



September 17, 2015

Colleen Rathgeb
Office of Head Start
Policy and Planning Division Director
1250 Maryland Avenue, SW
Washington, DC 20024

RE: CLASP Comments on Proposed Head Start Performance Standards

Dear Ms. Rathgeb,

Thank you for the opportunity to provide feedback on strengthening Head Start through the proposed Head Start Performance Standards. The Head Start program is a critical two-generational support for our country's poor children and their families. We appreciate the deeply thoughtful, intensive approach the U.S. Department of Health and Human Services (HHS) has taken in reviewing recent research and comprehensively updating performance standards. We understand the care that went into creating this integrated approach for children from birth through age 5 as well as the commitment to creating a more streamlined and easier-to-use structure.

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, anti-poverty organization advancing policy solutions that work for low-income people. Our comments draw upon the work of CLASP experts who have been deeply involved in Head Start policy for decades at many levels. CLASP was a key stakeholder organization in the most recent 2007 Congressional reauthorization, and Executive Director Olivia Golden oversaw the last full revision of performance standards in 1998. More broadly, CLASP's child care and early education team brings decades of experience working closely with federal, state, and local policymakers and practitioners to improve low-income children's access to high-quality child care and early education that promotes positive child development and meets the needs of working parents.

The regulations are particularly important given Head Start's leadership role in high-quality, comprehensive services for poor children as well as its severe underfunding relative to need. Since its inception 50 years ago, Head Start's core has been a comprehensive approach to high-quality early education and a focus on the whole child—recognizing the importance of social, emotional, physical, and cognitive development. Head Start children receive medical and developmental screenings and subsequent treatment for identified concerns. Their families receive parenting education, health education, and support services connecting them to jobs and educational opportunities. According to current research, early education programs that offer this full array of services are highly impactful for vulnerable children.¹ Head Start and Early Head Start, which together serve pregnant women and children age birth through 5, play a crucial role as model service deliverers to poor children and their families. Furthermore,

Head Start is a core component of publicly funded pre-kindergarten programs in 40 states and the District of Columbia, as well as a vital connection to child care options for families.²

On the other hand, despite this crucial role in providing quality services, Head Start today serves only 45 percent of eligible preschoolers and just 4 percent of eligible infants and toddlers.³ These gaps are particularly serious given the extraordinarily high level of poverty among young children today; 25 percent of young children ages 0 through 5 (almost 6 million) are poor.⁴ The nation's future is always dependent on the next generation, making it essential to reach these children with high-quality, comprehensive, and two-generational services through Head Start. The central role of Head Start is even more striking for some of the fastest-growing groups of young children, particularly children of color. For example, Head Start preschool reaches just over a third of poor Hispanic children, while subsidies through the child care and development block grant reach just 8 percent of eligible Hispanic children.⁵ Thus, throughout the comments, we seek to balance the value of even more intensive services against the risks for young children who may lose Head Start slots in the absence of expanded funding for those services.

In responding to your extensive, deeply thoughtful, and highly complex proposal, we have focused our comments in three areas:

1. We strongly support the emphasis in the proposed regulations to identify and promote practices that ensure access to high-quality services for diverse and vulnerable children. In particular, we believe that the provisions to limit suspension and prohibit expulsion, as well as the additional support for teaching practices to support dual language development and children with behavioral challenges, will help achieve positive outcomes for children of color and children from a variety of linguistic backgrounds. In addition, we offer our thoughts on other proposed regulations that address services for a wider range of vulnerable populations.
2. We provide extensive comments on the proposed provisions to extend the school day and the school year. Given the crucial importance of both access and quality in Head Start, CLASP believes that the best way to achieve this valuable next step would be for the Administration to work with the Congress to set aside additional resources, so that 126,000 poor children (as estimated by HHS) would not lose services as a tradeoff. If this option is not selected by HHS, we provide suggestions about how to minimize tradeoffs to the extent possible.
3. We comment on a number of other proposals intended to support the capacity of Head Start programs to deliver high-quality services with the flexibility to meet the needs of local communities and to coordinate effectively with other community programs and with state early childhood education and care systems. We share HHS' goals in all these areas; however, in some cases, we suggest modifications that we believe would achieve the goals more effectively or with less burden on local programs.

