

HEAD START TRIBAL CONSULTATION

July 23, 2008
Denver, Colorado

EXECUTIVE REPORT



OFFICE OF HEAD START
ADMINISTRATION FOR CHILDREN AND FAMILIES
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES



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CONSULTATION PARTICIPANTS

TRIBAL PARTICIPANTS

John G. Baca, Tribal Programs Administrator, Santo Domingo Tribe, New Mexico

Ann Belleau, President, National Indian Head Start Directors Association, Michigan

J. Robert Benavides, Governor, Pueblo of Isleta, New Mexico

Roy Bernal, Tribal Administrator, Kickapoo Traditional Tribe of Texas

Carol Berry, Tribal Member, Chickasaw Nation, Oklahoma

Garrett Big Leggins, Designated Tribal Representative, Fort Peck Tribes, Montana

Anita Birdinground, Designated Tribal Representative, Crow Tribe, Montana

Hubert Black Wolf, Policy Council Member and Designated Tribal Representative, Northern Cheyenne Tribe, Montana

Shawn Bodeaux, Tribal Council Member, Rosebud Sioux Tribe, South Dakota

Daryl D. Gardipe, Designated Tribal Representative, Reno-Sparks Indian Colony, Nevada

Marco Gloria, Head Start Director, Kickapoo Traditional Tribe of Texas

Gilbert Gonzales, Head Start Director, Washoe Tribe of Nevada and California

Scott Herman, Tribal Council Member, Rosebud Sioux Tribe, South Dakota

Christina Jacobus, Designated Tribal Representative, Reno-Sparks Indian Colony, Nevada

Fred Lujan, Tribal Council Member, Pueblo of Isleta, New Mexico

William Maes, Head Start Director, Pueblo of Isleta, New Mexico

John Morrin, Tribal Council Member, Grand Portage Reservation, Minnesota

Robert Pfeffer, Head Start Director, Seneca Nation, Oklahoma

Sisto Quintana, Governor, Pueblo Santo Domingo, New Mexico, National Congress of American Indians

Joaquin Quintana-Yates, Head Start Director, Eight Northern Indian Pueblos Council (ENIPC), New Mexico

Jose Rodriguez, Tribal Council Member, Reno-Sparks Indian Colony, Nevada

Ruth A. Sampson, Tribal Council Member, Reno-Sparks Indian Colony, Nevada

Kathleen Sando, Head Start Administrator, Five Sandoval Indian Pueblos, Inc., New Mexico

Charlene Schank, Interim Director, Montessori Early Head Start and Head Start, Southern Ute, Colorado

Kevin R. Shendo, Head Start Education Coordinator, Pueblo of Jemez-Walatowa, New Mexico

Francis Tafoya, Tribal Council Member and Head Start Director, Santa Clara Pueblo, New Mexico

Raymond Tenorio, Tribal Official, Santo Domingo Tribe, New Mexico
Lana Toya, Head Start Early Childhood Program Director, Pueblo of Jemez-Walatowa, New Mexico
Mavany Verdugo, Head Start Director/Tribal Band Member and Designated Tribal Representative, Rincon Band of Luiseno Indians, California
Gil Vigil, Designated Tribal Representative, Pueblo of Tesuque, New Mexico
Claudia J. Vigil-Muniz, Executive Director, Jicarilla Apache Department of Education, New Mexico
Waldo Walker, Tribal Council Member, Washoe Tribe of Nevada and California
William Walksalong, Executive Administrator and Designated Tribal Representative, Northern Cheyenne Tribe, Montana
Danny Wells, Head Start Director and Designated Tribal Representative, Chickasaw Nation, Oklahoma
Clyde Wolf Black, Head Start Director and Designated Tribal Representative, Northern Cheyenne Tribe, Montana, Designated Tribal Representative
Viola Wood, Head Start Director, Fort Peck Tribes, Montana

OFFICE OF HEAD START PARTICIPANTS

Patricia Brown, Acting Director, Office of Head Start (OHS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS)
Amanda Bryans, Director, Educational Development and Partnerships Division, OHS, ACF, HHS
Ann Linehan, Director, Quality Assurance Division, OHS, ACF, HHS
Renée Perthuis, Director, Program Operations Division, and Acting Regional Program Manager, American Indian/Alaska Native Program Branch, OHS, ACF, HHS
Craig Turner, Director, Policy and Budget Division, OHS, ACF, HHS

ADDITIONAL ATTENDEES

Anne Bergan, Child Welfare Researcher, Office of Planning, Research, and Evaluation (OPRE), Administration for Children and Families, U.S. Department of Health and Human Services
Angie Godfrey, AI/AN-TAN, Academy for Educational Development (AED)
Sasha Hoskie, American Indian and Alaska Native Programs (AIANP), University of Colorado at Denver
Mary Eunice Romero, Assistant Professor, Arizona State University
Lauren Supplee, Project Director, OPRE, ACF, HHS

TRIBAL CONCERNS & RECOMMENDATIONS

The Office of Head Start held its second FY 2008 Tribal Consultation on July 23, 2008, in Denver, Colorado. The purpose of the consultation session was to discuss ways to better meet the needs of Indian, including Alaska Native, children and their families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations. Concerns and recommendations shared by Tribal Leaders and other participants are highlighted in the discussion points and testimony below.

Tribal Sovereignty

- Sovereignty and the need to respect the sovereign status of Indian Nations were noted by almost all Tribal speakers, particularly in the areas of redesignation and governing bodies.

Program Reviews

- Reviewers are not very knowledgeable of Tribal culture and sometimes provide onsite feedback that is inconsistent with the final report.
- There has been a high turnover of reviewer staff assigned to Tribes, which has undermined the quality of support that has been provided.
- Reviews should be scheduled with sensitivity to Tribal traditions and ceremonies.
- Each review team produces different results; there seems to be a lack of consistency in reviews.

Culture and Language

- Tribes were concerned about the preservation of their language and culture.
- It was suggested that sign language be part of the Dual Language Institute.

Facilities and Transportation

- Many buildings are deteriorating and in need of renovation.
- Tribes need assistance in identifying funding sources and understanding the process.
- Lack of consistent, comprehensive funding for transportation is a problem.

Grantee Designation

- Tribes are concerned about the potential for non-Indian agencies competing for a Head Start program.
- They questioned the ability of a non-Native agency to operate on Tribal lands.
- Tribes would not tolerate non-Indian agencies teaching Indian culture.

