

HEAD START TRIBAL CONSULTATION

July 31, 2008
Seattle, Washington

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

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Carleton Albert, Sr., Tribal Council Member, Pueblo of Zuni, New Mexico

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Wilma Champine, Blackfeet Early Childhood Center, Montana

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Julia Davis-Wheeler, Tribal Council Member, Nez Perce Tribe, Idaho

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Trina Deuber, Designated Tribal Representative, Aleutian Pribilof Islands Association, Alaska

Karen Diver, Tribal Council Member, Fond du Lac Band of Lake Superior Chippewa, Minnesota

Rayma Duyongwa, Hopi Tribe, Arizona

Patty Eningowuk, Designated Tribal Representative, Lummi Nation, Washington

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Melinda Flett, Spokane Tribe of Indians, Washington

MaryEllen Fritz, Designated Tribal Representative, Aleutian Pribilof Islands Association, Alaska

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John Morrin, Tribal Council Member, Grand Portage Reservation, Minnesota
Alvin Moyle, Tribal Council Member, Inter-Tribal Council of Nevada
Ted Ochoa, Designated Tribal Representative, Round Valley Indian Tribes, California
Vincent Otero, Tribal Council Member, Pueblo of Isleta, New Mexico
Samuel Penney, Tribal Council Member, Nez Perce Tribe, Idaho
Winona Peynetsa, Tribal Council Member, Pueblo of Zuni, New Mexico
Dimitri Philemonof, Designated Tribal Representative, Aleutian Pribilof Islands Association, Alaska
Dawn Pullin, Spokane Tribe of Indians, Washington
Ronda Ritchie, Designated Tribal Representative, Smith River Rancheria, California
Angela Sandstol, Tribal Council Member, Native Village of Tyonek, Alaska
Val Sheker, Tribal Council Member, Confederated Tribes of Grand Ronde, Oregon
Rita Smagge, Tribal Council Member, Kenaitze Indian Tribe, Alaska
Gloria Smith, Inter-Tribal Council of Nevada
Ileen Sylvester, Designated Tribal Representative, Southcentral Foundation, Alaska
LouAnn Tenequer, Haak'u Learning Center, Pueblo of Acoma, New Mexico
Wendy Thomas, Designated Tribal Representative, Nez Perce Tribe, Idaho
Mark Thompson, Designated Tribal Representative, Pueblo of Acoma, New Mexico
Betty Valka, Designated Tribal Representative, Native Village of Tyonek, Alaska
Terrance Veo, Tribal Council Member, Cheyenne River Sioux Tribe, South Dakota

Wilson Wewa, Tribal Council Member, Confederated Tribes of Warm Springs Reservation, Oregon

Bobbi Williams, Children of the Sun Head Start, Spokane Tribe of Indians, Washington

Betty Williamson, Assistant Director 3-5, Blackfeet Early Childhood Center, Blackfeet Tribal Business Council, Montana

OFFICE OF HEAD START & OTHER FEDERAL 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

Sharon Fuji, Regional Administrator, ACF - Region IX, HHS

Nancy Hutchins, Regional Program Manager, OHS, ACF - Region X, HHS

ADDITIONAL ATTENDEES

Rita Beal, ACF, HHS

Adia Fahie, Monitoring Lead, OHS, ACF, HHS

Melodie Rothwell, Program Specialist, ACF - Region X

Angie Godfrey, AI/AN-TAN, Academy for Educational Development (AED), District of Columbia

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TRIBAL CONCERNS & RECOMMENDATIONS

The Office of Head Start held its third FY 2008 Tribal Consultation on July 31, 2008, in Seattle, Washington. 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.

Consultation

- Tribal representatives appreciated the opportunity to meet with OHS leadership, but wanted more advance notice of future meetings.
- Government-to-government relationships are based on trust.
- Tribal Leaders requested participation and input into the deliberations of the Secretary's Advisory Committee on Redesignation of Head Start Grantees. They also expressed an interest in greater involvement in future legislation.
- Tribal sovereignty, and respect for that sovereignty, was emphasized.

Head Start and Early Head Start Funding

- Tribal representatives expressed widespread community support for Head Start and Early Head Start programs in their Tribes.
- They expressed concern that Head Start funding levels have decreased as standards and requirements have increased.
- Cost-of-living adjustment (COLA) should be the same across all programs.
- Alaska has very high costs due to weather and other factors.
- Specific concern was raised over the flat level of funding over the last ten years.

Limits on Staff Compensation

- The limit on compensation paid to any employee receiving federal funds who works for a Head Start provider to approximately \$172,000 per year, including all benefits, poses a hardship for those organizations that provide additional services—using non-Head Start funds—for which higher salary packages are essential to attract and retain qualified professionals (e.g., physicians, dentists, and other health care professionals). This is particularly true in Alaska, where the cost of living is very high.

Conversion of Slots

- Tribes recognized the increasing need for Early Head Start services to capture the population as early as possible.
- They also recognized the challenges involved in converting Head Start slots to Early Head Start slots, and suggested that conversion regulations should be retroactive.

Program Reviews

- Reviewers often do not know Tribal culture, or the culture of the particular Tribe they are reviewing.
- Reviewers sometimes provide feedback onsite that is inconsistent with the final monitoring report.
- There are two main problems with reviewers: a high turnover of staff assigned to Tribes and a lack of qualified monitoring reviewers.
- Specific issues, such as family mobility and Tribal traditions, need to be considered when examining program enrollment. Local conditions, such as natural disasters and extreme weather, also need to be taken into consideration.
- There are not enough reviewers in place to meet the requirements in a timely manner.

Facilities and Transportation

- The condition of existing Head Start facilities must be reviewed. There is a need for new, and possibly additional, facilities, as well as playground equipment that meets safety standards.
- Transportation costs have risen, and transportation is more difficult to provide with loss of credit as an in-kind service toward the non-Federal share.
- Concern was raised over the jurisdiction and ownership of buildings.

Risk Management

- Assessment of the value of the new risk management process was mixed.
- Telephone conference calls for risk management were considered adequate, as face-to-face meetings were preferred.

Program Governance

- Meeting the requirements for governing bodies is difficult, as Tribal boards are elected and specific qualifications may not be represented.
- Hiring consultants to meet these requirements is too expensive. This, like other mandated requirements, needs to be funded by the Federal government.
- Many board members in Indian country receive per diem and an honorarium for attending meetings pertaining to the business of the organization, particularly given the distances involved. If no per diem or honorarium could be paid from any funding source, the involvement of qualified and committed Directors may well be jeopardized.
- Tribes felt over-regulated and expressed concern about new requirements.

Culture and Language

- Tribal representatives expressed concern about the preservation of Native languages and cultures.
- Use of term “public entity” is offensive to Tribes.

Grantee Designation

- Tribes are concerned about the potential for non-Indian agencies competing for a Head Start program. There would be problems with having such an agency deliver services with a Native emphasis.

- Tribes would not tolerate non-Indian agencies teaching in Indian country.
- There needs to be a talent bank to provide assistance to Tribes that are not in compliance.

Staff Qualifications and Technical Assistance (TA)

- Tribes voiced concern about the need for funding to support the requirements for teacher certifications, and Tribes need more funding for training.
- Given rural and isolated locations, Tribes support online and distance learning for staff professional development.
- Concern was expressed about adequate compensation for teachers to retain them.
- It is impossible to recruit degreed and certified teachers due to low wage levels.
- Concern was also raised over the high rate of turnover of Head Start directors and the need for specific TA and mentoring for new directors.
- Tribes felt that TA quality was inconsistent.

Curriculum

- Tribes voiced concern over the requirement to use curriculum that is scientifically based, but which may lack sensitivities toward culture.
- The Tribes are eager to determine educational needs based on their local communities, cultures, and traditions. It is important to preserve culture and tradition and to incorporate them into the educational experiences of Tribal children.

Transition to Kindergarten

- In general, the transition of children from reservation-based Head Start programs to local public kindergartens has been smooth, but has required concerted efforts and considerable work from both the Tribes and the local education agencies (LEAs).

TESTIMONY

At this third Tribal consultation, Tribal Leaders and designated Tribal representatives opened the discussion by presenting testimony or otherwise saying a few words on behalf of their Tribes. They also had an opportunity to make remarks at the end of the consultation session. What follows are highlights from those remarks, as well as written testimony received by OHS.

Karen Condon, Tribal Council Member, Confederated Tribes of the Colville Reservation, Washington, began the discussion with a list of four concerns that are a result of risk management calls:

- For the new facility in Nespelem, there were no funds available for playground equipment. This is a concern, and there is a need for this equipment to be up to standards.
- There is great need in Omak for funding for a new facility.
- Transportation is a major need, as getting children from one point to another is a significant challenge.
- The requirements for a Bachelor's degree are having a large impact on budgets, and any funding available for training in the future would be helpful.

