

FR: Don Mathis, President & CEO, Community Action Partnership
Teresa Cox, Chair, Head Start Task Force, Community Action Partnership, and
Executive Director, Mid-Williamette Valley Community Action Agency
Salem, OR
Date: June 2, 2008

To the Distinguished Members of the Secretary's Advisory Committee:

On behalf of the Community Action Partnership—the national membership organization of more than 1,000 private nonprofit and public Community Action Agencies across America—we are grateful for the opportunity to submit comments to the DHHS Secretary's Advisory Committee on the Re-Designation of Head Start Grantees. Approximately 30% of our Community Action Agencies administer Head Start programs and the Community Action Partnership (hereafter the "Partnership") views Head Start as an integral part of our strategy to promote economic security and better futures for low-income children and their families.

The Partnership's primary point is that as HHS conducts its grantee reviews, re-competes, and re-designations that Community Action Agencies be included in those discussions and work with HHS to improve programs and correct any programmatic or financial deficiencies. The Partnership also is committed to "high-quality and comprehensive Head Start programs" and we work with the Head Start Bureau's colleagues in HHS's Office of Community Services to strengthen and improve Community Action Agencies that administer Head Start.

The Partnership believes, however, that rather than requiring a "ceiling" that all programs must reach that HHS establish a rigorous "floor," a basic level of program compliance that Head Start programs must meet and are encouraged to exceed. This concept is consistent with the Partnership's adaptation of the Malcolm Baldrige Criteria for Performance Excellence which scores businesses and programs on an "advancing to achieving to excelling" continuum. The Partnership supports a rigorous system of Head Start program monitoring, review, and technical assistance for those grantees that are determined to be poorly-performing. Competition for a Head Start grant should be the final option for a grantee that has not demonstrated improvement consistently from one year to the next, except for those programs proven to show abject fraud or gross negligence.

In cases of Head Start programs having reviews that range from minor non-compliance issues to the more serious "systemic and substantial material failure," such grantees such have at least the one year that the new Head Start Act guarantees to make improvements and corrections. In cases where a seriously-deficient grantee has shown and documented substantial improvement, the Advisory Committee should consider another year of probationary status for that grantee to attain compliance and should not be subject to re-competition during that extended corrective action period.

The Partnership will continue to follow the progress of the Secretary's Advisory Committee with keen interest; we have a nationally-representative Head Start Task Force that meets, shares information, and considers policy recommendations. The Task Force is interested in the Advisory Committee's recommendations on first-year reviews, new teacher standards, the relatively new "Risk Management" system, and other program and policy changes stemming from the new Head Start Act.

We ask that the Advisory Committee's final findings, outcomes, and recommendations be published for public comment in the Federal Register, with a 90 day comment period.

If the Advisory Committee has any questions or wants more information from the Partnership, please contact Don Mathis, President & CEO, Community Action Partnership.

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FR: Melanie Hartzog, Deputy Commissioner
City of New York Administration for Children's Services
New York, New York
Date: Jun 4, 2008

Dear Members of the Advisory Committee:

The City of New York Administration for Children's Services (ACS) is the Head Start Super Grantee for New York City since 1965. With 76 delegate agencies, we provide Head Start services to over 19,000 children at 257 program sites and in Program Year (PY) 43 were awarded a grant of \$181,642,302. Thank you for the opportunity to provide comments on the designation renewal system.

As the panel considers the components of the designation renewal system, ACS urges the members to adopt two guiding principles. (1) We recommend that the panel factor in the size and complexity of the grantee including the number of delegate agencies and whether or not the grantee also provides direct service. (2) In order to determine whether a Head Start grantee is successfully delivering a high-quality and comprehensive Head Start program and whether the grantee has any unresolved deficiencies found during the last triennial review, it is imperative that the panel give consideration to creating a strength based system that values programs that demonstrate programmatic improvement throughout the five year period of review. A strength based system would acknowledge areas where a program is doing well and value a program's commitment towards improvement, including following through on a Quality Improvement Plan.