Staff Qualifications

- Tribes voiced concern about funding to support the requirements for teacher certifications.
- Adequate compensation for qualified teachers is necessary to recruit and retain them.

Grantee Management

- Requirements for fiscal experts can be problematic if consultants are needed, since funding is limited. There are no funds available to support this requirement.
- Congressional mandates need to be funded.
- Too many regulations and standards are required.
- What constitutes a “quality program” may differ somewhat between the Office of Head Start and a Tribe, due to Tribal priorities.

Head Start Curriculum

- Tribes voiced concern over the requirement to use a curriculum that, while scientifically based, may lack sensitivities toward culture. Indian language and culture may not have been considered in the research evaluating the curriculum.
- Indians are eager to determine educational needs based on the local community, including culture and tradition. It is important to preserve culture and tradition, and to incorporate them into educational experiences.
- Non-Native agencies would not be able to adequately teach Indian language and culture.

Well-Child Checks

- Access to dentists and other health professionals is a problem in many rural areas of Indian country. OHS collaboration with agencies and national organizations to address some of these issues is welcome.

Transition to Kindergarten

- Most Tribes have successful transition plans, with a Memorandum of Understanding already in place with the local education agency.

TESTIMONY

The Office of Head Start received the following testimony:

Written testimony from the National Indian Head Start Directors Association

NIHSDA Written Testimony
For the 2008 Tribal-OHS Consultations
Denver, Colorado
July 23, 2008

NIHSDA has identified these issues as having national significance. Individual programs may and will have issues unique to their circumstances;

PRIORITY ISSUES

Interpreting and Implementing the Head Start Act Amendments of 2007. In drafting proposed regulations, the Office of Head Start (OHS) has some flexibility of interpretation with regard to the new Head Start Act amendments passed in December 2007. Indian Head Start urges that the following suggestions be implemented in the regulations (or other guidance issued by OHS).

(1) **New Compositional Requirement for the Governing Body** – The Act provides an Exception for Indian Head Start Programs. The amended Act establishes new qualifications for the governing board (requiring that it include members with fiscal management, early childhood education and legal backgrounds). As the governing board of most Indian Head Start programs is the tribal council, which is generally an elected body, it would be happenstance if all of the Act's new requirements were met. However, the Act contains an exception for public officials (Sec. 642(c)(1)(6)(v) ("subsection v"). This provision should be interpreted: as an absolute exception for tribal councils that serve as Indian Head Start governing bodies to the new compositional requirements in the Act, without having to hire consultants.

- o Because subsection (v) is an absolute exception to the new composition requirements, OHS has erred in applying the provisions of the next paragraph, Sec. 642(c)(1)(B)(vi) to Indian programs (subsection vi), when it issued guidance that stated that tribal councils serving as the governing body of a Head Start program, if they do not meet the new requirements, must use a consultant or another individual with relevant expertise. Retaining consultants is an expense that most Indian Head Start programs cannot afford. Paying for consultants will take funds from the delivery of services and will drive down quality at these programs, not elevate quality.
- o Alternatively, if it is ultimately determined that Indian programs must comply with subsection (vi), even if they meet the terms of (v), it should suffice for Tribes to use employees or consultants already available to them, such as tribal fiscal officers, tribal

attorneys and early childhood experts retained by the tribe's Head Start program, Independent experts will not provide qualitatively better advice, but will cost substantially more.

(2) **Inter-Tribal Consortia.** Some Indian Head Start programs have governing bodies made up of tribal officials from a consortium of tribes. Such officials participating in intertribal consortia should also meet the exception for public officials described above. Notably, intertribal entities do meet the Act's definition of "Indian tribe" which includes an "organized group ... of Indians." Sec. 637 (12).

(3) **"Public entity" as an inappropriate term for Indian Nations.** The public official exception in the Act described above uses the term "public entity." The drafters of the Act were clear in discussions with Indian Head Start advocates that they intended "public entity" to include Tribal Nations so that they would fall into this exception. Nonetheless, this is not the typical language used to refer to Tribal Nations and many tribal leaders find it offensive. We ask that implementing regulations or guidance emphasize the sovereign nature of tribes with regard to this term.

Indian Special Expansion Funding, Sec. 640(a)(3). It is very likely that Indian Head Start will receive special expansion funding pursuant to the formula provided for in the Act. The regulations, appropriate budget and grant documents should reflect the specificity of this formula, with no room for subjective interpretation. It should also be clear that the AIAN program receives the same COLA as the other programs, in addition to the special expansion funds.

- **Scope of permissible "expansion" should be interpreted broadly in the regulations to accomplish Congress' intent.** Under the Act, expansion is not limited to adding slots, but is also intended to include expanded staff, competitive compensation levels and expanded services as was made clear in the Joint Explanatory Statement of the Committee of Conference (see House Report 110-439): "The Conferees intend for the Secretary to allow Indian Head Start agencies, in using the funds described in section 640(a)(3)(A)(i)(11) to increase enrollment, to use such funds for conversion of programs from part-day to full-day and from home-based to center-based," The regulatory definition of "expansion" should reflect this broad understanding of how special expansion funds can be applied and should be clear that special expansion funds can be used for existing programs as well as for the establishment of new programs across "Indian Country." Indian country would like to consult with OHS about its plans for spending the special expansion dollars.
- **Assuming that expansion funds are spent,** the Joint Explanatory of the Committee of Conference also stated that: "The Conferees intend for the Secretary to work with the Indian Head Start and Migrant and Seasonal Head Start communities to enable the funds described in section 640(a)(3)(A)(i)(11) to be obligated to the maximum possible extent." Any time new funding comes down, it can take awhile to efficiently and effectively distribute that funding.

- **The regulations should make clear that if and when Indian special expansion funds are reallocated, they are to be reallocated among AIAN programs, not among all programs.** This, reflects the new statutory requirement set forth at section 640(a)(3)(B)(ii)(aa) that special expansion funds remain available to the programs involved or, as provided at (bb), if a portion is reallocated under clause (iii), the portion shall remain available to the recipients of the portion, which should be Indian Head Start programs.
- **Expansion funds to go to both Indian Head Start and Indian Early Head Start** – the Joint Explanatory Statement of the Committee of Conference further stated that: "The Conferees encourage the Secretary to make available from the funds described in section 640(a)(3)(A)(i)(11) for increasing enrollment in Indian Head Start programs, significant portions both for Indian Head Start programs and for provision of services for additional infants and toddlers in Indian Early Head Start programs. Expansion should occur in both programs.