Julia Davis-Wheeler, Tribal Council Member, Nez Perce Tribe, Idaho, addressed the issue of transportation funding. Some families in rural areas cannot enroll their children because of transportation problems. Many single parents have issues with regard to dropping off or picking up children. One result for the programs is penalties for under-enrollment and decreasing funds for the program. For example, the decision to not allow parents to use in-kind transportation becomes difficult. Because of this change, \$40,000 was lost in non-Federal share. Ms. Davis-Wheeler also asserted that the program specialists must be knowledgeable and meet face-to-face with Head Start directors. She observed that there is a lack of continuity with the Tribes, perhaps because most program specialists seem to be on contract.

Governor J. Robert Benavides, Pueblo of Isleta, New Mexico, submitted testimony. He expressed his thanks to Tribal Leaders, directors, and others. He noted that these are trying times, and that other Tribes wanted to participate but could not because of lack of funds. The poor Tribes may not be able to meet these standards, and he asked OHS to take that into consideration. The Federal government should work with the Tribes and not, as they have in the past, ignore the government-to-government relationship. Both sides must begin to work with our legislators to save this program.

Fred Lujan, Tribal Council Member, Pueblo of Isleta, New Mexico, submitted testimony and read the last paragraph: "Isleta is well committed to the program. We ask your help to providing adequate funds. We would like to offer a resolution and will submit it as well. Why are Pueblo programs competing with Migrant programs?"

Mark Thompson, Designated Tribal Representative, Pueblo of Acoma, New Mexico, submitted testimony and read this excerpt: “We ask that our comments weigh heavily on your decisions. What is important is that the opinions of Tribal Leadership are supported and taken into account. We are a key part of Acoma culture and teaching. The Haak’u Learning Center has great faith in this outstanding Federal program. This learning center serves four villages with neighbors. We are far-reaching. We have a 4-day week with 5-hour days. The new facilities were built in 2004 with Tribal funds. We must stop unfunded mandates. The program has an active Policy Council that shows our commitment. We hope to reach the education requirements with many of our staff working toward their degrees.”

Recommendations from the Pueblo of Acoma included the following:

- 1) Governing body composition: consultants and Tribal Leaders are appointed according to culture; they are not elected. Tribes should use their in-house consultant expertise. Credentials in early childhood education are not always included with our appointed members.
- 2) “Public entity” must be defined.
- 3) Expanded research should include Tribal Leadership – concerned about how Tribal information will be used.
- 4) Expanding distance learning opportunities is key to reaching rural areas.
- 5) Enrollment: gas prices have had an impact; transportation does have an impact on enrollment and must be addressed.
- 6) Clarifying the Act and taking into account Tribal Leadership considerations, a constant dialogue is needed to ensure that unique Tribal situations and sensitivities are considered.

Cathy Abramson, Tribal Council Member, Sault Ste. Marie Tribe of Chippewa Indians, Michigan, provided written testimony and gave these excerpts:

- Tribal consultation is crucial to meeting the needs of children and families. There are two direct requirements: annual consultations and the development and modification of the Head Start Act. There were no opportunities afforded to our Tribe, and others and there was also inadequate notice. OHS needs to address all the consultation requirements.
- Program Governance includes new qualifications for membership on the governing board; there should be exceptions for Tribes. Consultants cost money that takes funding away from the children.
- Use of the term “public entity” is offensive to Tribal nations. Consider revising this term.
- Program Governance refers to “shared decision making” in the context of the resolution of internal disputes. The regulations must clarify the roles of the governing body to ensure the sovereign rights of Tribes.
- Indian special expansion funding requires clear interpretation and definition of how it is applied across Indian country.
- AIAN cost-of-living adjustments (COLA) should be the same as for all other programs.

Alvin Moyle, Inter-Tribal Council of Nevada, Tribal Council Member, read the following testimony:

“It is my intent to provide testimony to OHS from the consolidated Tribes across Nevada. Our nation can only be as strong as its people. It is important that children get off on the right foot. Funding is needed across all of Indian country. Given the purpose of this consultation, I recommend that consultations be held throughout the nation for all grantees to be able to attend.

“Isolation of Tribes, and other Tribes without revenue capabilities, makes it difficult to be held to educational requirements. For the governing board of Head Start programs, the Act contains exemption for public officials and the Act has composition requirements. This means extra funds are needed to hire consultants. Many Tribes do not have these capabilities. For the special expansion funding, there should not be any confusion. The regulations must be clear. Reallocated funds must be specifically for AIAN programs.

“Aging facilities are also a concern, and funding must be provided by OHS. Program quality must take into account that Indians may not be able to take advantage of other programs. Staff reductions and transportation needs are large issues that must be addressed. The consultation notice was too short to allow proper representation.”

Wendell Jim, Wilson Wewa, and Eugene Greene, Confederated Tribes of Warm Springs Reservation, Oregon, Tribal Council Members, gave joint testimony. They noted that seventy percent of their Tribal membership is under age 27. Tribal Leadership has invested \$4.7 million into education programs. Within the early childhood education center, services are provided to 112 Head Start children, 28 children in the family-based program, and 41 receive pre-school services. The center has unique programs and creates partnerships with 17 community colleges and eight universities within Oregon, as well as with the University of Colorado.

Mr. Greene continued by expressing his concern over the OHS interpretation of 2007 Act, Section 9, where the law now requires that the governing body composition have certain membership requirements. However, the members required with specific skills are in conflict with Tribal councils. Most Tribes utilize expertise available within the Tribal council. It is their belief that existing Tribal staff satisfies the requirements of the new law.

Mr. Wewa commented that he had heard we learn from stories. He continued, “On our reservation when I was growing up, our law and code was five pages. All our people had respect for others. Over the years, the Federal government imposed laws on our reservations. From the 1960s to present, our law codes now look at all facets of life on our reservations. That is how I see the Head Start program. All the rules and regulations make it difficult for programs to meet all of them. The Tribes ask that OHS listen to what is being said. As good leaders, we must always listen to what is being said. You learn by listening. I hope that what has been said by the Tribal Leadership and at other meetings goes to your hearts and that you truly listen to what is being said by the Indian people. We have other challenges besides Head Start. We must balance our role in making the right decisions for our people. Many times, Tribal Leadership cannot travel to consultations such as this because of financial difficulties. We hope that decisions will be made that affect them in a positive way.”

Dimitri Philemonof, Designated Tribal Representative, Aleutian Pribilof Islands Association, Alaska, spoke of his appreciation of the opportunity of the dialogue, thanked the Federal staff, and hoped there would be notable results from the consultation. He then read a statement about the Tribe, its service area, number of people, challenges, distance of 100,000 square miles traveled by boat and air, and expressed concerns about the following issues:

- Funding.
- Weather challenges, such as dealing with wind, rain, snow, sleet, and fog.
- Given the size of the service area, staff can be in the field 10 to 14 days.
- Cost of transportation can be the highest in the nation. The price of fuel is up and many of the people, especially the Elders, are paying over \$8 for heating fuel and \$6 for gas.
- Communication cease if the satellite goes down.
- Delivery of Head Start services can be difficult, as can be maintaining compliance.
- High quality services for children are critical. Grade-point-average gains have been great.

MaryEllen Fritz, Director and Designated Tribal Representative, Aleutian Pribilof Islands Association, Alaska, noted the challenge of low enrollment, which can occur when fuel is not available. She also noted that, in many Tribal regions, the regulations do not fit the needs. There was a Federal review in May, and she acknowledged the monitoring system improvements. This is a government-to-government relationship and the Tribes want to k hand-in-hand with colleagues in Washington, D.C., to ensure care for the children and that the issues are resolved.

Her positive developments/concerns included:

- Alaska was removed from the training and technical assistance (T/TA) system due to expense and, after discussion with the Region X office, they are reinstated.
- AIAN should have a Native chief.
- A risk management meeting was cancelled on the scheduled day. The meeting date should be honored or a reason offered.
- Regulations state a limit of 17 for 3-year-olds. This is a problem.
- Program specialists must be trained. They should not tell Indians to collect children from surrounding areas if they are not available. Specialists should be informed. Errors are made, and they need more training on specifics.
- Enrollment for Aleutian Islands: there have been 10 years of flat funding. There was a waiver request regarding under-enrollment, and it was denied. However, at the end of the year, the request was approved for one year. This limit is not appropriate. The Tribe needs solutions and people to listen to concerns.
- Everyone in ACF should understand that Tribal programs are not the same as Migrant programs. They are sovereign.
- In 1995, Dr. Sherbeck heard about AIAN concerns. It costs more to serve our children. There is good planning, but we do not have conventional problems. For example, the problem with gas prices is serious.
- There is a commitment to working with Congressional leaders. ACF has a Cost of Living Adjustment (COLA) for itself. Head Start should have that built-in COLA. There should be a

partnership with ACF on this to communicate the need to Congress. This may take a task force or committee.