Deficiency Findings

In determining whether a program is both high quality and comprehensive focus should first be made on the strengths of a program rather than the weaknesses. However, it is certain that the determination will take into account whether the program has any deficiency findings. Given this possibility we submit the following recommendations:

The Improving Head Start for School Readiness Act of 2007 amended the definition of deficiency to "a systemic or substantial material failure of an agency in an area of performance..., systemic or material failure of the governing body of an agency to fully exercise its legal and fiduciary responsibilities; or an unresolved area of noncompliance" (Section 637). The phrase "systemic or substantial material failure" is inherently vague and ambiguous at best, needing further clarification prior to the use of deficiencies as a gauge for renewal designation. The Head Start Act stipulates that the "Secretary shall ensure the system for designation renewal is fair, consistent, and transparent" (Section 641). A clear definition of "systemic or substantial material failure" will help to ensure consistency and relieve the renewal process of uncertainty.

If a program's deficiencies are included in determining whether the program is delivering a high quality and comprehensive Head Start program, not only should the number of deficiencies a program has received be taken into consideration but so should the frequency and severity of the deficiency. The suggestion that a threshold number of

deficiencies be used to trigger re-competition is not adequate as it does not take into account the nature of deficiencies nor does it focus on the programs strengths and qualities such as the ability for rehabilitation and the improvements made by the program over time.

Once a deficiency finding is made, it is important that grantees be provided with sufficient time to make appropriate corrections. If a program has not been given a reasonable opportunity to cure its defects, the results of the triennial review should not be included in the criteria to determine re-competition. By focusing upon prompt and appropriate corrective action and providing sufficient time to do so, the grantee will not only improve practice but it will also enable the review process to shift to a strength based system.

Annual Audits

In evaluating the use of annual audits as required under Section 647 of the Head Start Act, the panel should apply a strength based approach which considers the grantee's response to the audit findings and takes into account corrected audit results rather than the original audit findings.

Program Information Reports

While the Head Start Act includes the Program Information Reports (PIR) as one of the criteria for determining if a Head Start agency is delivering a high quality and comprehensive program, there is concern with the reliability of PIR data especially if it is elevated to be included in the designation renewal system. Therefore, we recommend that PIR data not be used to determine program quality until the dependability of such data is proven.

Additionally, PIR data reflects past program years. If a program has shown recent improvement, it will not be reflected in the PIR. Options which demonstrate current information should be chosen instead.

Risk Management Process

The Office of Head Start has recently initiated a Risk Management Process for all grantees. While this process includes a strength-based approach it is both untested and repetitive of factors already under consideration by the panel. We urge the panel to uphold the Risk Management Process as an independent planning tool used solely for management rather than for assessment and exclude the results of the process from the re-designation criteria.

Local Grantee Evaluation Tools

We have recently developed and will begin to pilot a quality performance measurement system for early care and education services in the City of New York. This new system will include a common set of program standards and assessment protocol for all City-funded early care and education programs including Head Start. The assessment process will identify program strengths and weaknesses in fostering children's healthy development and hold all programs to the same high quality standards.

ACS encourages the panel to include local performance measurement systems, if offered by the grantee for consideration, as a tool in determining designation renewal. We are not suggesting that such systems be mandated. However, such systems may allow local resources to be leveraged where they already exist and should not be ignored.

Eligibility to Re-Compete

Should a grantee not receive a renewal, we recommend that such a grantee be eligible to participate in the open competition. While the Head Start Act requires that the Secretary take into account "any past performance of such applicant", the fact that a renewal was not granted should not in and of itself be a factor. Otherwise, to include the failure of a grantee to receive a renewal as part of the open competition process would render the re-competition to the equivalent of a termination without the right to appeal. The panel may consider providing due process rights to programs who are deemed not to have a high quality or comprehensive program.

Designation Renewal System Costs

ACS strongly advocates that any system for designation renewal not include any additional costs to the grantee. We currently operate in fiscally challenging times that have seen decreased funding for the Head Start program. New York City anticipates a \$28 million shortfall in Federal funding of Head Start services for the program year beginning February 1, 2008. Even as we have successfully taken strides to reduce costs wherever feasible, our total expenses have continued to increase in critical areas of fixed costs, especially in real estate and health insurance.

We hope that the recommendations we have provided are helpful to the Committee and we appreciate the time you have given to our concerns. ACS would welcome the opportunity to discuss our recommendations and to answer any questions put forth by the committee.