Research. The following are recommendations from the National Indian Head Start Directors Association:

- Funding allocations and distribution formulas, including cost of providing services with the rural, isolated and remote locations of American Indian and Alaska Native populations
- Determine the eligible Indian population throughout the United States including populations served by current Indian Head Start Agencies including the need for services
- Identification of culturally appropriate, relevant curricular, assessment, and screening tools and provide guidance on selecting curricular based upon price, adaptability and their research grounding

Overall study of Indian Head Start, Sec. 649(k). The Act requires a study or studies, undertaken in collaboration with tribes, the collaboration director and the National Indian Head Start Directors Association, addressing a wide range of issues.

- The act also requires that certain factors unique to Indian country, including the trust responsibility, be taken into account.
- What are the approaches for accomplishing this substantial task, and how are priorities going to be set (priorities should be set in consultation with interested Indian entities).
- How will the results of the study be used?
- Determination of the actual cost per child in rural and remote areas is frequently set too low and needs to be examined with greater rigor.

Delivery Study. Sec. 650(a)(14). The Act also requires a study of the delivery of Head Start programs to Indian children living on and near Indian reservations and to children of Alaska Natives.

Facilities Study, Sec. 650(b). Finding, financing and otherwise securing adequate facilities is a major issue in Indian country. The Act provides for a facilities study every five years that includes information on the condition, location, and ownership of the facilities used or available to be used

by Indian Head Start agencies including Alaska Native Head Start and Native Hawaiian Head Start agencies. Indian Head Start has heard that previous facility reports have been completed, but to the best of our knowledge not released to the public for review. Adequate funding is needed to ensure a thorough and credible report.

Head Start/Early Head Start conversion - Reallocation of funds between Indian Head Start and Early Head Start, Sec. 645(d)(3).

- The regulations should make this process flexible and easy to administer at the local level so that fluctuations, which are most strongly felt in the smaller programs, can be addressed to the maximum benefit of the community.
- The transfer of slots should be at the Indian Head Start programs discretion and permissible at any time during the grant period.
- The primary administrative Issue is the appropriate allocation of dollars, so the regulations should provide clear guidance on this point.
- Also, the regulations should reflect the Act's mandate that a program's decision to reallocate funds cannot serve as the basis for reducing a base grant in succeeding years.

Further issues for discussion regarding slot conversion

- Cost considerations for birth to three conversions for Indian programs operating pre-school HS programs - two preschool slots equal one EHS slot could indicate a reduction in enrollment when implementing this provision.
- Dollars do not lose their preschool identity or do they?
- Income eligibility for children transitioning from EHS to PHS – maintain income eligibility rather than new determination.

Program Quality. Regrettably, program quality remains a major concern for many Indian country programs. We are in agreement with what we understand to be the new approach at OHS, which is to work with programs throughout the three year evaluation period so that when Federal monitoring teams arrive there are no surprises. This approach achieves much better outcomes than a "gotcha approach" that seemed to prevail a few years ago.

- **Funding for Quality** - We need funding for quality that takes into account that most Indian programs cannot rely on any other sources for funding, unlike some urban programs.
- **On-Site Reviews** - On-site reviews should be led by a current employee of HHS. The Act provides that a current or former employee should be on the review team to the maximum extent practicable. As a matter of treating tribal programs within the context of the government-to-government relationship, NIHSDA believes that having a current employee involved is absolutely essential. There should also be recruitment of additional Indian reviewers with appropriate experience and skills – there has been a lack of cultural appropriateness of non- Indian reviewers in some instances.
- **Risk Management Assessment** - there is indication that there is a lack of consistency

on how the RAM's are conducted, how the assessments are scheduled/timing, the types and quality of information requested of the grantees and the actual conducting of the assessment. Some grantees feel they have been treated fairly and the sessions have been positive while others feel they have been interrogated and put on the spot. New technologies need to be used for conducting meetings, e.g., Go To Meetings, web casting, etc.

OTHER IMPORTANT ISSUES

Consultation Process

- **Notice for this consultation was too short.** Tribes and tribal programs have had to scramble on what has effectively been a month's notice to prepare for these consultations. We would like to refer you to Department of Health and Human Services' detailed document regarding tribal consultation. Search for DHHS Tribal Consultation Policy on the Web.
- **Consultations were suppose to occur "in each affected Head Start region"** – there are AIAN grantees in all regions except Region 3 –Delaware, Maryland, Pennsylvania, Virginia and West Virginia, as well as the District of Columbia.
- The regulations should address the consultation process, scheduling, reporting

Distance Learning. Indian Head Start programs can be improved through expanded distance learning opportunities. With regard to distance learning, the language from Senate Report 110-049 is helpful: The committee also notes the challenge facing Indian Head Start programs which are often located in remote and isolated areas without access to post-secondary institutions. It is the committee's hope, however, that these challenges can be addressed by additional access to distance education. The committee bill includes a provision to provide additional funding to Tribal Colleges and Universities. The committee intends for this funding to help the staff of Indian Head Start programs attend Tribal Colleges and Universities where such institutions exist to meet the teacher requirements of this legislation in a way that respects the traditional values of Native American tribes. Staff should include not just teaching staff and education coordinators, but all Head Start staff.

Leadership of AI/ANPB and preference for qualified Indian staff. We urge stronger Native recruitment practices, including relocation expenses not provided in the current announcement for the Regional Program Manager's position. Do not use AI/ANPB as a dumping ground for ineffective and inefficient DHHS, ACF, ACYF and OHS employees which appears to have been the practice over the years. Program specialists must have baseline knowledge of early childhood care and education with preference given to knowledge of the Head Start model. Preference should be given to potential employees having knowledge and experience in working with American Indian and Alaska Natives.

Challenges for Indian grantees in implementing the requirements of the Act/Regulations due to unfunded mandates:

- a. Staffing requirements with limited employment pools, educational programs, and salaries/benefits in a competitive market
- b. Cost of consultants for the governing body, particularly the early childhood expert

Culture and Language Preservation. Indian Head Start is on the front-line in preserving Native language and culture, with the double outcome that students strongly grounded in their culture and languages perform better and that the culture and language is preserved. In several committee reports, the Senate and House emphasized the importance of language and culture, including Senate Report 110-049: "The committee recognizes the development of native language immersion and cultural programs as an important strategy for meeting the needs of children served by Indian Head Start programs, guided by the discretion of the individual Tribal grantees." The regulations should strongly reflect this policy view. The regulations should also indicate that supplemental tribal culture and language curricular should be exempt from the requirement of being research based.

