



Policy solutions that work for low-income people

Office of Head Start  
Attn: Director of Policy and Planning  
330 C Street SW, 4th Floor  
Washington, DC 20201

May 28, 2019

RE: Head Start Service Duration Requirements, (RIN 0970-AC73)

Dear Ms. Rathgeb,

The Center for Law and Social Policy (CLASP) is grateful for the opportunity to respond to the Notice of Proposed Rulemaking (NPRM) for the Head Start Service Duration Requirements that was published by the Office of Head Start at the U.S. Department of Health and Human Services on March 26, 2019 (84 Fed. Reg. 11269).

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, antipoverty organization that advances policy solutions that work for people with low incomes. Our comments draw upon the work of experts at CLASP who have been deeply involved in Head Start policy for decades at many different levels. CLASP was also a key stakeholder organization in the 2007 Congressional reauthorization.

**CLASP opposes the proposed rule change to remove the service duration requirements from the Head Start Program Performance Standards (HSPPS). The proposed changes to the service duration requirements are unnecessary given the flexibility on this provision written into the 2016 final rule. Further, they serve to weaken the HSPPS and undermine momentum on investments in full-day and full-year operations. For those reasons, the Office of Head Start should:**

1. Withdraw the proposed rule and exercise flexibility as needed to maintain current levels of enrollment while continuing to work towards the goal of expanding duration; and
2. Revise the implementation timeline of the duration requirement if it is determined that programs will not be able to meet the requirement by 2021 without reducing the number of children served. OHS should work to create a revised timeline for full compliance based on funding received to date, cost estimates, and input from Head Start grantees.

**CLASP does not support increasing duration of Head Start programs at the cost of reductions in access to Head Start services.** However, while the timelines established in the final rule may not provide sufficient time to meet the goal of longer duration for all Head Start programs – and

therefore should be delayed or revised – the duration provision itself sets out an important goal of implementing the program in a way that research says works best for children and families.

The HSPPS service duration requirement that all programs operate 100 percent of their preschool center-based slots for 1,020 annual hours by August 1, 2021 was based on research demonstrating the benefits of full-day Head Start. For example, in 2010, researchers found statistically significant differences between children who had access to full-day Head Start in Montgomery County public schools and to their peers that had attended half-day or no preschool. Children that had attended full-day Head Start were more likely to meet reading level benchmarks and less likely to require special education services.<sup>1</sup>

Moreover, most young children live in families with working parents who need child care to go to work. In fact, seventy percent of poor young children live with at least one working parent.<sup>2</sup> Full-day and full-year programs can provide additional support to working families. The number of Head Start programs operating for at least six hours per day, five days per week is on an upward trend. Between 2013 and 2018, the percentage of programs operating for at least 6 hours per day, five days per week rose from 44 to 56 percent.<sup>3</sup>

### **1. The Proposed Rule is Unnecessary Given Flexibility in Existing Regulations**

The flexibility in the 2016 final HSPPS makes this proposed rule unnecessary. The 2016 final rule included flexibility on the service duration requirement in three distinct ways. First, under § 1302.21(c)(3) of the HSPPS, the Health and Human Services Secretary has the authority to lower the required percentage of funded enrollment slots for which programs must provide 1,020 hours of planned class operations.<sup>4</sup> The rationale for including this provision was a recognition of the cost of extending duration and concern about costs trading off against access to Head Start programs.

On January 16, 2018, then Acting Secretary Hargan exercised this authority to waive the requirement that 50 percent of all Head Start slots operate for 1,020 hours per year by August 1, 2019. CLASP supported this action as sufficient funds were not available to implement the provision without reducing access to Head Start services. If the Secretary determines the 2021 service duration requirement impossible to implement without a substantial reduction in funded enrollment, the Secretary can exercise that authority again.

Second, under § 1302.24 (b)(5) of the final rule, individual programs are given a waiver option through which they can exempt themselves from service duration requirements. HHS can grant waivers to programs that can provide supporting evidence that an alternative service duration minimum better meets the needs of children and families served by the program in question. Finally, § 1302.21 (c)(2)(v) explains that Head Start programs that provide fewer than 1,020 annual hours or fewer than 8 months of service, but link their program schedule to that of a local education agency

(LEA) with which they partner are considered in compliance with the service duration requirements. A Head Start program is considered to be meeting the requirements if its program schedule aligns with the hours required by its LEA and the alignment is necessary to support the delivery of services.

