Head Start Performance Standards

A Proposed Rule by the Children and Families Administration on 06/19/2015

https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards

Public comment period ended 8/18/15

Compiled by the National Center for Homeless Education (NCHE)

www.serve.org/nche

EXECUTIVE SUMMARY	
Excerpt	**Link**
We propose additional important changes to other areas of service delivery. We propose requirements to update the prioritization criteria for selection and recruitment, improve attendance, prohibit expulsion for challenging behaviors, and ensure critical supports for children and families experiencing homelessness and children in foster care.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-75
DISCUSSION OF PROPOSED RULE	
Excerpt	**Link**
Eligibility, Recruitment, Selection, Enrollment and Attendance; Subpart A (Currently Parts 1304, 1305, and 1306) The revisions we propose to this subpart reflect requirements in the Act related to utilizing the community assessment to identify the children who are most in need of services and appropriately prioritizing special populations such as children experiencing homelessness, children in foster care, and children with disabilities. In addition, the proposed revisions to this subpart highlight the importance of regular attendance and continuity of enrollment for all children served in Head Start.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-129
Section 1302.11 **Determining Community Strengths and Needs** The next provisions under § 1302.11(b) require grantees to assess the service area to determine the needs of the community. In order to be consistent with the 5-year grant period required by the Act, we propose to extend the current requirement for grantees to conduct community assessments from every three years to every five years. In paragraph, (b)(2) we further require that program review and update the assessment annually to reflect any significant changes including increased availability of publicly-funded full-day pre-kindergarten, rates of family and child homelessness, and significant shifts in community demographics. This proposal will relieve undue burden on programs and increase efficiency of program operations and administration. Programs are still required to review their community assessment annually and update the assessment as changes occur in the community. We propose to retain this annual evaluation to ensure that programs continue to meet the needs of their community if anything changes.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-134
Section 1302.11 **Determining Community Strengths and Needs**	https://www.federalregister.gov/articles/2015/06/19/20

We also propose to add several elements to the community assessment that grantees are currently required to perform to ensure that grantees collect all relevant information needed to design their program and services to best meet community needs. These new elements include the number of children experiencing homelessness and the number of children in foster care to enable grantees to prioritize the most at-risk children in their communities. We believe this reflects a stronger emphasis on serving these vulnerable populations in the Act.	15-14379/head-start-performance-standards#p-135
Section 1302.14 **Selection Process** We propose to restructure this section so that programs understand that they must develop a selection process by which they use specific criteria to weigh selection of participants who have been deemed eligible. Paragraph (a)(1) of this proposed section lists the criteria by which a program must prioritize selection of participants. The revisions we propose simplify this information by enumerating criteria in a list format, explicitly link these criteria to a program's annual update of their community needs assessment, and add children experiencing homelessness and children in foster care to the priority list.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-148
Section 1302.15 **Enrollment** In order to support enrollment of homeless children, we add a provision that programs may reserve slots for children experiencing homelessness. Since homeless children do not have a stable residence, they may move and enter a program after the beginning of the program year. This is an important provision for removing barriers to serving homeless children as required in section 640(m) of the Act. Given the large waiting lists maintained by programs and to ensure that a large number of slots are not vacant, no more than three percent of a programs funded enrollment may be reserved for this purpose. If a reserved slot is not filled within 30 days it becomes a vacant slot and must be filled within 30 days. We also propose to include children in foster care in this provision, given their family instability and the importance of early intervention, like that provided by Head Start, on their school readiness and long-term outcomes.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-151
Section 1302.16 **Attendance** We also propose a new provision and redesignate a provision to clearly delineate requirements to support the attendance of homeless children. Specifically, we redesignate § 1305.4(f)(2) of the final eligibility rule to § 1302.16(c)(1) as this requirement logically fits under supporting attendance for homeless children rather than categorical eligibility. We also add a provision to encourage programs to work with community partners and families of children experiencing homelessness to meet their needs, including through the provision of transportation services. However, such transportation services are not explicitly required.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-159
Section 1302.53 **Community Partnerships** In addition, in § 1302.53(b) we propose to add types of providers with which programs should engage in collaborative relationships and partnerships. This includes providers of services to homeless children and families, domestic violence prevention and support, substance abuse prevention, mental health, providers of pre- and post-natal support, Temporary Assistance for Needy Families agencies, and workforce development and training programs; family literacy, adult	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-461