Transportation as an In-kind service –New regulations and interpretation that in-kind services can not be counted when parents transport children to and from Head Start services is harmful and illogical.

Program Governance – Impasse Policies, etc. Although the Head Start Act, 2007 does not mention the concept of "shared decision-making" it does call for the Secretary to develop impasse policies, procedures, and guidance for Head Start agencies concerning the resolution of internal disputes and impasses in the governance of the Head Start program and to facilitate meaningful consultation and collaboration about decisions of the governing body and policy council, thereby implying the governing body and policy council share responsibilities in the management of the Head Start program.

- The regulations should clarify the roles of the governing body and policy council and indicate specific areas where concurrence of two entities must be reached. How does the impasse requirement fit into the picture if shared governance is not in the Act?
- Intrusion on the sovereign rights of federally recognized tribes to establish and maintain their own form of governance structure. The Act is unclear and regulations should be more explicit on the government-to-government relationships.

Program Governance – "Direction." The Act states that the policy council is responsible for the direction of the Head Start program. The term "direction" implies control, authority, command and supervision. The regulations should define "direction" so as not to interfere with the day-to-day administration and management of the Head Start program. This would serve to forestall conflict and impasses between the Head Start Agency key management staff, policy council and governing body.

Implementation of the Designation Renewal System – Tribal Provisions, Sec. 641 (c)(7)(A)(iii) and (B) and 641(e) and (f). OHS should work to achieve the intent of these provisions, which is to assure that every reasonable opportunity is afforded to tribal governments to turn-around an Indian Head Start program before that program gets turned over to a non-Indian provider. These provisions also reflect respect for the government-to-government relationship.

Tribal Government Relationships with the State Collaboration Office and the National Indian Collaboration Office. Tribes will be required to report to a lower status state agency in meeting the requirements of the Act with regard to reporting their local collaboration efforts with pre-k and LEAs. Tribes should report to the National Indian Collaboration office which would then work with the appropriate state collaboration offices. Topics for State and Indian Collaboration Office interface include: Tribal government collaboration with pre-k and other child care programs; and LEA collaboration requirements placed on tribes that violate principles of tribal sovereignty vis-à-vis state governments (e.g., reporting to the State Collaboration Director).

National Indian/TA system and inclusion of Indian programs within the state T/TA system.

There is an inequity of staff/level of effort, experience and quality of services. Experience indicates that the T/TA providers for AI/ANPB have always been underfunded which has inhibited the timely provision of services to the grantees; restriction on providing training clusters, etc have hampered the delivery of services. More consistency in the skill and knowledge levels of T/TA providers is needed within the new T/TA national system for Indian programs. Do not use the existing model for Indian T/TA for the new national system for it has proven to be in-effective and inefficient.

Training and Technical Assistance to be provided by knowledgeable staff, Sec. 640(I)(3)(B).

The regulations should reflect the requirement that training and technical assistance should be provided to Indian Head Start programs by staff with knowledge of and experience working with Indian populations.

Definition of homeless children "priority" for services – what is the priority for services and does this override the selection criteria developed by the program, e.g., Indian preference?

Health and Mental Health Services. Such services vary across Indian Health Service areas and units – need stronger collaboration between IHS and Indian programs. Facilities inspections vary across regions and from program to program.

Need for facility renovation and construction. Many programs report the need for improved and/or new facilities.

Redistribution of recovered funds, Sec. 641A. (h)(6)(A)(I) & (II). If there are funds recovered from AIAN grantees due to under enrollment, or any reductions in the base grant including a tribe's voluntary relinquishment of the program (such as when a tribe decides to run its early childhood program using exclusively its own funds) the redistribution of these recovered funds shall be to increase enrollment in one or more tribal grantees by no later than the end of the following fiscal year. The regulations should establish the process for recapturing and the criteria for redistribution (e.g., open competition within the AIAN "region" and/or within the Indian programs in the state where tribal funds are reclaimed).

Waivers available for agencies serving significant numbers of highly mobile children, Sec. 641A(h)(5)(13)(O). The Act has added language to provide for waivers for programs that have a

significant number of highly mobile children. Because many Native families move back and forth from reservation to off-reservation communities, the regulations should reflect the possibility of the need for such waivers in the Indian Head Start program.

Under-enrollment Issues. In some programs, although we know the need and the children are there in the community, under-enrollment remains an issue. Partially, this is due to the mobile nature of Native families (moving on and off tribal lands), as well as transportation difficulties not found in urban environments. Increasingly, this issue is compounded by the establishment of pre-K programs by most states, even when those programs do not match the standards of the Head Start program. Under-enrollment issues become possible when a program is funded to serve a particular number of children and the age limitation requirements for three-year-olds for a primarily three-year-old classroom would prevent a program from filling all of the potential funded slots due to a majority of the children being enrolled that are age three.

We need OHS support to assist in improving the "marketing and outreach" of AIAN programs. This is not something that comes naturally to Head Start programs but given that the need and eligible population exist, we must focus more attention on how we reach that population better.

Written testimony from the Chickasaw Nation

July 18, 2008

Ms. Patricia Brown, Acting Director
Administration for Children and Families
Office of Head Start
8th Floor Portal Building
1250 Maryland Avenue, S.W.
Washington, DC 20024

Dear Ms. Brown:

Thank you for the invitation to join you in a consultation to discuss ways that the needs of American Indian and Alaska Native children and their families can be better served by your program. Please accept this letter as an official approval for Mr. Danny Wells, Chickasaw Nation Head Start director, to speak at the upcoming consultation as a representative of the Chickasaw Nation.

Once again, thank you for the invitation.

Sincerely,
Lisa John, Advisor
Education Division

Chickasaw Tribal Consultation Talking Points

Per the Head Start Act and the Federal Register notice, this consultation should focus "**on ways to better meet the needs of Indian, including Alaska Native, children and their families ...**" Putting our minds together with this purpose in mind means working together to identify solutions to the issues that confront Indian Head Start.

Identifying solutions also means flexibility by all parties, including the development and implementation of the regulations that address the unique circumstances that face American Indian/Alaska Native Head Start programs and the unique sovereign status of the Indian Nations that administer these programs.

In drafting proposed regulations, the Office of Head Start (OHS) has some flexibility of interpretation with regard to the new Head Start Act amendments passed in December, 2007. Indian Head Start, specifically The Chickasaw Nation urges that the following suggestions be implemented in the regulations (or other guidance issued by OHS).