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FR: Marie H. Galvin, Director
Somerville Early Head Start
Somerville, MA

Date: June 13, 2008

To Whom It May Concern:

I am concerned about the "automatic indicator" to recompute:

- Confirmed case of child abuse or neglect by an agency staff operating the Head Start Program

The issue is not that child abuse has occurred but rather how the agency or Head Start program deals with a situation where child abuse or neglect is perpetrated by Head Start staff. The danger in the category as it is now described, is that if this were passed, the tendency would be to not report such incidences or to cover them up. Head Start does not need a scandal similar to the Catholic Church scandal and more importantly children have a right to be protected.

Rather than looking at one incident of institutional child abuse or neglect as an indicator for recompetition, we should be looking at systems programs have in place for handling such situations and patterns of such situations in any program or agency.

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FR: Larry K. Kleeman, Executive Director
Lincoln Hills Development Corporation
Tell City, IN 47586
Date: June 18, 2008

Dear Sir:

We are the Head Start Grantee and have been so since 1965. I understand that you are considering some "automatic indicators" that if a grantee had one of these would automatically have to re compete. I have some concerns about two (2) of the "automatic indicators" you are considering. First let me say I'm not sure if there should be any automatic indicators but having said that I feel very strongly about the following two that in my opinion need to be deleted from the "automatic indicators" if in fact you adopt such a system.

1. Revocation of license to operate. We operate seven (7) state licensed child care centers (I believe currently that is an option and not a requirement). We therefore have voluntarily had our centers licensed. One of the licensing provisions is that we cannot have any employees who have been charged with child neglect or abuse. Since we do not have access to child neglect or abuse records unless criminal charges have been filed we have no way of knowing if an applicant for employment is in this situation. Last year we had a situation where we were notified by the Department of Child Services Licensing Division that our license would not be renewed because we had an employee working for us who had been charged with child abuse or neglect. Let me state again we have no way of determining this information up front. In this particular situation the employee in question has neglect charges filed against her over three (3) years ago, went through a rehabilitation program and we had the court and County Department of Child Services state that all charges had been dropped and she successfully completed her rehabilitation, all of it prior to her ever applying for a job with us. We are contesting the state's threat of withholding our license as we do not believe it is justified. But this example as I understand your "automatic indicator" policy would mean that IF the state does not renew our 1 license for this center for this 1 employee for an old charge that has been dismissed our whole program would be penalized by having to re compete. That doesn't make sense to me.

2. Further I understand that a "confirmed case" of child abuse or neglect by agency staff would constitute another "automatic indicator". During this past school year we had a long-term employee who used inappropriate discipline on a child that was out of control and had called the teacher a "fucking bitch". The employee, not the teacher, slapped the child in the mouth (once) and told the child that was not proper language. That was not the proper procedure for the employee and when we found out about the incident we immediately suspended the employee (indefinitely) and we went one step further we notified the Department of Child Services to self-report potential child abuse. The DCS notified the police department, an investigation was conducted by the police and DCS and the matter is now out of our hands. Now as I understand it because we did the right thing by suspending the employee and reporting the incident to DCS this will trigger an "automatic indicator" and our program will have to re compete. So in the future should we not report such incidents in order to keep our Head Start grant?

It seems to me that in both of the above instances the "automatic indicators" are too severe for incidents such as the ones that happened to us this year. I urge you to provide a little more flexibility. Thanks for your consideration.

FR: James Anderson, Chief Executive Officer
Family Resource Agency, Inc.
Cleveland, TN
Date: June 24, 2008

I recently read where the Secretary's Advisory Committee had reached the consensus that one of the automatic indicators that would require an automatic recompetition of a Head Start grant was a confirmed case of child abuse or neglect by agency staff operating the Head Start program. I'm not sure exactly what that statement means or exactly what staff that applies to. However, I have a major concern with such a position as that on that particular issue.

As the CEO of a high performing Head Start Agency for over 20 years and having served as Head Start Director myself, I would make the point that even with a well-developed employee recruitment, selection, training, and supervision process it is impossible for the management of an agency to absolutely guarantee that he/she can prevent any and every act of employee wrongdoing like this from occurring. It troubles me a great deal to think that the careless or irrational actions of one employee, acting in a manner that is contrary to all training they have been given by the agency, and in direct conflict with commonly expected behavior could suddenly and completely jeopardize our entire Agency's ability and opportunity to continue operating a Head Start program. In reality we could see decades of good service relegated to naught all because one low level staff person did something really stupid.