- Income eligibility in Alaska: three sites cost \$8,000 to heat; apartment rent is high; and a gallon of milk is \$18. The income guidelines are not appropriate in light of expenses. Two and 3 families live together, so they can buy food. The Association will work with Congress on this.
- There is a budget deficit due to flat funding, and requests for funds are denied.
- It is important to form partnerships. The children will be cared for and Federal partners are critical to this effort.
- The governing body is important. OHS should not dictate membership on boards. This is not the business of ACF. The goal should be what works for communities and Tribes.

She thanked those present, and the Elders.

Angela Sandstol, President and Tribal Council Member, Native Village of Tyonek, Alaska, spoke to the following points:

- The government-to-government relationship is based on trust and respect.
- Comments from Tribes should be requested prior to further legislation.
- OHS statistics are based on negatives and should be turned around to recognize accomplishments.
- Her Native village is remote and isolated, and the cost of gas is \$7.50 per gallon.
- Traditions are threatened, and education will assist the Tribe. She recognized the need to educate children while striving to meet the technological world.
- Their village is seeking to expand Early Head Start to increase numbers and outreach. Education begins at home.
- Head Start participants acquire competence and hit milestones early; it is a well-developed program
- It is vital that the Policy Council include parents and other community members. There are over 20 programs, and there is a need to retain the Policy Council. However, under program governance, the provision to hire attorneys and other professionals is costly. Small Tribes have people holding dual roles in administering the program. The Policy Council provision precluding serving beyond 3 years is not realistic. This is a small community.
- There should be no child left behind for the Head Start program.
- Vehicles are high cost, and a bus cannot be brought over in a six-passenger plane. A mandate for a bus is costly.
- Holding regional meetings would be helpful.
- Further comments will be submitted.

Ileen Sylvester began with an explanation of her Native origins and her appreciation of the comments so far. She submitted written testimony, so limited her remarks to these additional comments.

- The Southcentral Foundation was established in 1982 with a focus on health care in the Anchorage area. Twelve hundred square miles are served, and they collaborate with seven regions. Services are complex and expensive in light of the state of the economy and the

impact of the cost of fuel. One challenge in health care is that rural areas require more services to more people with the same or less money. The Foundation has 1,350 employees providing services.

- Comprehensive care for Head Start and Early Head Start is key to capturing the population early.
- A news article highlights the book *Triumph over Circumstance*, which explains the success of Head Start and the impact around the nation since 1965. One person highlighted in Alaska said she is from a long line of Head Start successes. The impact on the Native community is dramatic. Programs for health are from before birth to the end of life.
- Three points from the Act need to be changed:
 1. A limit on compensation to employees to \$170,000
 2. Board qualifications
 3. Prohibition on compensation for Board Members
- Due to services provided, those providers who are doctors and some others require higher pay. Programs cannot be sustained with that salary requirement. There needs to be an exception for Tribal programs. Supplementing the budget with third-party revenue occurs, and such parties have contributed \$1.4 million. This improves health care for the families.
- Since the Foundation is a health care organization, Board Members must be Alaska Natives. There is a Head Start Policy Council that meets the guidelines, but guidelines would limit the operation of their Head Start program. Board Members are diverse and experienced, such as a surgeon who has neither Head Start experience nor a child in Head Start. Other members are also critical. Regulations requiring early childhood development affect their programs.
- Compensation for Board Members is important; they receive honoraria and a per diem. Without that, the Foundation cannot operate Head Start programs.
- It is important to get the Tribal voices heard. Native people should get together with each other and go to Washington, D.C. This was successful with immigrants who marched on D.C. Laws were changed to accommodate them. Tribes should get together.
- Indian Health Service, BIA funds, Head Start funding all impact Tribes.

Reese Fisher, Tribal Council Member, Blackfeet Tribal Business Council, Montana, provided the following testimony:

- An explanation of the Tribe location, size, and location near Canada.
- His history with Head Start as a Head Start director and director of the Indian Regional Training Program, as well as work for the Indian Health Service (IHS).
- He noted that some problems have remained the same.
 - o Federal regulations can hurt rather than help.
 - o Unfunded mandates are difficult.
 - o Degree requirements and transportation are challenging.
 - o Transportation does not have in-kind aspects.
 - o Early Head Start is challenging, and conversion regulations should be retroactive.
 - o Requirements for governing bodies indicate the movement from a parent-controlled program to a government-controlled program.
 - o For board composition, there is an exception for public entities that should extend to Tribal nations.
- The use of consultants to meet requirement is not feasible with current funding.

- There should be compensation for Board Members who are employees.

Betty Williamson, Vice Chair 3-5, of the Blackfeet Early Childhood Center, presented these points:

- Indian Tribes have a right to self-governance, in which decisions are made by the people, and they have sovereign powers over members, territories, and lands.
- She recognized Wendy Thomas, a graduate of Head Start in the Tribe, and praised Head Start early education as a key building block to ensure all are prepared for public school. She noted that Head Start also provides a forum for passing on culture and traditions. There is a solid educational foundation. Cultural preservation is available through curriculum.
- The goal is to be a Center for Excellence by narrowing the achievement gap.
- The process for developing the budget should include Tribal Leaders.
- Collaboration with Tribes is required and should take into account the trust responsibility.
- Priorities should be set in consultation with Tribal entities.
- Determination of costs in rural areas should be examined.
- The Indian-related studies required under the Act – 649(4)(k) are of interest – particularly those related to the delivery of Head Start programs to children and the facilities study. Facilities are a major issue in Indian country in terms of condition, location, and ownership. Previous reports have been completed but not released to the public for review. A thorough and credible report should be done and shared with the Tribal governments.
- Tribal government relations with the State Collaboration Offices: they should report work with pre-k and LEAs. The State-Tribe relationship in Idaho is not good, and Tribes cannot comprehend going to a State office. There is a concern about this.
- Under-enrollment: This is due to the mobile nature of families moving and transportation difficulties not found in urban environments. Also, pre-kindergarten programs are being formed in States. There is a need in the eligible population, and this requires focused attention. There are three Indian communities on the reservation, and two are small with low enrollment.
- Indian expansion funding establishes a specific formula, and the regulations and grant documents should reflect this formula with no room for subjective determination. AIAN should receive the same COLAs as other programs, in addition to expansion funds.
- Her major points include:
 - During the review process, the Federal reviewers were unaware of cultural traditions. This lack of understanding is a concern. Reviewers should be more familiar with the Tribal programs they review.
 - The availability of Program Specialists is a positive asset. The Fiscal Specialist has also been helpful. Those positions are a vital link to OHS and should be kept. Minimizing turnover is critical. The T/TA contract should be renewed.
 - It is important that Tribal programs be able to put a face to a name for Federal staff. They should attend the national conference and have one-on-one contacts.
 - The Tribe supports the Indian Health Service (IHS) regarding staff qualifications. The pool may be non-existent for jobs. Head Start pays a low salary.
 - Transportation funding is inadequate. Not counting in-kind service has caused a loss of \$40,000.

- o The Tribe supports National Indian Head Start Directors Association (NIHSDA) recommendations with regard to research preferences, funding allocations, eligibility, and culturally appropriate screening tools.
- o While striving to maintain quality control of programs, the parties should work together.
- o It is critical to keep the over-income percentages for Tribal programs. She cited statistics regarding achievement by cultural background and low achievement for Native American 8th graders. Early education for children and school readiness is imperative.
- o The Tribe believes OHS should know that it supports Head Start and Early Head Start, and it has taken out a loan for \$1 million to purchase five buildings for classrooms. The existing building was closed for health reasons. Services for children were uninterrupted. It was difficult to get the loan.
- o There is concern regarding the new requirements for the governing body. The Tribe supports NIHSDA on this issue regarding the need for an exception to the requirements. Existing employee expertise should be utilized.

Wendy Thomas, Head Start Director and Designated Tribal Representative, Nez Perce Tribe, Idaho, expressed her appreciation for the opportunity to be heard. She shared that she was a graduate of Head Start and a former Policy Council member. Her first employment with Head Start was as a secretary, then a family service worker, and then a family intervention specialist. As a new Head Start director, she said, she is overwhelmed by the Federal requirements.