The 2007 Head Start Act states:

(1) GOVERNING BODY-

- (A) IN GENERAL- The governing body shall have legal and fiscal responsibility for the Head Start agency.
- (B) COMPOSITION- The governing body shall be composed as follows:
 - (i) Not less than 1 member shall have a background and expertise in fiscal management. or accounting.
 - (ii) Not less than 1 member shall have a background and expertise in early childhood education and development.
 - (iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.
 - (iv) Additional members shall-
- (I) reflect the community to be served and include parents of children who are currently, or were formerly, enrolled in Head Start programs; and
 - (II) are selected for their expertise in education, business administration, or community affairs.

- (v) Exceptions shall be made to the requirements of clauses (i) through (iv) for members of a governing body when those members oversee a public entity and are selected to their positions with the public entity by public election or political appointment.
- (vi) If a person described in clause (1), (ii), or (iii) is not available to serve as a member of the governing body, the governing body shall use a consultant, or an other individual with relevant expertise, with the qualifications described in that clause, who shall work directly with the governing body.

Reasonable Interpretations by OHS should include:

- The amended Act establishes new qualifications for the governing board (requiring, that in include members with fiscal management, early childhood education and legal backgrounds).
- As the governing board of most Indian Head Start programs is the tribal council, which is generally an elected body, it would be happenstance if all of the Act's new requirements were met.
- We believe that the Act contains an exception for elected or appointed officials (Sec. 642(c)(1)(13)(v) ("subsection v"). This provision should be interpreted as an absolute exception for elected or appointed officials that serve as Indian Head Start governing bodies to the new compositional requirements in the Act.
- If OHS interprets that elected or appointed officials serving as the governing body of a Head Start program do not meet the new requirements and must use a consultant or another individual with relevant expertise then we believe that retaining consultants is an expense that most Indian Head Start programs cannot afford. Paying for consultants will take funding away from the delivery of services and will drive down quality at these programs, not elevate quality.
- If it is ultimately determined that Indian programs must comply with subsection (vi), even if they meet the terms of (v), it should suffice for Tribes to use employees or consultants already available to them, such as tribal fiscal officers, tribal attorneys and early childhood experts retained by the tribe's Head Start program. Independent experts will not provide qualitatively better advice, but will cost substantially more.
- "Public entity" is an inappropriate term for Indian Nations. The public official exception in the Act described above uses the term "public entity." The drafters of the Act were clear in discussions with Indian Head Start advocates that they intended "public entity" to include Tribal Nations so that they would fall into this exception. Nonetheless, this is not the typical language used to refer to Tribal Nations and many tribal leaders find it offensive. We ask that implementing regulations or guidance emphasize the sovereign nature of tribes with regard to this term.

ALLOTMENT OF FUNDS; LIMITATIONS ON ASSISTANCE

Sec. 640. [42 U.S.C. 9835]

(a)(1) Using the sums appropriated pursuant to section 639 for a fiscal year, the Secretary shall allocate such sums in accordance with paragraphs (2) through (5).

Reasonable Interpretations by OHS should include:

Indian Special Expansion Funding, Sec. 640(a)(3). It is very likely that Indian Head Start will receive special expansion funding pursuant to the formula provided for in the Act. The regulations and appropriate budget and grant documents should reflect the specificity of this formula, with no room for subjective interpretation. It should also be clear that the AIAN program receives the same COLA as the other programs, in addition to the special expansion funds.

- **Scope of Permissible "Expansion" should be interpreted broadly in the regulations to accomplish Congress' intent.** Under the Act, expansion is not limited to adding slots, but is also intended to include expanded staff, competitive compensation levels and expanded services as was made clear in the Joint Explanatory Statement of the Committee of Conference (see House Report 110439): "The Conferees intend for the Secretary to allow Indian Head Start agencies, in using the funds described in section 640(a)(3)(A)(i)(II) to increase enrollment, to use such funds for conversion of programs from part-day to full-day and from home-based to center-based," The regulatory definition of "expansion" should reflect this broad understanding of how special expansion funds can be applied and should be clear that special expansion funds can be used for existing programs as well as for the establishment of new programs across "Indian Country." Indian country would like to consult with OHS about its plans for spending the special expansion dollars.
- **Assuring That Expansion Funds are Spent.** The Joint Explanatory Statement of the Committee of Conference also stated that: "The Conferees intend for the Secretary to work with the Indian Head Start and migrant and seasonal Head Start communities to enable the funds described in section 640(a)(3)(A)(i)(11) to be obligated to the maximum possible extent." Any time new funding comes down, it can take awhile to efficiently and effectively distribute that funding.
- **The regulations should make clear that if and when Indian special expansion funds are reallocated, they are to be reallocated among AIAN programs, not among all programs.** This reflects the new statutory requirement set forth at section 640(a)(3)(B)(ii)(aa) that special expansion funds remain available to the programs involved or, as provided at (bb), if a portion is reallocated under clause (iii), the portion shall remain available to the recipients of the portion, which should be Indian Head Start programs.
- Expansion funds to go to both Indian Head Start and Indian Early Head Start. **The Joint Explanatory Statement of the Committee of Conference further stated that: "The Conferees encourage the Secretary to make available, from the funds described in section 640(a)(3)(A)(i)(II) for increasing enrollment in Indian Head Start programs, significant portions both for Indian Head Start programs and for provision of services for additional infants and toddlers in Indian Early Head Start programs."** Expansion should occur in both programs.

The 2007 Head Start Act states (only the introduction is listed since this is a lengthy part of the Act):

HEAD START COLLABORATION; STATE EARLY EDUCATION AND CARE [42 U.S.C. 9837b]

Sec. 642B. (0)(1) From amounts made available under section 640(a)(2)(B)(vi), the Secretary shall award the collaboration grants described in paragraphs (2), (3), and (4)

(2)(A) The Secretary shall award, upon submission of a written request, a collaboration grant to each State and to each national administrative office serving Indian Head Start programs and migrant or seasonal Head Start programs to facilitate collaboration among Head Start agencies (including Early Head Start agencies) and entities that carry out activities designed to benefit low-income children from birth to school entry, and their families. The national administrative offices shall use the funds made available through the grants to carry out the authorities and responsibilities described in subparagraph (B) and paragraphs (3) and (4), as appropriate.