Improving access to children of color and other particularly vulnerable populations

Head Start's long-standing commitment to serving vulnerable populations, as well as its groundbreaking achievements in serving children from diverse backgrounds, makes it a model of a high-quality early childhood education and a vital piece of this nation's early care and education system. CLASP's

recommendations below strive to maintain and improve Head Start's commitment to providing high-quality services to racially diverse, vulnerable populations.

Proposed Rule:

§1302.17(a)(1), (2) and (3) Suspension and expulsion. (a) *Limitations on suspension.* (1) A program must prohibit or severely limit the use of suspension...

§1302.17(b)(1), (2) and (3) (b) *Prohibition of expulsion.* (1) A program cannot expel or unenroll children from Head Start because of a child's behavior...⁶

Recommendation: CLASP strongly supports these proposed standards in their entirety. To ensure their effective implementation, CLASP recommends a continued and strengthened commitment to providing Head Start staff with professional development and ongoing support in behavior management, identifying developmental needs, and working with children experiencing mental health problems through additional program guidance and technical assistance.

Comments: Head Start has made a long-standing commitment to limit expulsions and suspensions of children. CLASP commends HHS for including this clear mandate within the standards; this effectively eliminates out-of-school suspensions and expulsions from Head Start settings, identifies steps programs can take to minimize when and how children are removed from programs, and places a focus on mental health supports for children and training for teachers. Recent data analysis reveals that expulsions and suspensions occur at strikingly high rates within preschool settings, in spite of research detailing the correlation of expulsions and suspensions with negative educational and life outcomes.⁷ Head Start has a long history of serving the needs of disadvantaged populations, particularly children of color, and these policies tend to disproportionately affect young boys of color.⁸ In fact, according to a recent analysis from the Office of Civil Rights at the Department of Education (ED), 18 percent of the nation's preschoolers are African American, but they account for almost half (48 percent) of preschoolers suspended multiple times, while white children represent 43 percent of preschoolers but only account for 26 percent of suspensions.⁹

Children who are suspended or expelled are up to ten times more likely to drop out of high school, experience grade retention, and face incarceration compared to their peers who are not suspended or expelled.¹⁰ We know that HHS and ED are currently working to raise awareness and educate states and local programs regarding the issues caused by disruptive discipline practices like expulsion and suspension. Therefore, as states and local leaders work to create more supportive policies and invest resources and professional development to reduce these practices, Head Start will continue to be a model to the early childhood field by eliminating suspension and expulsion practices.

Proposed Rule:

§1302.31(b)(2) For dual language learners, a program must recognize bilingualism as a strength and implement research-based teaching practices that support its development.¹¹

Recommendation: CLASP strongly supports this proposed standard. CLASP commends both the continued commitment to research-based teaching practices and the recognition of bilingualism as a strength within the proposed standards.

Comments: In recent years, the number of young children growing up in households that speak multiple languages or a primary language other than English has grown rapidly in the United States.. One in seven young children under age 6 in has at least one parent who is limited English proficient (LEP)¹², and more than one in four young children has a parent who speaks a language other than English.¹³ Early childhood programs across the country have seen increases in the number of children who are dual language learners (DLLs). In fact, in some parts of the U.S., over 50 percent of children in pre-kindergarten classrooms come from non-English-speaking homes.¹⁴ Part of this increase may be attributable to the growth in children of immigrants; in 2013, one-quarter (5.8 million) of the nation’s young child population were children of immigrants. In fact, young children of immigrants currently make up over 20 percent of the young child population in 22 states across the country.¹⁵

There are many documented benefits of bilingualism, and early childhood is an especially good time to support the development of language skills. Research finds that young children who learn more than one language starting in their earliest years show improved executive functions such as working memory, greater cognitive flexibility, a better ability to sort out relevant versus irrelevant cues, and improved language skills. Long term, children who grow up learning two or more languages reap cognitive, linguistic, cultural, and economic benefits.¹⁶

Proposed Rules:

§1302.15(b)(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.¹⁷

§1302.15(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...¹⁸

Recommendation: CLASP strongly supports this proposed standard. CLASP commends OHS for including this focus on meeting the needs of the community’s most vulnerable children.