- Many of the staff members have backgrounds in Head Start, and she expressed concern about the educational requirements for staff. Most have Child Development Associate (CDA) certification. In one week she lost three staff with Associate of Arts (AA) degrees, who left to take higher-paying positions. Funds are important to be able to pay staff what they deserve based on education and experience.
- The program and fiscal specialists have been excellent, and she appreciates their work and accessibility. However, the program has gone through three Program Specialists, which has been difficult. There is high turnover, and retention of staff in programs is a big issue.
- The Program Specialists should lead review teams, since they have knowledge of the programs. In 2006, a lot of time was spent explaining the Tribe to reviewers. They wanted jewelry, and this was inappropriate. The financial person claimed once that they were out of compliance, but they were applying the wrong rules and were incorrect. That person later sought business as a contractor.

Tilford P. Denver, Chairman and Tribal Council Member, Bishop Paiute Tribe, California, made the following points:

- The Tribes are concerned about governance requirements.
- The Tribe remains committed to the Head Start program and is building a new center with Tribal resources.
- Some mandates are unfunded, and this is difficult.
- Retention of employees is difficult. They are rural, and it is hard to compete for qualified people.
- Tribal councils have been their advocates.

- Transportation has been discussed. Buses are older. New funds are needed.
- Facilities are old.

Rita Smagge, Tribal Council Member, Kenaitze Indian Tribe, Alaska, expressed her Tribe's support for the concerns of the other Tribes. Then she shared concerns raised by a Council member regarding the Head Start Act's mandates that are unfunded, limited COLA money, and the fact that they were not represented on the Secretary's Advisory Committee on Redesignation of Head Start Grantees. She concluded with these points:

- To recruit, hire, and train teachers with the credentials required by the Act is impossible. There is no BA program available at the local college, and hourly wages will not retain teachers with these credentials.
- They have questions about source of funds for Council members and the new composition requirements.
- Children are the greatest resource, and Head Start is a priority program.

Steven Moe, Office of Tribal Attorney and Designated Tribal Representative, Hoopa Valley Indian Tribe, California, provided the following points:

- There should be a reality-based Head Start budget. Issues are not formulaic or cookie cutter.
- Others have stated problems well. Local realities should be recognized. Consultation should be ongoing and involve regions with focus on problems and realities.
- When regulations are advanced, Tribal sovereignty should be recognized.
- In the Hoopa Tribe, there is a state of emergency due to wildfires. These are a historical reality, and the wildfires interrupt days of service and attendance.
- Tragedies affect days of service and can penalize the Tribe. Since August 2007, there has been a death every two weeks of a significant member of the Tribe. The grieving happens in a building next to the school, so the school shuts down because families cannot offend relatives, neighbors, and people.

Sharyne Harper, Smith River Rancheria, California, Tribal Council Member, agreed with the others that it is important to take a broad look at the Act and how it is implemented.

- She supported the requirements for teacher education but recognized that it is hard to ask people to attain those levels. To get a BA, you must travel and cannot hold a job at the same time. Some people with only high school diplomas do the job well. There is a junior college locally offering AA degrees.
- It costs about \$13,000 per child in Head Start. The Tribe has only had the program for one year. The children were not getting Head Start from a consortium.
- The Tribal council requirements are a concern, as others have said.

Gina James, Tribal Council Member, Quinault Indian Nation, Washington, noted that last year their Head Start program, which serves 60 children, had no monitoring findings, and she recognized the Director Julie Burnett. She then expressed the following concerns:

- Scientifically-based curricula: The Tribes are unique, and some now have certified Indian language teachers and programs, and they want to retain them.

- Training funds: There is a need to funnel T/TA funds to the Tribes. They are not able to access those services at this time. The Tribe has over 100 grants and can report on use and train their own Head Start workers.
- The composition of the governing body, as discussed.
- Under 644 - Administrative Requirements and Standards - lists the criteria for reporting. Most Tribes have certified audits to send. Would this report be sufficient, or would a new report be required?

Julie Burnett, Head Start Director, Quinault Indian Nation, Washington, felt that it was obvious that children benefited from Head Start. Her concerns were:

- They have had five Program Specialists, and that turnover has been difficult.
- It is hard to get staff BA degrees and pay to retain them.
- They are funded for 20 three-year-olds but have 17; this under-enrollment is a concern.
- They are overregulated already and are concerned about new requirements.

Ms. Burnett said the need for the Indian Head Start programs and the need to educate children cannot be overstated. She shared the words of Chief Joseph, Nez Perce, (1840-1904): “Treat all men alike. Given them a chance to live and grow.”

Jaelyn Haight, Designated Tribal Representative, Port Gamble S’klallam Tribe, Washington, noted that this was a busy time of the year for Tribes. She felt there should be more notice for consultations, as well as respect for seasonal activities. Her testimony reflected the following additional points:

- The composition of the governing body is a concern. Those with influence over the Program Performance Standards should consider their impact on Tribes. There are a lot of regulations.
- There is a Tribal attorney who is a Head Start mother. She went on Temporary Assistance for Needy Families (TANF) and is now a Tribal attorney. She would be a good consultant based on her own experiences, problem-solving ability, and success.
- She hoped that the definition of expansion will be considered. The salaries are low for teachers, and Tribes need an expansion that allows them to reimburse hard-working people who have chosen this as their profession.
- This week they are involved in a partnership with the local school district. They are working on kindergarten transition. She discussed how teacher’s assistants could benefit from funding.
- Competitive wages are important. There may be a 40% increase in 2008 and 2009, and there is no way to absorb that. It is not fair to make all staff part-time without benefits.
- As they are a small program, she felt the issue of conversion of Head Start to Early Head Start slots should be an easy process to administer.
- Birthrates fluctuate, and even if there is a certain design in place, there needs to be consideration of the maximum benefit to communities. A transition from Early Head Start to Head Start should be smooth, and families should be served throughout the early childhood experience.
- The Program Specialist is on contract, and they need to be well-informed.
- The Tribe appreciated the work in creating a revised review process. Reviews are stressful. The latest team read and understood the program. They are anxious to see the report but have not seen it yet. The verbal exit interview was good. They are waiting the final analysis.

- Risk management is worthwhile. Fact-checking is important. Names were incorrect, and respect is important.
- They like to see faces and have an exchange. Satellites go out. Some systems work, such as Webinars.
- She wondered if there was a provision for non-Federal share in the transportation regulations. Some families have public transportation and some do not. Some families accompany their children on a public bus, and there is value in that.
- A number of years ago, the Tribe invited a study and asked for the Head Start to visit. They went through 3 days of in-depth questioning but did not see the outcome in print.
- NIHSDA is valuable. They offer an opportunity for voices to be together. OHS teams need to consider attending management conferences.

Betty Valka, Designated Tribal Representative, Native Village of Tyonek, Alaska, asked the OHS team for reports on best practices. Regional collaborations or national discussions at NIHSDA conferences on best practices would be helpful. She requested that Head Start be proactive and build on accomplishments, not negative issues, as this will assist the children to succeed.

Chris Mercier, Tribal Council Member, Confederated Tribes of Grand Ronde, Oregon, made the following points:

- The governing body requirement should be interpreted as an absolute exception for Tribes. Requiring consultants gets away from the concept of sovereignty. Their program has five attorneys and multiple consultants. Tribes should be able to use existing staff members for this.
- Regarding program quality, reviewers were cooperative. Onsite reviews should be led by OHS employees, and reviewers should be familiar with Tribal customs.
- Culture and language retention is a major effort of issue for the Tribe. Others have visited to observe how they are helping children learn the language. Their language counselor received an award from the State of Oregon.
- A Senate report acknowledged the need to retain Native languages. The regulations should recognize this and exempt Tribes from research-based curriculum requirements.

Alvin Moyle, Tribal Council Member, Inter-Tribal Council of Nevada, made the following points:

- There should be consultation on issues prior to legislation.
- The Tribes are looking at their future. They are all related. From that standpoint, there should be mutual respect for their people, even those not born at this time. They are looking at where they are going as a nation.
- OHS should look at collaboration. The Tribes need to be able to sit down with lawmakers and discuss matters in depth.

Mr. Moyle expressed concern over the issue of an allocation authorized and budgeted by OHS, but even though authorized it may not be funded. Those Tribes without casinos must be considered. When passing a law, it affects every Tribe. Reviewers coming to reservations must have consideration for programs that are under-funded. We look at the funding as a promise; however, many programs within the State of Nevada are already out of funds. Indian Tribes have contributed a lot but are not being

taken seriously. He hoped that OHS took what he said and what others have said to come up with appropriations that are sufficient. Without proper appropriations, the program is doomed to fail.