Reasonable Interpretations by OHS should include:

- Tribal Government Relationships with the State Collaboration Office and the National Indian Collaboration Office. According to preliminary reports Tribes will be required to report to a lower status state agency in meeting the requirements of the Act with regard to reporting their local collaboration efforts with pre-k and LEAs.
- We believe that Tribes should report to the National Indian Collaboration office which would then work with the appropriate state collaboration offices. Topics for State and Indian Collaboration Office interface include: Tribal government collaboration with pre-k and other child care programs; and LEA collaboration requirements placed on tribes that violate principles of tribal sovereignty vis-à-vis state governments (e.g., reporting to the State Collaboration Director).

Consultation Process

- Notice for this consultation was too short. Tribes and tribal programs have had to scramble on what has effectively been a month's notice to prepare for these consultations. We would like to refer you to HHS's detailed document regarding tribal consultation.
- Consultations were supposed to occur "in each affected Head Start region" – there are MAN grantees in all regions except Region 3 –Delaware, Maryland, Pennsylvania, Virginia and West Virginia, as well as the District of Columbia. Therefore, consultations according to the Act should occur in nine regions regardless of the shortage of funds encountered by OHS.
- The regulations should address the consultation process, scheduling, reporting requirements and how the information that is gathered will be used.
- Suggest that Tribal Consultations be scheduled in conjunction with established quarterly/yearly regional Tribal conferences/meetings such as National Congress of American Indians (NCAI) conference and National Indian Education Association (NIEA) conference.

TRIBAL CONSULTATION MEETING

July 23, 2008
Denver, CO

AGENDA

8:30 A.M.

TRIBAL OPENING

WELCOME

Patricia Brown, Acting Director, Office of Head Start (OHS)

INTRODUCTIONS

Patricia Brown, facilitator

REGIONAL DISCUSSION

Renée Perthuis, Director of Program Operations and Acting Regional Program Manager, American Indian/Alaska Native Region XI, OHS

TRIBAL INPUT

HEAD START REAUTHORIZATION

Craig Turner, Director of Budget and Policy, OHS

TRIBAL INPUT

12:00 P.M.

LUNCH

1:00 P.M.

PROGRAM PERFORMANCE STANDARDS & RESEARCH

Amanda Bryans, Director of Educational Development and Partnerships, OHS

TRIBAL INPUT

MONITORING & TECHNICAL ASSISTANCE

Ann Linehan, Director of Quality Assurance, OHS

TRIBAL INPUT

ADDITIONAL DISCUSSION

Patricia Brown, Facilitator

5:00 P.M.

WRAP UP & ADJOURNMENT

Patricia Brown, Facilitator

Improving Head Start for School Readiness Act of 2007

P.L. 110-134

Craig Turner
Director of Policy and Budget Division
Office of Head Start

Grantee Designation

- Grants will be for a 5-year period
- A review panel appointed by the Secretary will make recommendations on the implementation of a new system for re-designation of grantees.
- 18-36 month time frame for implementation

2

Grantee Designation (continued)

- If an AIAN grantee is found to not be delivering high-quality services, the tribe and HHS will establish a plan to improve program quality. This plan must be implemented within a 6-month period.
- If after 6 months the grantee is still not delivering high-quality services, there will be a competition for the Head Start grant.
- A non-Indian Head Start agency may not be funded to operate a Head Start program unless there is no Indian Head Start agency in the community. If that is the case, the non-Indian agency would operate only until an Indian agency became available.

3

Funding Allocation

All grantees must get the prior year's base funding level unless appropriation is less than the prior year.

If there are increased funds:

- T/TA is 2 ½% to 3% of the increase
- Grantees get COLA equal to the prior year increase in CPIU, if there are sufficient funds
- **Indian and migrant programs get \$10 million, or if a full COLA is not possible, 5% of any increase**
- **Special Expansion to AIAN and MSHS is capped at \$50 million for each**
- **AIAN grantees get 3% of expansion funds in future years**

4

Funding Allocation (continued)

Of any remaining funds:

- **Quality Improvement** – 40% (45%)
- **Expansion** – 45% (55%)
 - Split equally between Head Start and EHS
- **State Advisory Councils** – 15%

5

Homeless Children

- Homeless children are categorically for Head Start
- OHS will issue regulations regarding the participation and prioritization of homeless children in Head Start programs

6

Children Above Poverty Line

- Grantees may serve up to 35% of their enrollment with children whose incomes are between 100% to 135% of poverty. (This is in addition to the current 10% over-income.)
- **AIAN grantees can continue, in certain circumstances, to serve up to 49% of their enrollment from children not meeting the income eligibility criteria.**
- Grantees doing so must demonstrate they have met the needs of the low-income population.

7

Enrollment

- Grantees can propose to convert current Head Start slots to EHS slots.
- Grantees can propose to convert current part-day slots to full-day slots.
- Grantees can propose enrollment reductions.
- Grantees are to maintain “an active waiting list”.
- **AIAN grantees who run HS and EHS programs may re-allocate funds between HS and EHS.**

8

Children With Disabilities

- The current regulatory requirement that 10% of enrolled children has been modified and incorporated into law.
- 10% of enrolled children (not enrollment opportunities) must be for children with disabilities
- Grantees may receive a waiver, but only for up to 3 years.

9

Curricula

- All curricula must be based on scientifically valid research and be age and developmentally appropriate.

10

Standards/Measures

- OHS to review and, as appropriate, revise the Performance Standards.
- OHS to provide guidance to grantees on the use of scientifically based measures.

11

Monitoring

- Teams do not have to be led by federal team leaders.
- Reviews are to use a valid and reliable research-based observational instrument to assess classroom quality.
- The time period for correcting non-compliance findings is 120 days.
- Program strengths are to be included in the monitoring report.

12

Consultation

- Annual consultation in each region with tribal governments
- Consultation with tribes as part of developing any revisions to the Performance Standards

13

Collaboration/Coordination

- Grantees must enter into a MOU with the agency in its community (if any) that administers state pre-K.
- Grantees must collaborate with LEAs to ensure an orderly transition from Head Start to kindergarten.
- Grantees are to conduct community outreach to “generate support and leverage resources...”