I can understand how that if an Agency hasn't been diligent in discharging its duties to hire, train, and supervise its employees then it should not be allowed to operate a Head Start program. However, I think it is completely unreasonable to put the entire grant in jeopardy for the actions of one person which could be a very low level employee such as an Assistant Teacher, Kitchen Assistant, or such.

Also what if a higher level or some other employee is confirmed to have abused or neglected a child at their home in a situation that has nothing directly to do with the Agency. Again, is it reasonable or proper to punish the entire organization for the actions of one.

As the CEO, I am willing to be totally candid and tell you that management cannot always prevent an act of wrongdoing from occurring. In the financial arena auditors readily recognize and point out that no system is so good that it can always prevent every act of wrongdoing from occurring. However, they look at whether reasonable systems of checks and balances are in place and also what the organization has done if some irregularity has been discovered. What is telling about the character of an organization is what does management do when an act of wrongdoing occurs. Does that management directly and openly address the situation and hold the individual or individuals accountable or does it try to sweep the problem under the rug?

For those of you on the Committee who might have children or supervise others in your organization I would simply ask you if you can guarantee that your children or your employees would never commit some unreasonable act such as this? I don't think you can.

I also think what you may inadvertently do by adopting such an unreasonable position is to put some organizations under an extreme pressure not to openly deal with staff behavior situations that may border upon abuse or neglect for fear of losing the grant. This would be unfortunate indeed and would not be in the best interest of the families or children we serve.

So I encourage you to reconsider your position on this topic and adopt a more realistic perspective in terms of what can be absolutely controlled and prevented by good management versus what cannot.

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FR: Selena Walsh-Wheeler, Director, Governmental Relations
Neighborhood Centers, Inc.
Austin, TX
Date: July 17, 2008

To whom it may concern:

It is my understanding that the Secretary's Advisory Committee (SAC) on Re-Designation of Head Start Grantees received a proposal by the Office of Head Start ("OHS") for a re-designation system that was considered by SAC this past June.

Please accept this letter as an official request for a copy of the OHS proposed re-designation system; delivery: e-mail at: swalsh@neighborhood-centers.org or if preferred by mail, see mailing address below.

I thank you very much for your attention to this request and wish you the best of luck with your very important work.

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FR: Shirley Murray
Date: August 11, 2008

Hi:

Thank you for the 6-9 summary from the advisory committee meeting. I have a few questions*

- 1) What was the initial cause of the change in grant renewal?
- 2) Will the upcoming presidential elections have an impact on this plan?
- 3) Will the October meeting be on the web?
- 4) Was creating the key indicators and elements a responsibility of the committee or will that be the responsibility of another? Will the public have an opportunity to review and comment on the final draft?

Thank you.

FR: Randy K. Jones, Esq., Chairman, Board of Directors
Neighborhood House Association
San Diego, CA
Date: November 17, 2008

Dear Members of the Advisory Committee:

The Neighborhood House Association (NHA) would like to thank the Advisory Committee for its efforts to develop a re-designation process for Head Start grantees that promotes continued high quality services and ensures grantee accountability. As one of the largest Head Start and Early Head Start programs in the country, NHA shares these goals. NHA has been a Head Start grantee for over 30 years and currently serves through its network of delegate agencies, partnerships, and collaborations approximately 8,100 children and families daily through 112 early childhood and education centers located throughout San Diego, California. This letter discusses several important recommendations and considerations that NHA believes should be reflected in the new re-designation policies. It is critical that the rules and evaluation methods applied to Head Start grantees be uniform, valid, transparent, and apply designation renewal systems uniformly across all grantees. Each of NHA's recommendations will advance those goals.

The Head Start Re-designation Committee recommends that grantees be evaluated on two indicators: Automatic Indicators and Key Quality Indicators. Automatic Indicators are serious offenses where a single occurrence would be considered indicative of a grantee's inability to provide high quality service and require a grant to be re-competed at the end of the grant cycle.