Tara Bourdokofsky, Designated Tribal Representative, Aleutian Pribilof Islands Association, Alaska, expressed her thanks for being able to attend and for the relationships that she established. She also expressed her awe of the commitment and compassion toward educating youth today and for generations to come. One thing needs mending, she added—and that is trust. Trust can be built by listening, and she recognized that OHS had done a good job of that. Another important aspect is follow-up, and she looked forward to continuing this important work.

The Office of Head Start received the following written tribal testimony:

Written Testimony from the Pueblo of Isleta Tribal Council

Pueblo of Isleta
P.O. Box 850
Isleta, NM 87022
Resolution # 08 -171
Office of Head Start

Head Start Tribal Consultation Representatives

At a duly called meeting of the Pueblo of Isleta Tribal Council on July 1, 2008 the following resolution was adopted.

WHEREAS, the Pueblo of Islam Tribal Council is the governing body for the Pueblo of Islets Head Start program as the grantee for Head Start Grant 90C18006-000 sponsored by the United States Health and Human Services Department, Administration for Children and Families, Office of Head Start since 1968 and,

WHEREAS, the Pueblo of Isleta Tribal Council constitutes the decision making body for the agency and,

WHEREAS, the Improving Head Start for School Readiness Act of 2007 calls for Annual Tribal Consultations to "...solicit input on ways to better meet the needs of Indian, including Alaska Native, children and their families..." and,

WHEREAS, the Pueblo of Isleta Head Start program provides comprehensive Head Start services to eligible families within the Reservation proper and Bernalillo and Valencia County, New Mexico and,

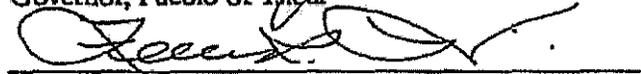
WHEREAS, the Pueblo of Islam Head Start program wishes to fully participate in the Consultation Sessions,

NOW THEREFORE BE IT RESOLVED that the Pueblo of Isleta Tribal Council authorizes Isleta Governor J. Robert Benavides and Tribal Council President Fred Lujan as the designated representatives for the Pueblo of Isleta.

BE IT FURTHER RESOLVED that the Pueblo of Isleta Head Start Director William Maes will participate in the consultation in an advisory capacity.

CERTIFICATION

We, the undersigned, do hereby certify that the foregoing resolution was approved as presented at a duly called meeting of the Tribal Council of the Pueblo of Isleta held on the 10th day of July, 2008, at which a quorum was present with 11 voting for, a. opposing and are abstaining.


Governor, Pueblo of Isleta

President of the Tribal Council

Written testimony from the Pueblo of Acoma

Statement of the Pueblo of Acoma
for the
Tribal – Office of Head Start Consultation
Seattle, Washington
July 31, 2008

Introduction

The Pueblo of Acoma appreciates this opportunity to engage, on a government-to-government basis, with the Office of Head Start, HHS regarding "ways to better meet the needs of Indian, including Alaska Native, children and their families ..." If we work together, recognizing that both Federal and Tribal officials and experts have much to offer, we will identify solutions to the issues that confront Indian Head Start and improve what is already a great program.

Because of the unique sovereign status of tribes, solutions developed in other environments are not always productive for Native communities. However, Native leadership and Native experts are knowledgeable about effective ways to adapt outside ideas as well as to develop new ideas that spring from the Native experience. In these consultations, we urge Federal officials to think flexibly and creatively about the ideas put forward by the Native community. It is important to Acoma that this consultation is taken seriously and that our comments weigh heavily in the decision-making about the program. Honestly, we are skeptical because the consultation notice was short and because our past experiences with Federal consultation processes have been disappointing. What is important to us is that the opinions of Tribal leadership and Tribal experts be taken into account and reflected in the

policies and regulations which are subsequently developed.

The Indian Head Start program at Acoma has been of enormous benefit to our community. The Acoma Head Start program not only delivers on its promise of social, educational, and health support for our neediest families, but has also become a key part of Acoma's efforts to preserve and revitalize the Acoma language and culture beginning with our youngest members. Acoma's commitment is so great that in 2004 we supplemented Head Start funds with millions of dollars of tribal funding to construct a new facility in a traditional Pueblo design. This facility is a physical manifestation of Acoma's great faith in this outstanding Federal program.

About the Pueblo of Acoma Indian Head Start Program. The Pueblo of Acoma is located in the Northwest corner of Cibola County, 60 miles west of Albuquerque, New Mexico, adjacent to the Pueblo of Laguna. The Pueblo of Acoma's new Head Start facility, the Haak'u Learning Center, serves a funded enrollment of 112 that includes children from all four (4) villages within the Pueblo lands, the nearby communities of Cubero and San Fidel. In addition, there have been families that live in the community of Grants, New Mexico, who work for the Sky City Casino, a tribal business, that want their children to attend the Head Start program in Acoma.

The program currently operates a 4-day/week, 5 hr./day, center-based program; a minimum of 128 days of service per year. Based on the Community Assessment, families have expressed that they are pleased with the current program design.

Program Highlights

- Acoma has had a HS program for 39 years
- New multi-million dollar facility in traditional Pueblo design built in 2004, with Tribal Funds
- 2007 Federal Review had 2 findings, enrollment and staff qualifications (2 teachers did not have degrees). The review was held in April 2007, one teacher was obtaining degree in May 2007 and the other teacher was obtaining in December 2007. The non-compliance was cleared. The enrollment non-compliance was also cleared.
- Management Staff – 2-BA degrees, 1-AA degree and 3 working on AA
- Teaching Staff – 1 BA degree, 4 AA degrees, 1 will attain a BA by 2009, 1 AA by 2009, 5 working on AA
- Kees Language is being implemented in the program.
- Program has an active and supportive Policy Council.
- Program has an active Tribal Council Liaison, who always communicates to Tribal Council about our program. Very supportive.
- Have teachers and management staff who are working on their degrees and they are doing it willingly.
- Community partnerships have been developed. We have 6 MOU' s in place.

Haak'u Learning Center Philosophy. Haak'u Learning Center believes in building a positive foundation by nurturing the physical, social, cognitive and emotional development of the children it serves. We commit to providing comprehensive education that challenges children to develop

independence and explore a broad range of experiences in a secure and healthy early childhood learning environment. Haak'u Learning Center, in partnership with families and communities, encourages everyone to become involved by supporting and guiding the educational needs of the children, which builds trust, understanding, and respect. The Haak'u Learning Center, with knowledgeable and dedicated staff are committed to strengthening quality experiences and activities that promote an atmosphere which enables children and families to reach their highest potential. The collaborative efforts of the Haak'u Learning Center and Acoma Tribal Government extend equitable educational opportunities to the communities and the children it serves. Haak'u Learning Center strives to preserve and build strong cultural and language identities for the children and families for generations to come. We envision for children a future that will increase their curiosity to learn about their heritage and new ways of technology, which will prepare them to balance their worlds with integrity and pride.

Recommendations for implementing the reauthorized Head Start Act and otherwise improving this great program.

- New compositional requirements for the governing body of a Head Start program need to be applied in a sensible fashion. The Head Start Act requires that a Head Start body have a lawyer, a fiscal expert and an early childhood expert, but provides exceptions for public entities (which includes tribal governments) and allows for the use of consultants or other persons with relevant expertise.
 - The governing body of Acoma's Head Start program is the tribal council, which from time immemorial has been appointed by Acoma's religious leaders. It would be pure chance if in any given year the council met the new compositional requirements.
 - However, the Acoma Tribal Council has ready access to all the resources of the tribal government in making decisions about the program, including the very expertise the law requires of a Head Start governing body.
 - OHS regulations should allow for Tribes to use their existing in-house and consultant expertise to provide technical advice to the Tribal Council, in accordance with the consultant/relevant expertise exception to the new compositional requirements.
 - As a point of comparison, how many of the OHS program specialists who oversee and support our programs have early childhood education credentials?
- The Head Start Act uses the term "Public Entity" in a way intended to include Tribal Governments, but this is not the language of sovereignty that tribes prefer. We ask that the regulations, in defining "public entity" make a clear reference to the sovereign nature of Tribes.
- Indian Head Start will be receiving special expansion funds under the new law. Can you explain how these funds will be used and whether you will implement Congressional report language that expansion includes quality improvements, such as going from part day to full day and home based to center based?
- Expanded research should include great tribal involvement. The new law requires significant research regarding Indian Head Start.