Comments: CLASP commends OHS’ strong commitment to using the community assessment as a tool to help communities identify the children who are the most in need of accessing Head Start services. Therefore, the prioritization of special populations, such as children and families experiencing homelessness and children in foster care, is an extremely important addition to the standards. The proposed reserved-slots provision will also help programs meet this goal, since these families often change residences—sometimes across service areas. The availability of reserved slots may allow these families to find and access Head Start services in their new community. Furthermore, the standard

encourages programs to continue to serve homeless children even if they move outside of the community's service area or to help the child transition to a new program elsewhere.

Proposed Rule:

§1302.14(a)(3) If a program operates in a service area with high-quality publicly-funded pre-kindergarten that is available for a full school day, the program must prioritize child age to serve younger children.¹⁹

Recommendation: CLASP recommends that this language be removed from the proposed rule. The last reauthorization of the Head Start law allowed for this conversion when the community needs assessment showed that there was an unmet need for infant and toddler care in the community. While some programs have reported difficulty in the conversion process, we believe these barriers can be overcome through more effective management and clearer guidance from HHS, rather than the proposed rule.

Comments: The goal of this proposed change is unclear. Head Start currently serves only about 45 percent of the eligible population, and very few state pre-kindergarten programs are universal. In most communities served by both Head Start and publicly funded pre-kindergarten programs, there still exists a service gap for children who are preschool aged. The National Institute for Early Education Research, as well as other research organizations, also note that the majority of state pre-kindergarten programs fail to meet basic quality standards and few are as comprehensive as Head Start. As written, the proposed standard seems to suggest that state or locally funded pre-kindergarten programs are preferable or comparable to Head Start for all four-year-olds, regardless of length of program day and year, provision of comprehensive services and family engagement, or the family's individual needs. Further, many state-funded pre-kindergarten programs may not be reaching the most vulnerable populations, such as poor children, children of color, homeless children, and other vulnerable children and families—the population Head Start is specifically designed to serve. Finally, the standard seems to suggest that Head Start should focus on serving younger children when other publicly funded sources are available, but it is unclear whether the intent is to serve more three-year-olds with Head Start or to convert all Head Start spaces to serve infants and toddlers.

Proposed Rule:

§1302.33(a)(5) If, after the formal evaluation described in paragraph (a)(2)(i) of this section, the local agency responsible for implementing [Individuals with Disabilities Education Act] IDEA determines the child is not eligible for IDEA under the state definition, but the program determines, with guidance from mental health or child development professional, that the formal evaluation shows the child has a significant delay in one or more areas of development that are likely to interfere with the child's development and school readiness: (i) The program must ensure appropriate staff partner with parents to meet the child's needs, accessing needed services and supports...²⁰

Recommendation: CLASP supports this proposal. In addition, CLASP recommends that regional offices offer clear guidance on the availability of technical assistance to achieve this standard, as well as direct resources toward providing intensive technical assistance when appropriate to help programs implement this provision. HHS and ED should also consider joint guidance between the Administration for Children and Families, the Centers for Medicare and Medicaid, and the Office of Special Education Programs at ED to state Medicaid, health, mental health, and special education directors to support local Head Start programs in gaining access to services for children that should be available to them through, for example, the IDEA Part C Early Intervention program or the Medicaid program's Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) schedule.

Comments: Currently, many Head Start programs have made it a priority to serve children with developmental delays within their communities, even when these children do not meet the eligibility criteria for receiving services through IDEA. However, in many instances, Head Start programs may not have been able to provide these children developmentally appropriate services due to financial and staff resource constraints. CLASP strongly supports the regulation's intent to ensure all children with developmental delays get the help they need from Head Start. Including this provision in the proposed standards is essential to meeting the needs of children with disabilities within communities, a long-standing priority of the Head Start program.

Proposed Rule:

§1302.11(b)(3) A program must consider whether the characteristics of the community allow it to operate classrooms that include children from diverse economic backgrounds, in addition to the program's eligible funded enrollment.²¹

Recommendation: CLASP recommends adding the italicized language to this standard:

A program must consider whether the characteristics of the community, availability of classroom space, and accessibility of resources allow it to operate classrooms that include children from diverse economic backgrounds, in addition to the program's eligible funded enrollment. Head Start-eligible children (including those with income up to 130 percent of FPL or categorically eligible) should be given priority over children who are not income eligible.