education, and post-secondary education institutions.	
Section 1302.72 **Transitions Between Programs** In this section, we propose three new provisions that will support transitions for children and families who might not otherwise receive such services. First, in paragraph (a), we propose to require programs to undertake efforts to enroll and support transitions for children and families moving out of the community in which they are currently served, including homeless families and children involved in the child welfare system, to other Early Head Start and Head Start programs. It is common for children from low-income families to experience housing instability. [221] We also propose to include children in the child welfare system in this provision, given their family instability and the importance of early intervention, like that provided by Head Start, on their school readiness and long-term outcomes. [222] Thus, Early Head Start and Head Start families sometimes move during a program year because of changing and challenging family circumstances. [223] We believe it is important that programs make significant effort to facilitate the continued enrollment of these children in Early Head Start and Head Start programs in their new communities. This provision will improve continuity of services to children and families and improve the efficiency of Head Start funds.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-505
PROPOSED REGULATION TEXT	
Excerpt	**Link**
§ 1302.11 Determining community strengths and needs. (b) Community assessment. (1) To design a program that meets community needs, a program must conduct a community assessment at least once over the 5-year grant period. The community assessment must include current service area estimates of: … (ii) Families with young children experiencing homelessness; (iii) Young children in foster care;	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-996
§ 1302.11 Determining community strengths and needs. (2) A program must annually review and update the community assessment to reflect any significant changes including increased availability of publicly-funded full-day pre-kindergarten, rates of family and child homelessness, and significant shifts in community demographics.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1005
§ 1302.12 Determining, verifying, and documenting eligibility. (c) Eligibility requirements. (1) 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; or (iii) The child is homeless, as defined in part 1305 of this chapter; or (iv) The child is in foster care.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1018
§ 1302.12 Determining, verifying, and documenting eligibility. (2) If a program chooses to enroll participants who do not meet a criterion in paragraph (c) of this section, and whose	https://www.federalregister.gov/articles/2015/06/19/20

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;	15-14379/head-start-performance-standards#p-1027
§ 1302.12 Determining, verifying, and documenting eligibility. (3) To verify whether a family is homeless, a program 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, as defined in § 1305.2 of this chapter; or any other document that establishes homelessness. (i) If a family can provide one of the documents described in paragraph (i)(1) of this section, program staff must describe efforts made to verify the accuracy of the information provided and, states whether the family is categorically eligible. (ii) If a family cannot provide one of the documents described in paragraph (i)(5) of this section to prove the child is homeless, a program may accept the family's signed declaration to that effect, if, in a written statement, program staff: (A) Describe the efforts made to verify that a child is homeless, as defined in part 1305 of this chapter; and, (B) Describe the child's living situation, including the specific condition described in § 1305.2 of this chapter under which the child was determined to be homeless. (iii) Program staff may seek information from third parties who have first-hand knowledge about a family's living situation, if the family gives written consent. If the family gives consent to contact third parties, program staff must adhere to program privacy policies and procedures and ensure the eligibility determination record adheres to paragraph (k)(2)(i)(B) of this section.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1052
§ 1302.12 Determining, verifying, and documenting eligibility. (1) A program must keep eligibility determination records for each participant and ongoing training records for program staffs. A program may keep these records electronically. (2) Each eligibility determination record must include: (i) Copies of any documents or statements, including declarations, that are deemed necessary to verify eligibility under paragraphs (h) and (i) of this section; (ii) A statement that program staff has made reasonable efforts to verify information by: (A) Conducting either an in-person, or a telephonic interview with the family as described under paragraph (a) of this section; and (B) Describing efforts made to verify eligibility, as required under paragraphs (h) through (i) of this section; 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:	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1063

… (C) The child is a homeless child, as defined at part 1305 of this chapter including the specific condition described in part 1305 under which the child was determined to be homeless, or the child is in foster care; … (3) A program 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.	
§ 1302.14 Selection process. (a) Selection criteria. (1) A program must annually establish selection criteria that weighs the prioritization of selection of participants, based on community needs identified in the community needs assessment as described in § 1302.11(b), 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.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1085
§ 1302.15 Enrollment. (b) Continuity of enrollment. (1) A program must make efforts to maintain enrollment of eligible children for the following year. … (4) If a program 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 a program in a different service area, as required in § 1302.72(b), according to the family's needs.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1093
§ 1302.15 Enrollment. (c) Reserved slots. If a program 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 3 percent of a program'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 within 30 days in accordance with paragraph (a) of this section.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1097
§ 1302.15 Enrollment. (e) State immunization enrollment requirements. A program must comply with state immunization enrollment and attendance requirements, with the exception of homeless children as described in § 1302.16(c)(1).	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1099
§ 1302.16 Attendance. (c) Supporting attendance of homeless children. (1) If a program determines a child is categorically eligible under § 1302.12(c)(1)(iii), it must allow the child to attend for up to 90 days, without immunization and other medical records, proof of residency, birth certificates, or other	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-

documents to give the family reasonable time to present these documents. (2) 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.	1105
§ 1302.53 Community partnerships. (2) A program must establish necessary collaborative relationships and partnerships, with community organizations that may include: (vi) Providers of support to homeless children and families, including 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.);	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1379
§ 1302.72 Transitions between programs. (a) For families and children moving out of the community in which they are currently served, including homeless families and foster children, a program must undertake efforts to support effective transitions to other Early Head Start or Head Start programs.	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1439
1305.2 Definitions. Homeless children means the same as homeless children and youths in section 725(2) of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a(2).	https://www.federalregister.gov/articles/2015/06/19/2015-14379/head-start-performance-standards#p-1973