- The Office of Head Start needs to ensure that tribal entities are involved and that the process is fully understood by all.
- Tribes sometimes are wary of research requests. They are concerned about how tribal information will be used given many bad experiences in the past. By involving tribes, this concern can be addressed.
- Expanded distance learning opportunities are key to meeting new educational requirements. Acoma is located in a rural area. Expanded distance learning opportunities will help us address the chronic difficulty of finding and keeping credentialed staff. Employment pool is limited. Looking for Bus Drivers but difficult. Have to have teachers drive which takes them away from preparing classroom activities.
- Under-enrollment Issues. Gas prices have impacted enrollment, because families cannot drive their children to the facility and we cannot expand our bus routes. Enrollment is also impacted by families moving back and forth from our rural reservation and urban areas, such as Albuquerque, following economic opportunity. This needs to be factored in with evaluating volatility in our enrollment situation.
- Clarifying the Act and taking into account the unique nature of tribes. There are many unclear directions in the newly authorized Head Start Act. As policies are developed to implement the Act, OHS must be in constant dialogue with tribal governments and Indian Head Start experts, to assure the unique tribal circumstances are sensibly addressed.

Conclusion

Acoma appreciates this opportunity to engage in meaningful dialogue regarding the Indian Head Start program and hopes that this dialogue can be continued on an ongoing and dynamic basis. Acoma Tribal leadership and our excellent Haak'u Learning Center staff remain fully available to assist the Office of Head Start in its critically important work.

Written testimony from Sault Ste. Marie Tribe of Chippewa Indians

Tribal Consultation Testimony Outline
July 31, 2008
Seattle, WA

Items to be discussed at Consultation:

1. Tribal Consultations
2. Program Governance – Governing Body Composition
3. Program Governance – Governing Body and Policy Council
4. Indian Special Expansion Funding
5. Redistribution of Recovered American Indian/Alaskan Native Funding
6. Head Start/Early Head Start Conversion
7. Challenges Implementing the Head Start Act – Unfunded Mandates
8. Language and Cultural Preservation
9. Leadership of AIANPB and Native Preference

Introduction:

I am, proud to provide testimony on behalf of my Tribal government to the Department of Education, American Indian/Alaskan Natives Program Branch of the Office of Head Start. As always, the Sault Ste. Marie Tribe of Chippewa Indians remains committed to working in partnership with the federal government.

My name is Cathy Abramson, and I am an elected Tribal Board Member from the Sault Ste. Marie Tribe of Chippewa Indians. For ten years I have also served as the Head Start and Early Head Start Programs Liaison to the Tribal Board of Directors' Policy Council.

Item #1: Subsection. 640 (4)(a)- Tribal Consultations:

This consultation effort is crucial to meeting the needs of Native American children and their families. The Department of Education Office of Head Start has failed to meet basic requirements of the Federal Consultation Policy. The United States' government-to-government consultation policy recognizes the sovereign nature of federally-recognized Tribes. It is designed to promote Tribal government self-determination practices through meaningful involvement of Tribes in the Federal decision making process.

The Head Start Act provides for two distinct consultation requirements directed towards the Indian Head Start program. The first requires annual consultations between the federal and Tribal governments for the purpose of better meeting the needs of Indian children and their families. The second requirement pertains to the development of modifications to the Head Start Performance Standards.

The Head Start Act of 2007 requires the Office of Head Start to conduct annual consultations in each affected Head Start region (Subsection 640 (4)(a)). This opportunity was not afforded to the Sault Ste.

Marie Tribe of Chippewa Indians, nor any of the 27 other Tribes located east of the Mississippi. Instead, consultation sites offered by the Office of Head Start are located outside our region, thousands of miles away. Just as egregiously, the Head Start Office provided inadequate notice to Tribes of these consultation opportunities. The Office of Head Start provided Tribal leaders with only one month's time to obtain Tribal consensus on the topics to be presented for these consultation, to prepare testimony, to obtain funding for considerable travel expenses, and obtain consent from the Tribal Board of Directors. This is inadequate lead time for many Tribes.

These type of failures cannot continue. The Office of Head Start must address the entire consultation process, including reasonable location sites, scheduling and ample notification, so that all grantees, and any Tribes impacted by these programs, are provided consultation opportunities.

As my testimony addresses additional issues, please note that we share the same goals as the Head Start Office: Both the federal government and the Tribal governments want adequate education for children. Government-to-government consultation is a good thing. It provides all of us the opportunity to talk and listen to one another, and to identify solutions to problems we all share. With this in mind, I will proceed:

Item #2: Program Governance, Board Composition:

The Head Start Act of 2007 establishes new qualifications for the governing board, requiring that it include members with fiscal management, early childhood education and a licensed attorney. The Act contains an exception for public officials (Sec. 642(c)(1)(B)(v) (subsection v). This provision should be interpreted as an absolute exception for tribal boards that serve as ALAN Head Start Governing Bodies to the new compositional requirement in the Act without having to hire consultants.

Retaining consultants is an expense that our program can not afford, and if forced to comply, it will take funds from the direct services that are provided to children, and could affect the quality of our program. If it is determined that Indian programs must comply with subsection (vi), it should suffice for tribes to use employees or consultants already available to them, such as currently employed fiscal officers, licensed attorneys, and early childhood experts retained by the Tribe's Head Start program.

Also, the public official exception in the Act uses the term "public entity"; and though we understand that those who drafted the Act fully intended "public entity" to include Tribal nations, this is not the typical language used to refer to Tribal Nations and it is offensive to our sovereign nations. My Tribe is asking that you consider implementing regulations or guidance that emphasizes the sovereign nature of tribes with regard to this term.

Item #3 Program Governance – Governing Body and Policy Council:

Although the Act does not mention the concept of "shared decision making", it calls 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. This implies that the governing body and policy council share responsibilities in the management of Head Start.

The regulations need to clarify the roles of the governing body and policy council and indicate specific areas where concurrence must be reached. The Act is unclear and regulations should be more explicit on the government-to-government relationships so that there is no implication of intrusion on the sovereign rights of federally recognized tribes to establish and maintain their own form of governance structure.

Item #4 Indian Special Expansion Funding Sec. 640 (a)(3):

The Head Start Act allots special expansion funding pursuant to the formula provided 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 made very clear that the AIAN program receives the same COLA as all other program, in addition to the special expansion funding.

The regulatory definition of "expansion" should reflect a 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 the establishment of new programs across Indian Country. Regulations should include the expansion of staff, competitive compensation levels and expanded services ~ as was made clear in the Joint Explanatory Statement of the Committee of Conference (House Report 110-439), The regulations should also make clear that if and when Indian special expansion funds are reallocated, they are to be reallocated among AIAN programs, not among all programs. The conferees intend for the Secretary to work with the Indian Head Start communities to enable the funds described in section 640(a)(3)(A)(i)(II) to be obligated to the maximum possible extent.

Expansion funds should not be limited to Early Head Start, it should occur in both programs. Again, the Joint Explanatory Statement of the Committee of Conference stated that, "*The Conferees encourage the Secretary to make available from the funds described in 640(a)(3)(A)(O(H) 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.*"

Item #5 Redistribution of recovered funds. Sec. 641A. (h)(6)(A)(i) MN):

If there are funds recovered from MAN grantees due to under enrollment or any reductions in the base grant, including a tribe's voluntary relinquishment of the program, or any other reason; the redistribution of these recovered funds should be to increase enrollment in one or more tribal grantees by no later than the end of the following fiscal year. The regulation should establish the process for recapturing these funds and the criteria for redistribution among AIAN grantees only.

Item #6 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 can be addressed to the maximum benefit of the community. The regulations should also make clear that the reallocation of funds could be from Early Head Start to Head Start. It is imperative that the regulations should provide clear guidance on this point.

The regulations need to reflect the Act's mandate that a program's decision to reallocate funds cannot serve as the basis for reducing base funding in succeeding years. Consideration also needs to be given to the fact that birth to three conversions for programs operating pre-school Head Start programs – two pre-school slots equal one Early Head Start slot, and this could result in a reduction of enrollment. Again, base funding should not be reduced in succeeding years.

Also, income eligibility for children transitioning from Early Head Start to Head Start should be maintained, rather than new determination and should be specifically stated in the regulations. Our families need continuity in the care and education of our children. It is a hardship and disruption to the family when they have worked diligently to improve their lives, through the support of Early Head Start, and then are told that we can no longer provide services due to the fact that they met their goals and exceed the poverty guidelines.

Item #7 Challenges we face in implementing the requirements of the Act/Regulations due to unfunded mandates:

Our community, like most Tribal communities across the nation, has a very limited employment pool in regards to teacher qualifications. We do not have the educational programs in our area that would allow our staff to meet the educational requirements mandated in the Act. We also do not have the funding available to assist these staff in pursuing the educational requirements mandated by the Act. It is our hope that tribal colleges and universities will receive funding to help the staff of Indian Head Start programs pursue the mandates in the Act.

In addition, if required to hire consultants for the governing body, the availability of a person with expertise in early childhood education will be a significant barrier if we can not use the expertise of the Head Start Director and her key staff. The same holds true of the fiscal expert and licensed attorney; if not allowed to use those experts already employed by our Tribe.