## **2. The Proposed Rule weakens the Head Start standards and reduces momentum on funding for expanded hours**

The existing 2016 final rule provides the policy goal and pathway for Congress to continue investing in Head Start to increase access to full-day, full-year high quality Head Start services. Congress demonstrated a willingness to invest in Head Start when they increased funding for the program by \$610 million in FY 2018.<sup>5</sup> Of these funds, \$260 million were intended to support Head Start programs in increasing program hours. In November 2018, OHS identified a total of \$295 million in funds available for increasing program hours.<sup>6</sup>

As Head Start benefits from bipartisan support for investment in Congress, it is important that the Office of Head Start prioritizes investments in both access and quality. Removing the duration requirement from the HSPPS would send the wrong message to Congress that resources are not needed to expand program hours, which many HS programs could benefit from. Congress should continue to increase overall investments in Head Start, while supporting the important goal of increasing access to the full-day, full-year services families need.

As mentioned above, Head Start programs are already making progress and increasing duration to meet the needs of children and families. Removing the duration requirement could be interpreted as discouraging programs from increasing duration, or at the least de-prioritizing expansions in duration of programs.

### **Conclusion**

CLASP fully supports use of the Secretary's authority to delay the duration requirement in order to avoid a reduction in the number of children receiving Head Start services. However, removing the duration requirement entirely through the proposed rule is unnecessary, weakens the HSPPS and will reduce momentum in Congress for funding expanded hours of Head Start programs. The Department of Health and Human Services should withdraw the proposed rule while continuing to exercise flexibility to support full-day, full-year services as funding becomes available and allowing grantees to tailor their programs to fit the needs of their communities. Further, OHS should consider revising the implementation timeline, with input from Head Start grantees and considering costs and resources available, in order to continue making progress on implementation of the HSPPS.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'H M', on a light-colored background.

Hannah Matthews  
Deputy Executive Director for Policy

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<sup>1</sup> Huafang Zhao, Shahpar Modarresi, *Evaluating Lasting Effects of Full-day Prekindergarten Program on School Readiness, Academic Performance, and Special Education Services*, Montgomery County Public Schools, Office of Shared Accountability, 2010, <https://www.montgomeryschoolsmd.org/departments/sharedaccountability/reports/2010/10.04.30%20Pre%20K%20report.pdf>.

<sup>2</sup> Center for Law and Social Policy, *Children, Young Adults Stuck in Poverty*, 2018, [https://www.clasp.org/sites/default/files/publications/2018/09/2018\\_censusdatabrief.pdf](https://www.clasp.org/sites/default/files/publications/2018/09/2018_censusdatabrief.pdf).

<sup>3</sup> U.S. Department of Health and Human Services, *Head Start Program Facts: Fiscal Year 2013*, Early Childhood Learning and Knowledge Center, 2018, <https://eclkc.ohs.acf.hhs.gov/about-us/article/head-start-program-facts-fiscal-year-2013>; U.S. Department of Health and Human Services, *Head Start Program Facts: Fiscal Year 2018*, Early Childhood Learning and Knowledge Center, 2019, <https://eclkc.ohs.acf.hhs.gov/about-us/article/head-start-program-facts-fiscal-year-2018>.

<sup>4</sup> Federal Register Volume 83, Number 13, *Secretarial Determination to Lower Head Start Center-Based Service Requirement*, <https://www.govinfo.gov/content/pkg/FR-2018-01-19/html/2018-00897.htm>.

<sup>5</sup> U.S. Department of Health and Human Services, *FY 2018 Head Start Funding Increase ACF-PI-HS-18-03*, Early Learning and Knowledge Center, <https://eclkc.ohs.acf.hhs.gov/policy/pi/acf-pi-hs-18-03>.

<sup>6</sup> U.S. Department of Health and Human Services, *Supplemental Funds Available to Increase Program Hours in Head Start and Early Head Start ACF-PI-HS-18-05*, Early Learning and Knowledge Center, <https://eclkc.ohs.acf.hhs.gov/policy/pi/acf-pi-hs-18-05>.