The Committee recommends that those grantees that do not have any Automatic Indicators at the expiration of the grant cycle be evaluated on a second tier of indicators: Key Quality Indicators. Key Quality Indicators would be minor infractions found in the yearly monitoring reviews and the Program Information Report. The evaluation system would assess weighted scores for each minor infraction that would then be used to evaluate the grantee. Grantees with the highest aggregated number of points would be subject to re-competition.

NHA agrees with the Committee that re-designation of poorly performing Head Start grantees is important and recommends the following changes to the Committee's proposed re-designation structure.

1. The Framework for Re-designation Should Rely Only on Uniform Federal Data

The process for re-designating Head Start grantees should not rely on non-Federal data. Currently, the Committee has proposed using non-Federal data to determine the quality of a grantee and whether or not the grant should be automatically re-competed. The first recommendation of the Committee is that the re-designation process should be "uniform, valid, and transparent." A system that relies on the patchwork of State, county, and city laws and regulations is *not uniform*; a system that holds one grantee to a higher standard than another is *not valid*; and a system that cannot be accurately tracked by the Head Start office is *not transparent*.

Head Start grantees face a wide range of compliance standards that vary depending on the state, county, and municipality in which the grantee operates. State and local

governments may subject Head Start grantees to compliance requirements that are unique to that location and that do not exist, or are structured differently, in other areas. For example, although sexual abuse is a serious offense that one would think should automatically open a grant for re-competition, the Advisory Committee declined to categorize sexual abuse as an automatic indicator, in part because the legal definition of “abuse” varies by state and could not be uniformly evaluated across all localities and grantees. Though incidents will surely weigh against the grantee during re-designation, the Advisory Committee shied away from establishing a blanket rule due to concerns about uniformity.

Other potential Automatic Indicators, including bankruptcy laws and licensing requirements, are not uniform across state lines. Nearly all states require licensing of childcare facilities—most states, however, do not require childcare licenses for early education programs. Licenses are often site-specific and not grantee-specific. In some areas, a grantee may move children to new, improved centers and lose site-specific licenses at old locations. NHA strongly believes that Head Start does an effective job of holding all Head Start centers to a universal standard of excellence, and that a uniform, valid and transparent measure of health and safety of Head Start centers is “suspension.”

Ultimately, if non-Federal data is used in assessing grantees, a Head Start grantee could potentially be assigned an Automatic Indicator for a deficiency that could not possibly occur at a comparable facility located in another state due to differing or non-existent, non-Federal regulations. Head Start should not impose a penalty for standards that are not uniformly imposed on all grantees, as recognized by the Committee in the incidence of sexual abuse. The fundamental purpose of grantee oversight is to promote high quality services and grantees that embody the essence and word of the Head Start Act. Uniform, Federal standards are the best solution.

NHA is also concerned that assessing deficiencies based on non-uniform, non-Federal standards will discourage reliable self-reporting and leave Head Start with spotty information. Indicators that automatically require re-designation competition and are tied to self-reporting will create a strong disincentive for honest self-reporting by grantees. Head Start, which only has the capability to monitor grantee compliance with Federal laws and regulations, has traditionally relied on grantees to self-report any incidents that run afoul of state or local regulations. NHA and other grantees have dutifully reported even the most minor incidents to Head Start officials. The system encourages an honest, open, oversight regime that promotes ongoing quality services to children and families. However, if the new re-designation process assigns automatic re-competition based on violations that vary from state to state, many grantees will decline to self-report “borderline” or minor incidents. Since Head Start does not have the capacity to monitor every potential incident at thousands of centers nationwide, the end result could be diminished quality and increased risk.

2. Grantee Deficiencies Should be Scored on a Per-Center Basis

A scoring system that compares grantees per infraction and is not based on a per-center calculation will compound minor problems with “super-grantees” while allowing potentially preventing [sic] poorly performing small grantees from ever meeting the threshold of re-competition. The scoring system should evaluate grantees based on a points-per-center average in order to get a clear picture of each grantee’s overall performance.

If Key Quality Indicator scoring is based on aggregated points, it is inevitable that a grantee operating many centers will have more total points than a grantee with far fewer centers. For instance, a grantee with 100 centers could potentially have 25 areas of non-