The new regulations and interpretation that in-kind services can not be used when parents transport children to and from Head Start is very harmful to our program. The steady increasing rates of providing transportation are of grave concern to our program. We don't know how much longer we will be able to provide this service to the children and families in our community; and without transportation many of our children will go un-served, as they lack transportation and there is no public transportation available in our community.

Item #8 Culture and Language Preservation:

The Sault Ste. Marie Tribe of Chippewa Indians is committed to the immersion of our language and culture into our Early Head Start and Head Start programs Senate report 110-049 states "*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.

Item #9 Leadership of AIANPB and preference for qualified Indian staff:

The most important aspect of my Tribe's testimony is that the Department of Education, American Indian/Alaskan Natives Program Branch of the Office of Head Start must meet its federal trust obligations with the Tribes. To date, it has not done so. It needs to and must comply with all provisions of the Head Start Act of 2007. Government-to-government consultation must take place in a meaningful manner in the future.

Additionally, it is hoped that the other program recommendations proposed by my Tribe and the other federally-recognized Tribes be considered and implemented. The Sault Ste. Marie Tribe of Chippewa Indians urges the Office of Head Start to strongly implement Native American recruitment practices, including relocation expenses not provided in the current announcement for the Regional Program Manager's position. The Office of Head Start needs to insure that Program Specialists have baseline knowledge of early childhood care and education with preference given to individuals with knowledge of the Head Start and Early Head Start model. Preference should also be given to those who have knowledge and experience in working with American Indians and Alaskan Natives.

Mrs. Cathy Abramson, Board Member Sault Ste. Marie
Tribe of Chippewa Indians Grantee: 90CI0186

Written testimony from The Confederated Tribes of the Warm Springs Reservation of Oregon

Statement of the Confederated Tribes of the Warm Spring Reservations of Oregon Regarding the
Improving Head Start for School Readiness Act of 2007
Office of Head Start Tribal Consultation
July 31, 2008
Seattle, Washington

Good Morning. My name is Eugene Greene, and I am an elected member of the Tribal Sit Council of the Confederated Tribes of the Warm Springs Reservation of Oregon. I am here today to present the testimony of the Confederated Tribes regarding the changes to Head Start services required by the Improving Head Start for School Readiness Act of 2007, which was adopted by

Congress and signed into law in December of last year. In my testimony, I will focus my remarks on our concerns regarding the Office of Head Start's interpretation of the 2007 Act.

Simply stated, the Warm Springs Tribal Council is very concerned about what we believe is a misinterpretation of the 2007 Act by the Office of Head Start. According to Section 9 of the new Act, the law now requires that the governing body of a Head Start program shall include at least one member with a background and expertise in fiscal management or accounting, at least one member who is an expert in early childhood education, and at least one member who is "a licensed attorney familiar with issues that come before the governing body." However, because Head Start programs operating on Indian reservations, such as the Warm Springs Tribe's Head Start program, are typically governed by the tribe's governing body, usually the Tribal Council, Congress made an exception for Head Start governing bodies that are selected by public election or public appointment to a public entity, such as the governing body of a tribal government.

However, even though an exception to the accountant, attorney, and early childhood education expert requirement for governing bodies was provided for Tribal Councils, the new Act went on to require that Head Start governing bodies that do not have such expertise serving on the governing body, "... shall use a consultant, or an other individual with relevant expertise, with qualifications described...who shall work directly with the governing body." In our view, the exception from the new governing body composition requirement in subsection (v) of Section 9 of the Act for Tribal Councils is absolute and tribes cannot be required to use consultants or others with the specified expertise.

Alternatively, even if the expertise requirement of subsection (vi) of Section 9 does apply to Tribal Councils as governing bodies of tribal Head Start programs, tribes must be allowed to utilize such expertise that already exists within the tribal organization. For Warm Springs and most tribes where the Tribal Council is the governing body of the tribal Head Start program, satisfying this requirement is simplified by utilizing the expertise already available to the Tribal Council. At Warm Springs, like many tribes, we have within our organization professionals who can provide the required expertise to the tribal governing body in the areas of financial and accounting services, early childhood education expertise, and legal services. We strongly believe that the expertise of our existing tribal staff, including our tribal attorneys, satisfy this requirement of the new law. We have become very concerned, however, by the comments made by representatives of the Office of Head Start suggesting that a Tribal Council, as the governing body of a tribal Head Start program, cannot utilize the expertise of tribal staff and tribal attorneys to meet this requirement of the 2007 Act. This position appears to be based on the Office of Head Start officials' feeling that tribal staff and existing tribal professionals would have a "conflict of interest" in providing such services to the Tribal Council as governing body of the tribal Head Start program.

The Warm Springs Tribal Council strongly disagrees with the suggestion that the Tribe's currently available expertise, in the area of accounting and financial services, early childhood education, and our tribal attorneys, have any kind of a conflict of interest with regard to providing expertise in these areas to the Warm Springs Tribal Council as the governing body of the Warm Springs Head Start program. The job of these professionals in the tribal organization is to provide professional services of the highest quality and ethical standards to the tribal organization and to the Tribal Council as the Tribe's

governing body. The role these experts would play in advising the tribal governing body with regard to the operation of the tribal Head Start program is no different than the expertise that would be provided by outside experts (accountants, attorneys and early childhood education specialists) if the Tribal Council was required to hire outside experts to provide professional advice to the Tribal Council regarding these matters.

It makes no sense to us, and would be tremendous burden on the Warm Springs Tribe's very limited financial resources, if we were required to go outside of our existing tribal organization and structure and hire accountants, early childhood education specialists and attorneys to provide expertise and advice to the Tribal Council to satisfy this requirement of the 2007 Act. We already have that expertise now, and it makes no sense to require us to spend extra funds, some of which would come from the Head Start grant that currently provides services to early childhood education children on our reservation, to meet this requirement of the law.

We are not sure if the Office of Head Start is contemplating adopting a regulation or a policy regarding how the 2007 Act is to be implemented with respect to the requirement of expertise in accounting, early childhood education and legal services for the governing body of the tribal Head Start program. However, we wish to state our position for the record in the clearest possible terms today that the Warm Springs Tribal Council very strongly believes that we must be able to utilize our existing expertise that is within the tribal organization, including our tribal attorneys, to meet the requirements of the 2007 Act.

Thank you very much.

Written testimony from Aleutian Pribilof Islands Association, Inc.

Aleutian Pribilof Islands Association, Inc. (APIA)
Grant Identifier: 90-CI-9774
Comments for Tribal Consultation Regarding the Head Start Program
July, 2008

The Sovereign Unangan People that administer the Head Start program have the following concerns and issues regarding Head Start Regulations and changes in the Head Start Act of 2007:

1. Issue: Continual under-funding of the Head Start Program- A systematic COLA process needs to be built into the Head Start budget, keeping up with inflation.
Solution: Office of Head Start to build in a systematic ongoing COLA annual Increase that keeps up with inflation as an automatic system within the grant award process, not a separate funding application process.
2. Ten years of flat funding has caused a budget deficit of \$130,000, of which APIA has provided Tribal funding to cover the deficit, but cannot afford to continue this due to the

fuel crisis in Alaska. We had submitted a request to AI/ANPB to permanently reduce our enrollment with our existing funding level to offset this deficit; it took one year to get approval and then it was approved for only one year.

Solution: ACF to honor APIA's reasonable request to reduce enrollment with existing funding on a permanent basis, due to the historic deficit and years of flat funding as described In our application, and remove the one year limitation tied to this approval.

3. Income eligibility in rural and remote Alaska needs to be adjusted appropriately to serve Alaska's children most in need. The income guidelines, although slightly higher in Alaska, do not take into account the cost of living in highly remote communities. The cost of living can be twice to four times greater in the Aleutian Chain verses urban communities such as Anchorage or Fairbanks.
 - Heating fuel for one Head Start site is \$2,000 per month in the winter months.
 - Apartment rent is \$1,800 to \$2,500 per month
 - A gallon of milk is \$18.00,
 - A small package of diapers is \$25.00

The communities can run out of food and supplies if the barges cannot dock due to stormy weather. Families make wages that appear to be "over income" when in reality they are in poverty due to the high cost of living in the Aleutian Chain.

Solution: ACF to approve the request made In August of 2007 to authorize APIA to provide Head Start services for children in the Aleutian region without regard to income status, or to increase the Income guidelines proportionate to the 2x (summer) to 4x (winter) cost of living for programs providing service in rural Alaska.