Comments: As discussed above, flexibility at the local level should be maintained to allow programs to determine how best to serve children and families who are eligible for Head Start services, based on the characteristics of the community. In some circumstances, this could allow programs to include children from diverse economic backgrounds through private-pay slots for higher-income children or to blend Head Start funding with other financial sources, should classroom space and other resources allow. Furthermore, current eligibility guidelines do allow programs to enroll up to 10 percent of children who are over income-eligibility levels and an additional 35 percent between 100 and 130 percent of the Federal Poverty Level.

Head Start slots or space in Head Start classrooms should not be given to non-eligible children if there are Head Start-eligible children in need of access within a community. The Head Start program should

maintain its goal of serving the most vulnerable children, including poor and low-income children and families and other at-risk populations, such as homeless families, foster children, and tribal communities—populations specifically targeted through these proposed standards.

Extending the length of the school day and school year

Proposed Rules:

§1302.21(c)(1) *Service. Days Per Year.* At a minimum, a program that serves preschool age children must offer no less than 180 days of planned operation per year, and Early Head Start programs must offer no less than 230 days of planned operation per year.²²

§1302.21(c)(3) *Service. Hours Per Day.* A [center-based] program must offer a minimum of six hours of operation per day but is encouraged to offer longer service days if it meets the needs of children and families.²³

Recommendation: CLASP believes the most effective way to achieve the successful implementation a full-day, full-year model is a legislative approach that would include additional resources dedicated to meet this goal. This could also include reviewing of research to support dosage increases that evidence suggests would have even more impact (on summer programs in particular).²⁴ However, should that not be HHS' approach, CLASP strongly recommends revising the proposed regulations to reduce the risk of sharp cuts in Head Start service to the most vulnerable children, including children of color and children in deeply underserved regions of the country, and to provide Head Start programs with the local flexibility to determine how to best meet the needs of their communities.

Specifically, we recommend:

1. The regulations include a multi-step, three-year phase-in process that would:
 - Provide programs with a 12-month planning period in the first year after the new performance standards are implemented. During this time, programs would complete an updated community needs assessment to identify data on local community needs. Also, HHS staff at the federal office, regional office, or both should conduct analyses, based on programmatic data, on the number of slots likely to be eliminated due to the implementation of a full-day, full-school-year program.
 - Utilize the community needs assessment and data analyses to create a multi-year phase-in strategy that will ensure the most vulnerable children have access to Head Start services while limiting the negative consequences resulting from any necessary slot loss.
 - Require regional offices to work directly with programs and provide guidance and technical assistance in identifying additional financial resources and designing this multi-year phase-in strategy, particularly in areas where cuts are substantial.
 - Grant one-year extensions to those programs demonstrating through data that the implementation of full-day, full-school-year will result in a dramatic loss of slots that exceeds 5 percent of their current funded capacity.
 - Include the possibility of a locally designed option as part of the phase-in strategy.

2. In lieu of mandating that programs must operate for an exact minimum number of days per year and an exact minimum number of hours per day, amend the proposed standard to require a minimum number of hours of service that would comply and correlate with the local education authority's school day and school year requirements. This will give local Head Start programs the flexibility to adjust days and hours to more effectively coordinate with public school districts or adjust schedules to accommodate identified needs in the community (for example, expanding the program year to provide services during the summer months).
3. The requirement of a minimum of 230 service days for Early Head Start should be the minimum number of program days and not child-service days, in order to provide staff with time to perform data analysis or participate in professional development, training, or coaching.

We also recommend that Federal national and regional office staff work with Head Start program administrators and state CCDBG administrators to identify and help programs consider other opportunities for blending and braiding funding, such as utilizing flexibility within the Head Start cost of living adjustment or quality set-aside provisions or using CCDBG dollars to extend the Head Start day.

Comments: Head Start has evolved over time in various ways to meet families' needs. These adaptations include creating of Early Head Start for infants and toddlers; implementing full-day or year-round programs; and developing innovative models to meet the needs of local communities. The proposed standards above intend to create full-day, full-school-year Head Start preschool as well as full-day, year-round Early Head Start, and effectively eliminate part-day, part-year, and double-session options, which are currently offered. CLASP acknowledges that these proposed changes will increase the amount of exposure to Head Start and Early Head Start experiences, and we commend HHS for its recognition that research supports increasing dosage to achieve greater impacts on child and family outcomes. However, in order to implement these provisions, resources will need to be redirected at the program level, which will likely cause programs to eliminate slots.. There is already a tremendous gap in the number of poor children accessing Head Start services today, and the loss of services for these additional children and families may be devastating to communities across the country. Therefore, our recommendations above include innovative approaches that would help mitigate the negative consequence of cutting children from the program while still helping programs implement the high-quality, increased-dosage provisions.