14

Collaboration (continued)

- New roles have been assigned to the State Collaboration Directors.
- **A collaboration grant must be funded for AIAN programs.**

15

State Advisory Councils

- Each governor to establish a State Advisory Council. **Governors should, to the extent possible, include a representative of the AIAN programs in the state.**

16

Staff Qualifications

- By 9/30/2010: 100% of EHS teachers with CDA
- By 9/30/2011: 100% of teachers with AA*
- By 9/30/2013:
 - **100% of Ed. Coordinators with BA**
 - **50% of teachers with BA**
 - **100% of teacher assistants with CDA***

*waivers may be granted

17

T/TA

- T/TA is 2½% to 3% of the total Head Start appropriation
 - At least 50% of T/TA funds go directly to grantees.
 - At least 25% of T/TA funds are to be used for a state-based T/TA system.
 - **AIAN grantees will be served by a region-wide T/TA system.**

18

T/TA (continued)

T/TA priorities now include:

- training and career development needs of staff related to literacy activities & parent involvement,
- prevention of childhood obesity,
- improving services to homeless children,
- improving services to LEP children,
- increasing family literacy and parenting skills,
- meeting the needs of rural families, etc.

19

T/TA Tribal Colleges

- T/TA funds may be used to fund tribal colleges that would use these funds to increase the number of Head Start staff with degrees in early childhood education or related fields.
- Tribal Colleges could also be funded to develop curricula that would help Head Start staff develop the skills and expertise needed to teach in programs serving large numbers of Indian children, including programs concerning tribal culture and language.

20

Staff Training

- All teachers must attend at least 15 hours of professional development each year.
- Each agency must develop a professional development plan for all full-time staff.
- Teachers that receive financial assistance for college must agree to work in Head Start for three years or repay assistance.

21

Grantee Management

- Agencies are to develop procedures for on-going monitoring.
- Each agency is to conduct a comprehensive self-assessment of its effectiveness and progress in meeting program goals.
- Improvement plans are required for programs needing improvement.
- New requirements for governing board membership.
- Specific functions are given to both the Board and the Policy Council.

22

Grantee Reports

- Annual reports to OHS on:
 - Administrative expenses
 - Progress in meeting teacher degree requirements
 - Program improvement plan to strengthen weaknesses identified in the self assessment
 - Demographics, outreach, enrollment and other practices, if serving additional children up to 130% of poverty
- A copy of its audit management letter and any audit findings related to Head Start to OHS
- Monthly enrollment reports to OHS

23

Annual Report to Public

- Grantees are required to make an annual report on program operations available to the public.
- The report must include information on funding sources, budget, enrollment, monitoring reviews, audits, medical and dental screenings, parent involvement activities, and agency efforts to prepare children for school and any other information required by HHS.

24

Under-Enrollment

- Grantees will report monthly on enrollment.
- On a semi-annual basis OHS shall:
 - determine which agencies are under-enrolled,
 - develop a plan for reducing or eliminating under-enrollment with such agencies, and
 - provide technical assistance.
- If after 12 months of TA, an agency is less than 97% enrolled, OHS may recapture or reduce the base grant.

25

Studies

- A study of limited English proficient children and their families
- **A study of the unmet need for American Indian and migrant/seasonal children**
- A study of Head Start programs' preparedness to deal with emergencies

26



Centers of Excellence



- OHS to establish up to 200 Centers of Excellence (subject to appropriation of funds).

27



Head Start Program Performance Standards

Mile Markers to Quality

History

What are Head Start Performance Standards?

What is the historical impact of the Standards?

Current Configuration

Part 1304-Program Performance Standards for the Operation of Head Start Programs by Grantee and Delegate Agencies

Current Configuration

Subparts:

- A - **General** (purpose and scope, effective date, definitions)
 - B - **Early Childhood Development and Health Services**
(health, education, development, safety, nutrition, mental health)
 - C - **Family and Community Partnerships**
 - D - **Program Design and Management** (governance, systems and procedures, human resources, facilities, materials and equipment)
 - E - **Implementation and Enforcement** (deficiencies and quality improvement plans, noncompliance)
-

Part 1305 – Eligibility, Recruitment, Selection, Enrollment, and Attendance in Head Start

- Purpose and scope
 - Definitions
 - Community strengths and needs
 - Age and income eligibility-AIAN exception
 - Recruitment
 - Selection
 - Enrollment
 - Attendance
 - Policy of fees
 - Compliance
-

Part 1306- Head Start Staffing Requirements and Program Options

Subparts:

- **A-General** (purpose and scope, effective dates, definitions)
 - **B-Head Start Program Staffing Requirements** (staffing patterns, qualification requirements, volunteers, training)
 - **C-Program Options** (provision of comprehensive services, selecting an option, center based, home-based, combination, additional program options)
-

Part 1308- Head Start Program Performance Standards on Services For Children With Disabilities

- **Subpart A- General** (purpose, scope, definitions)
 - **Subpart B –Disabilities Service Plan** (purpose and scope of plan)
 - **Subpart C- Social Services Performance Standards** (recruitment and enrollment of children with disabilities)
 - **Subpart D- Health Services Performance Standards** (assessment of children, eligibility criteria for specific diagnoses)
 - **Subpart E- Education Performance Standards** (IEPs)
 - **Subpart F- Nutrition Performance Standards**
 - **Subpart G- Parent Involvement Performance Standards** (parent involvement and nutrition)
-

OHS Experience

- Monitoring
 - Policy Clarifications
 - Research
 - Anecdotes
-

Teacher Child Interaction

- Valid, Reliable measure required by statute for monitoring
 - Essential element of professional development
-

Parameters

- Provide feedback about impact of current regulations on Tribal Head Start programs
 - Offer recommended changes
 - Regulations will not include guidance
-

Process

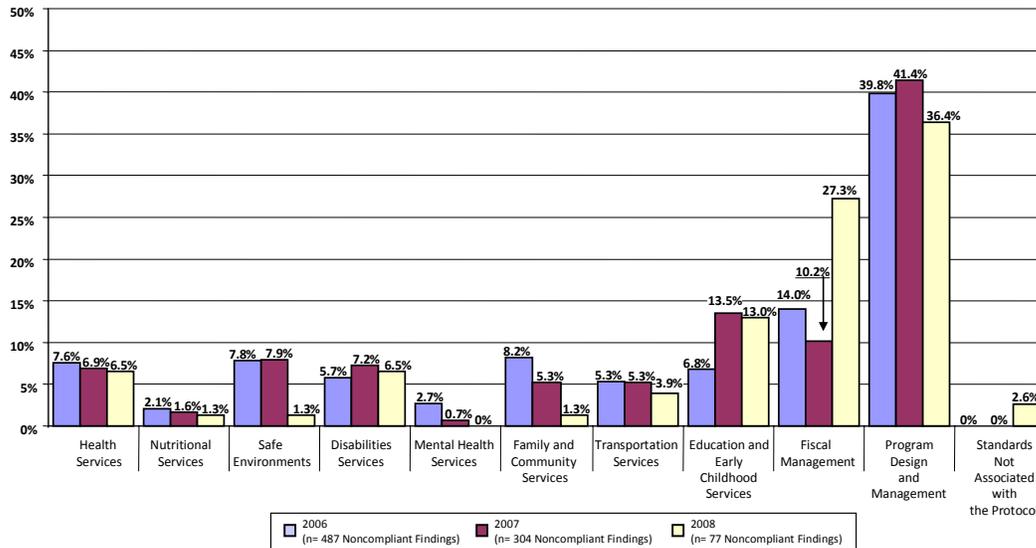
- Statute provides authority to regulate
 - OHS consults with experts
 - Draft regulations are developed
 - Notice of Proposed Rule Making is published in Federal Register
 - Public comments
 - OHS responds via publication of final rule
-

Thanks to you . . .

