intrastate or interstate, within the preceding two years for the purpose of engaging in agricultural work and whose family income comes primarily from this activity.

Minor renovation means improvements to facilities, which do not meet the definition of major renovation.

Modular unit means a portable prefabricated structure made at another location and moved to a site for use by a Head Start grantee to carry out a Head Start program, regardless of the manner or extent to which the modular unit is attached to underlying real property.

National Driver Register means the National Highway Traffic Safety Administration's automated system for assisting state driver license officials in obtaining information regarding the driving records of individuals who have been denied licenses for cause; had their licenses denied for cause, had their licenses canceled, revoked, or suspended for cause, or have been convicted of certain serious driving offenses.

Parent means a Head Start child's mother or father, other family member who is a primary caregiver, foster parent or authorized caregiver, guardian or the person with whom the child has been placed for purposes of adoption pending a final adoption decree.

Participant means a pregnant woman or child who is enrolled in and receives services from a Head Start, an Early Head Start, a Migrant or Seasonal Head Start, or an American Indian and Alaska Native Head Start program.

Personally identifiable information (PII) means any information that could identify a specific individual, including but not limited to a child's name, name of a child's family member, street address of the child, social security number, or other information that is linked or linkable to the child.

Program means a Head Start, Early Head Start, migrant, seasonal, or tribal program, funded under the Act and carried out by an agency, or delegate agency, to provide ongoing comprehensive child development services.

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Program costs mean costs incurred in accordance with an approved Head Start budget which directly relate to the provision of program component services, including services to children with disabilities, as set forth and described in the Head Start Program Performance Standards (45 CFR part 1304).

Purchase means to buy an existing facility, including outright purchase, down payment or through payments made in satisfaction of a mortgage or other loan agreement, whether principal, interest or an allocated portion principal and/or interest. The use of grant funds to make a payment under a capital lease agreement, as defined in the cost principles, is a purchase subject to these provisions.

Purchase also refers to an approved use of Head Start funds to continue paying the cost of purchasing facilities or refinance an existing loan or mortgage beginning in 1987.

Real property means land, including land improvements, buildings, structures and all appurtenances thereto, excluding movable machinery and equipment.

Recruitment area means that geographic locality within which a Head Start program seeks to enroll Head Start children and families. The recruitment area can be the same as the service area or it can be a smaller area or areas within the service area.

Relevant time period means:

(1) The 12 months preceding the month in which the application is submitted; or

(2) During the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application.

Repair means maintenance that is necessary to keep a Head Start facility in working condition. Repairs do not add significant value to the property or extend its useful life.

Responsible HHS official means the official of the Department of Health and Human Services who has authority to make grants under the Act.

School readiness goals mean the expectations of children's status and progress across domains of language and literacy development, cognition and general knowledge, approaches to learning, physical well-being and motor development, and social and emotional development that will improve their readiness for kindergarten.

School bus means a motor vehicle designed for carrying 11 or more persons (including the driver) and which complies with the Federal Motor Vehicle Safety Standards applicable to school buses.

Service area means the geographic area identified in an approved grant application within which a grantee may provide Head Start services.

Staff means paid adults who have responsibilities related to children and their families who are enrolled in programs.

State is defined in the same manner as presented in the Head Start Act, 42 U.S.C. 980168.

Termination of a grant or delegate agency agreement means permanent withdrawal of the grantee's or delegate agency's authority to obligate previously awarded grant funds before that authority would otherwise expire. It also means the voluntary relinquishment of that authority by the grantee or delegate

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agency. Termination does not include:

- (1) Withdrawal of funds awarded on the basis of the grantee's or delegate agency's underestimate of the unobligated balance in a prior period;
- (2) Refusal by the funding agency to extend a grant or award additional funds (such as refusal to make a competing or noncompeting continuation renewal, extension or supplemental award);
- (3) Withdrawal of the unobligated balance as of the expiration of a grant; and
- (4) Annulment, i.e., voiding of a grant upon determination that the award was obtained fraudulently or was otherwise illegal or invalid from its inception.

Total approved costs mean the sum of all costs of the Head Start program approved for a given budget period by the Administration for Children and Families, as indicated on the Financial Assistance Award. Total approved costs consist of the federal share plus any approved non-federal match, including non-federal match above the statutory minimum.

Transition period means the three-year time period after December 9, 2011, on the Designation Renewal System during which ACF will convert all of the current continuous Head Start and Early Head Start grants into five-year grants after reviewing each grantee to determine if it meets any of the conditions under §1304.12 of this chapter that require re-competition or if the grantee will receive its first five-year grant non-competitively.

Transportation services means the planned transporting of children to and from sites where an agency provides services funded under the Head Start Act. Transportation services can involve the pick-up and discharge of children at regularly scheduled times and pre-arranged sites, including trips between children's homes and program settings. The term includes services provided directly by the Head Start and Early Head Start grantee or delegate agency and services which such agencies arrange to be provided by another organization or an individual. Incidental trips, such as transporting a sick child home before the end of the day, or such as might be required to transport small groups of children to and from necessary services, are not included under the term.

Verify or any variance of the word means to check or determine the correctness or truth by investigation or by reference.