Proposed Rule:

§1302.24 Locally-designed program option variations. (a) In general. Programs may request to operate a locally-designed program option that innovates to meet the unique needs of their communities or to demonstrate or test alternative approaches for providing program services. In order to operate a locally-designed program option, programs must seek a waiver as detailed in paragraph (c), must comply with the requirements of paragraphs (b) and (c) of this section, and must deliver the full range of services, as described in subparts C, D, E, F, and G of this part. (b) Request for approval. A request for operating a locally-designed variation must be approved by the responsible HHS official every two years. Such approval may be revoked based on ongoing assessment and monitoring as described in subpart J of this part... ²⁵

Recommendation: The proposed rule should be maintained, with the addition of the italicized language below:

- (a) In general. Programs may request to operate a locally-designed program option *for at least one (1) of the following purposes: 1. To innovate to meet the unique needs of their communities; 2. To demonstrate or test alternative approaches for providing program services; or 3. To begin to implement the full-day, full-school-year provision as part of the program's approved multi-year phase-in strategy. Programs must demonstrate that a locallydesigned option is supported by the research base and will show appropriate outcomes for children and families.* In order to operate a locally-designed program option, programs must seek a waiver as detailed in paragraph (c), must comply with the requirements of paragraphs (b) and (c) of this section, and must deliver the full range of services, as described in subparts C, D, E, F, and G of this part.
- (b) Request for approval. A request for operating a locally-designed variation *for purposes 1 and 2 as listed in paragraph (a) must be approved by the responsible HHS official every five years, and a request for operating a locally-designed variation for purpose 3 as listed in paragraph (a) must be approved by the responsible HHS official each year of the multi-year phase-in approach.*

Comments: Currently, the regulations require review of locally designed options every 5 years. The proposed regulation increases the level of review to every two years, potentially burdensome for both programs and federal staff. CLASP's alternative proposal suggests two different situations: those where communities can demonstrate that the full-day, full-school-year provision does not best meet the needs of families and children, and those where the locally designed approach is a way of phasing in the new full-day, full-year provision. In the first case, the 5-year review in today's regulation remains appropriate, while in the second, more frequent review makes sense. It is vital that local flexibility be maintained in order to best meet the needs of children and families in each community, and CLASP commends OHS for continuing to offer multiple program variations through the locally designed option.

Proposed Rule:

§1302.35(c) *Home-based curriculum.* A program that operates the home-based option must: (1) Ensure home-visiting and group socializations implement an evidence-based curriculum that...²⁶

Recommendation: If programs choose to offer the home-based option, then the standards for selecting and implementing approved programs should align with those in the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program, including the provision to allow funds to support both existing evidence-based models identified through Home Visiting Evidence of Effectiveness (HomVEE) and promising practices. Therefore, CLASP recommends changing the proposed standard with the following additions in italics:

Home-based curriculum. A program that operates the home-based option must: (1) Ensure home-visiting and group socializations implement an evidence-based curriculum *or promising practice* that...

Comments: CLASP commends HHS' commitment to improving the quality of programs by supporting implementation of research-based curriculums that deliver developmentally, linguistically, and culturally appropriate home visits and group socialization activities. The addition of the term "promising practice" to the standard above will maintain consistency within the standards, as demonstrated in standard §1302.35(c)(5)²⁷, which states: "In order to better meet the needs of one or more specific populations, a program may choose to develop or adapt a home-based curriculum..." This addition will also maintain consistency with the MIECHV program, which is the primary federal funding source for states, territories, and tribal entities developing and implementing home visiting programs. Local programs should continue to have flexibility in determining community needs, targeting specific populations, and choosing the best models for their communities, including innovative or local- or state-specific approaches that will better address the unique needs of their vulnerable children and families.