Head Start continues to be a leader in
early education for all children.

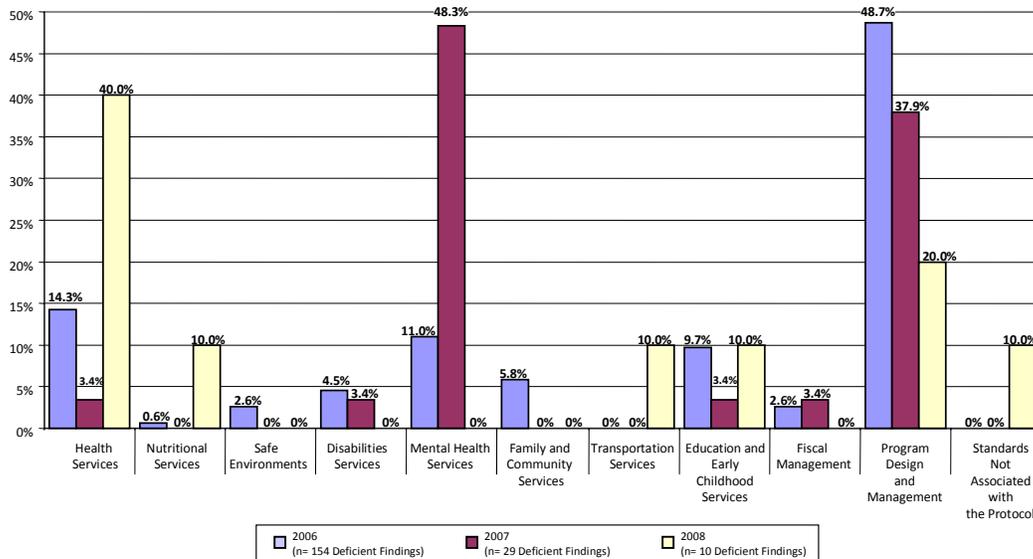
AI/AN FY 2006 to FY 2008 Noncompliant Findings by Protocol Section

EXHIBIT 9: FY 2006 to FY 2008 AI/AN
NONCOMPLIANT FINDINGS BY PROTOCOL SECTION



AI/AN FY 2006 to FY 2008 Deficient Findings by Protocol Section

EXHIBIT 10: FY 2006 to FY 2008 AI/AN
DEFICIENT FINDINGS BY PROTOCOL SECTION



AI/AN vs. Nation—Most Frequently Cited Performance Standards, FY 2006 to FY 2008

EXHIBIT 11: MOST FREQUENTLY CITED STANDARDS IN FY 2006 TO FY 2008 TRIENNIAL/FIRST-YEAR REVIEWS

AI/AN GRANTEES

| Rank | Performance Standard | Protocol Section | Protocol Subsection | Grantees with Citation (n=105) | |
|------|----------------------|--|--|--------------------------------|-------|
| | | | | n | % |
| 1 | 1304.51(i)(2) | Program Design and Management | Ongoing Monitoring | 28 | 26.7% |
| 2 | 1304.20(b)(1) | Health Services | Providing Health Services | 23 | 21.9% |
| 3 | A-133(320)(a) | Fiscal Management | Financial Reporting | 21 | 20.0% |
| 3 | 1310.21(a) | Education and Early Childhood Development Services | Approach to Education and Early Childhood Development Services | 21 | 20.0% |
| 3 | 1304.24(a)(2) | Mental Health Services | Implementation of Mental Health Services | 21 | 20.0% |
| 6 | 1304.52(j)(1) | Program Design and Management | Human Resources | 18 | 17.1% |
| 6 | 1304.51(i)(1) | Program Design and Management | Self-Assessment | 18 | 17.1% |
| 8 | 1304.51(g) | Program Design and Management | Record-Keeping and Reporting | 16 | 15.2% |
| 8 | 1305.7(b) | Program Design and Management | Eligibility, Enrollment, and Attendance | 16 | 15.2% |
| 10 | 1304.24(a)(3)(i) | Mental Health Services | Implementation of Mental Health Services | 15 | 14.3% |
| 10 | 1304.52(i) | Program Design and Management | Human Resources | 15 | 14.3% |

GRANTEES NATIONWIDE

| Rank | Performance Standard | Protocol Section | Protocol Subsection | Grantees with Citation (n=1008) | |
|------|----------------------|--|--|---------------------------------|-------|
| | | | | n | % |
| 1 | 1304.51(i)(2) | Program Design and Management | Ongoing Monitoring | 157 | 15.6% |
| 2 | 1304.53(a)(7) | Safe Environments | Facilities, Materials, and Equipment | 121 | 12.0% |
| 3 | 1310.21(a) | Education and Early Childhood Development Services | Approach to Education and Early Childhood Development Services | 116 | 11.5% |
| 4 | 1304.20(b)(1) | Health Services | Providing Health Services | 111 | 11.0% |
| 5 | 1305.3(c)(3) | Program Design and Management | Planning | 101 | 10.0% |
| 6 | 1304.51(g) | Program Design and Management | Record-Keeping and Reporting | 92 | 9.1% |
| 7 | 1304.53(a)(10)(x) | Safe Environments | Facilities, Materials, and Equipment | 85 | 8.4% |
| 8 | 1304.52(j)(1) | Program Design and Management | Human Resources | 82 | 8.1% |
| 9 | 1304.52(i) | Program Design and Management | Human Resources | 76 | 7.5% |
| 10 | 1305.7(b) | Program Design and Management | Eligibility, Enrollment, and Attendance | 74 | 7.3% |

Note: Performance standards that are listed on both the list of most frequently cited standards for AI/AN grantees and grantees nationwide are highlighted in red.