Maintaining local, community-level flexibility while supporting coordination with other community programs and state early childhood education and care systems

Proposed Rules:

§1302.31 Teaching and the learning environment...²⁸

§1302.32 Curriculum...²⁹

Recommendation: CLASP strongly supports the reorganization of the performance standards to address Head Start and Early Head Start seamlessly and simultaneously throughout the rule; CLASP recommends that this change be maintained. However, where provisions are meant to apply to both age groups, great care must be taken to ensure that the language reflects the difference between the way infants and toddlers learn and the way preschoolers learn.

Comments: We understand the desire to streamline the performance standards and encourage continuity by applying the provisions to both Head Start and Early Head Start except where specifically noted. CLASP commends HHS' efforts in streamlining and reorganizing the performance standards to encourage continuity by applying the provisions to both Head Start and Early Head Start except where specifically noted. This will generally improve clarity and allow programs to more easily interpret and implement the regulations. The current rule does not address Early Head Start throughout, but addresses it in a much more fragmented and disorganized fashion, which caused difficulties and challenges for implementation. Therefore, this streamlining of the provisions for both Head Start and Early Head Start will eliminate confusion and make the requirements easier to understand and communicate for program administrators, teachers, parents, community members, and other stakeholders. However, additional language is needed throughout the above proposed rules in order to ensure that they reflect any differences between infants and toddlers and preschoolers for teaching and learning environments and curricula.

Proposed Rule:

§1302.101(b)(4) *Management System. Coordinated approaches.* The data system and data governance procedures effectively support the overall management of Head Start data, including the availability, usability, integrity, and security of data. As part of these procedures, a program should: (i) Identify a data governance body or council with clear roles and responsibilities, establish a framework for decision-making, and/or procedures on data management, including how data quality will be monitored, how data will be shared while protecting privacy and confidentiality, a plan to execute those procedures, and an accountability structure for meeting these requirements; (ii) Consult with the Head Start State Collaboration Office and/or the state's Early Childhood Advisory Council (HSSCO/ECAC) and the State Educational Agency (SEA) in developing these procedures, as appropriate; (iii) Integrate Head Start data with other early childhood data systems or sources and work with the state's K–12 Statewide Longitudinal Data System to share relevant data, to the extents practicable; and (iv) Align Head Start data collection and definitions, where possible, with the Common Education Data Standards.³⁰

Recommendation: CLASP believes that improving the data capacity of Head Start programs is important, but we are concerned that in its current form, the proposed regulation focuses too much on process rather than the actual collection and use of data that helps local programs operate. A focus on process and infrastructure may be costly and even counter-productive in terms of building that capacity. We are also concerned that certain components of the proposed standard would be inefficient if done by each individual program (i.e., "Align Head Start data collection and definitions, where possible, with the Common Education Data Standards.") We recommend either (a) addressing the data challenges through guidance and technical assistance rather than additional regulation or (b) a less detailed regulation as suggested below:

Management System. Coordinated approaches. The data system and data governance procedures effectively support the overall management of Head Start data, including the availability, usability, integrity, and security of data. As part of these procedures, a program should *identify priorities in each 5-year plan for building its data capacity, including such areas as data governance, quality of data and effective use by teachers and other staff, data privacy, consultation and integration with other early childhood data systems and experts, consultation and integration with the state's K-12 statewide longitudinal data system, and other appropriate alignment.*

Comments: CLASP supports the goal of building Head Start grantees' capacity to use data to engage in continuous quality improvement (CQI) in an effective and meaningful way. While many Head Start programs throughout the country are already doing just that, not all programs are geared up to fully embrace and incorporate CQI into their programs. Cost, capacity, staffing, and other technical issues make effective implementation of a high-quality performance management system a multi-year process.

Successful use of data to make changes that improve program quality and family and child outcomes will require a considerable investment of labor and financial resources in order to acquire the necessary technologies, set up data entry practices, and train staff. In order to implement this provision, either as written or with the proposed change, many grantees will need guidance and technical assistance at varying degrees of intensity from OHS' regional offices. Furthermore, allowing local programs to decide on what measures they will report and for what measures they will be accountable may not actually guarantee the achievement of high-quality services. CQI will work best if it is built on a combination of nationally agreed-upon measures and locally determined measures that reflect community priorities. Currently, data from the program information report (PIR), which is the annual report programs provide to OHS, consists mainly of process-level data and does not help programs identify appropriate, research-based outcomes for children and families in their communities. Therefore, the process of promoting the universal use of CQI and performance management systems could begin with amendments to the PIR, shaping the data collected and the analysis of certain indicators to help programs begin to set up an effective quality performance assessment system and go beyond monitoring simply for accountability purposes. This aligns with the proposed performance standards goals of achieving outcomes and focusing less on process.

Proposed Rule:

§1302.90(b)1-6 *Recruitment and selection procedures for all staff...*³¹

Recommendation: CLASP recommends that the background check requirement for Head Start incorporate several of the provisions from the recently reauthorized Child Care and Development Block Grant (CCDBG) Act of 2014 that are designed to ensure a fair process for staff. These include provisions that require the completion of the background check within 45 days of when the request for the check was submitted; that limit the fees that a state may charge for the costs of processing applications and administering a criminal background check to the actual state costs of processing and administration; that prohibit a state from publicly releasing or sharing the results of individual background checks; and that require a robust and workable appeal process with a finite timeline since criminal record databases are notably incomplete and erroneous. We also recommend that, similar to CCDBG provisions allowing for portability of a background check clearance, a prospective Head Start employee should not have to undergo a separate background check if, within the past five years, he/she has already cleared a required background check while employed or seeking employment by another Head Start or Early Head Start program within the state, and if he/she is employed by a Head Start or Early Head Start program within the state or was separated from such a program not more than 180 days prior.

Comments: CLASP commends the efforts to strengthen background check requirements to ensure the safety of children. We believe there is a need to align the Head Start requirements with the recent CCDBG requirements in order to minimize any confusion over the requirements amongst child care and early education program staff and prospective employees.

Proposed Rule:

§1302.53(b)(2) A program must establish necessary collaborative relationships and partnerships, with community organizations that may include...³²

Recommendation: CLASP believes it is important for Head Start programs to establish partnerships and relationships with other community organizations in order to help meet the needs of their children and families. To achieve this goal most effectively, we recommend allowing local programs to choose which community organizations to partner with, based on the identified needs of its children and families, rather than the comprehensive approach in the current proposal, which risks being burdensome and time-consuming for programs and taking resources and time away from direct services to children and families. Therefore, CLASP proposes the italicized language below:

A program must establish necessary collaborative relationships and partnerships, with community organizations, *based upon the needs of the program's community needs assessment, which may include some or all of the following...*

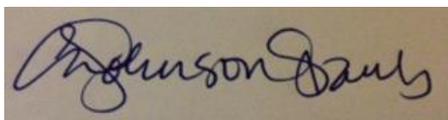
Comments: The standards codify the need for programs to partner with other community organizations and promote coordinated systems within a community as well as across early childhood education and care providers. To successfully promote integration of Head Start and Early Head Start within the broader community's service organizations, the final rule should seek to increase program quality through strategic partnerships that make sense based on the community's needs (keeping in mind a program's capacity and ability to create these partnerships).

Thank you again for the opportunity to offer input on the proposed updated Head Start Performance Standards. We hope these comments are helpful, and we would be delighted to offer further suggestions on relevant research and policy opportunities at your convenience. Please contact Christine Johnson-Staub at cjohnsonstaub@clasp.org if we can provide any additional information.

Sincerely,



Olivia Golden
Executive Director



Christine Johnson-Staub
Interim Director
Child Care and Early Education

¹ Kristin Anderson Moore and Carol Emig, *Integrated Student Supports: A Summary of the Evidence Base for Policymakers*, Child Trends, 2014, <http://www.childtrends.org/?publications=integrated-student-supports-a-summary-of-the-evidence-base-for-policymakers>.

² W. Steven Barnett, Megan E. Carolan, James H. Squires, Kirsty Clarke Brown, Michelle Horowitz, *The State of Preschool 2014: State Preschool Yearbook*, the National Institute of Early Education Research and Rutgers Graduate School of Education, 2015, http://nieer.org/sites/nieer/files/Yearbook2014_full2_0.pdf.

³ National Women's Law Center calculation of Department of Health and Human Services Head Start Data and American Community Survey Data.

⁴ CLASP Calculations of 2013 U.S. Census American Community Survey data.

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- ⁵ Stephanie Schmit and Christina Walker, forthcoming analysis of Head Start and CCDBG administrative data, CLASP, expected Fall 2015.
- ⁶ Page 35531, Column 2
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