4. 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, and in our case a consortia of Tribes, our elected body, the Act's new requirements will not be met. However, the Act contains an exception for public officials (Sec. 642(c)(1)(13)(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.
 - 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)(13)(v1) 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.

- 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, and the funding of such will need to be provided as new baseline grant funding increases proportionate to the mandate.

Additionally, "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.

5. 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 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)(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 is requesting 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)(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.
6. Research. Tribes should receive ample notice of upcoming research opportunities. It is recommended that this notice be routed through the National Indian Head Start Directors Association when possible.
- When determining funding allocations and distribution formulas, ACF needs to be cognizant to recognize the higher cost of providing services with the rural, isolated and remote locations of American Indian and Alaska Native populations. Remote programs have a higher service delivery cost and Tribal children in these areas should not be denied services because they live in a high cost service area.

The Head Start Act requires three Indian-related studies:

- **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 and Tribes need to be heard and the information used and respected by OHS.

- 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 Alaska Native children.
- 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.

7. 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 Acts 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.
- Income eligibility for children transitioning from EHS to PHS – maintain income eligibility rather than new determination

8. 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 "looking for failure system" that seemed to prevail a few years ago.

- 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 replaced with an online reporting system and the travel and per diem money used by Review Teams should be reallocated to programs as quality improvement funding. Tribes and the U. S. Government should operate on a trust basis. Programs should be able to submit their annual self assessment report and quality improvement plan in lieu of undergoing the triennial review process. Tribal Audits can be submitted as part of the annual reporting process.
- Risk Management Assessment – there is indication that there is a lack of consistency on how the RMA'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. AI/ANPB canceled our RMA meeting on July 17 the same day with no notice and without a reason.

OTHER IMPORTANT ISSUES

A. Tribal 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. Tribes plan one to five years out, and more advance notice is needed to attend these important consultations.
- The regulations should address the. Consultation process, scheduling, reporting requirements and how the information that is gathered will be used.

B. 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 postsecondary 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.

C. Leadership of AUANPB 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.

D. 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. Waivers will be needed for the 2011 BA and M teacher qualifications requirements in rural and remote Tribal communities. It can take 7 or 8 years to earn an AA degree taking 1 or 2 classes a semester.
- b. Head Start base funding does not include annual COLA that keeps up with the national inflation rate. This results in program cuts, and over many years a reduction in enrollment at existing funding is needed to keep programs in operation. One of the first line items cut is training and education for staff, making it even more difficult to reach or maintain the teacher and staff qualifications.

E. 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.

F. 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 goes against Head Start's vision of self-sufficient, involved parents contributing to the education of their children and participating as an active partner in the learning process.

G. 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.

H. 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.

I. Implementation of the Designation Renewal System – Tribal Provisions, Sec. 641 (c)(7)(A)(111) 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.

J. 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-a-vis state governments (e.g., reporting to the State Collaboration Director).

K. National Indian/TA system and inclusion of Indian programs within the state T/TA system. Need to discuss 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 in-efficient.

L. 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.

M. Definition of homeless children "priority" for services – Define the priority for services and provide clarification- does this override the selection criteria developed by the program, e.g., Indian preference?

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

O. Need for facility renovation and construction. Many programs across Alaska are in dire need of facility improvements. The facility information gathered by IHS Head Start should be sent back to Tribes for final approval and then submitted to OHS and to each Tribe. A separate fund should be created for Tribal facility improvement.

P. 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).

Q. Waivers available for agencies serving significant numbers of highly mobile children, Sec. 641A(h)(5)(B)(1). 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 to different communities for subsistence and other reasons, the regulations should reflect the possibility of the need for such waivers in the Indian Head Start program.

Written testimony from Native Village of Tyonek, Alaska

July 28, 2008

Dear Ms. Perthus:

Please accept this notification that Angela Sandstol, President of the Native Village of Tyonek will be the designated representative for the LB' Chief Head Start Program located in Tyonek, AK. Traveling and further representing SATI Is Ms. Betty Valka, Tribal Administrator.

The Native Village of Tyonek sits on the West bank of Cook inlet South Central Alaska and is accessible by Cessna 206 or a 8 seat plane ` 25 minutes SW of Anchorage. Tyonek is a Dena ina Athabascan Village of 190, with residents steeped in traditional subsistence lifestyles. While that lifestyle is guarded, our traditions are fast becoming a threat due to economic development swiftly heading our Way. Education ingrained as a means to succeed will assist in our pursuit to retain balance with the forthcoming development.

Tyonek recognizes the necessity to educate our children that embraces the Tebughna style practiced for thousands of years, while striving to meet the ever evolving technological world. Although *we* are a small contingent of participants, Tyonek is seeking to expand our focus to include the Early Head Start component to elevate our numbers as well as expand our outreach toward 'Mt home" efforts of parents and ages prior to Head Start years, The Lit' Chief Head Start Program can provide parents with structured activities and learning foundations to assist in creating strong learning skills. Education begins at home when a child is nurtured and guided by his Mer. Parents. As evidenced by our Tebughna School kindergarten staff, participants in the Head Start Program come with established focused avenues that lessen the amount of time integrating them to the classroom setting. Their acquired confidence allows them to progress and hit milestones earlier than their counterparts.

A well-developed head start criterion entices the whole village to educate our young scholars. This education acts as a nucleus followed by a domino effect on families, and the community toward the success of educating our young. It is vital that the policy council be comprised of parents and other community Individuals who share the value of education, and are active in the Head Start program. While IRA Council members are supportive of the program, they are inundated with ensuring the success of all tribal programs. This cements the need to retain the policy council which guides Lil Chief Head Start.

In closing, it is Tyonek's position that federal funding continues to run all Head Start programs, despite their size. Numbers of eligible Head Start applicants should not determine the importance of even one tribal education.

Angela Sandstol, President
Native Village of Tyonek

Written testimony from the Nez Perce Tribe, Idaho

Good morning and thank you for the opportunity to speak with you today. My name is Julia Davis-Wheeler and I am the Vice-Chairman of the Nez Perce Tribal Executive Committee. I am also joined today by Wendy Thomas who serves as the Director of the Tribe's Early Childhood Development Program (ECDP).

As stated in the tribal consultation philosophy of the U.S. Department of HHS, "Indian Tribes have an inalienable and inherent right to self-governance. Self-governance means government in which decisions are made by the people who are most directly affected by the decisions. As sovereign nations, Indian Tribes exercise inherent sovereign powers over their members, territories and lands."

Thus, with that in mind and on behalf of the Nez Perce Tribe, I am honored to speak with you about issues of great importance to everybody here today: our children and how best to meet the needs of our children and families and how to provide the best education and learning environment for them.

The Nez Perce Tribe has operated a Head Start and Early Head Start program for 43 years. Head Start has been the first stepping stone toward success for many parents and children as evidenced by the current Director Ms. Thomas and other staff who are graduates of the program.

The NPT ECDP has done well in preparing our students and families for public school. The ECDP emphasizes and appreciates "school readiness" as a means of building tribal self-sufficiency and capacity. The Tribe seeks to "raise the bar and close the gap" as education, especially early education, is a key building block in ensuring our families and children are prepared for public school. Equally important, is providing an opportunity for our children, families and staff to learn about our Nez Perce language, culture and traditions.

The Nez Perce Tribe is extremely proud of our program and the results it has achieved in providing children with a solid educational foundation as they enter the public schools in Idaho. The Tribe is also proud of how cultural preservation is being achieved through the curriculum offered to the children.

The Nez Perce Tribe fully supports the ECDP's program goal of becoming a "Center of Excellence" as the ECDP and the services it provides by operating a Head Start/Early Head Start program is an effective and critical tool in narrowing the achievement gap as our Native American students are just as bright and capable as their counterparts. [sic] We hope that efforts such as today's consultation will help in achieving that goal.

The following are issues that the Tribe would like to bring to the attention of the Office of Head Start.

1. During the Federal Review process, the process can be hindered by a lack of familiarity of the Federal Reviewers with the Reservations and cultural traditions. Many of the processes or methods employed by the staff of the program will have cultural significance. A lack of understanding of these processes and methods by the reviewers is of concern to the Tribe. If possible, an individual conducting a review should seek background information and try to become familiar with such things prior to the review.
2. The Tribe believes that the availability of a Program Specialist for tribal programs is a positive asset that is currently being provided by the Office of Head Start and it is appreciated. The Tribe has enjoyed a productive relationship with the Program Specialist as well as the Fiscal Specialist assigned to the Tribe. Those individuals in those positions have been a vital link to the Office of Head Start for the Tribe. These positions should be maintained and kept as part of the permanent staff. Attempts to minimize turnover in these positions should also be made. The current program specialist for the Tribe is on contract and the Tribe would regret losing this contact if the contract is not renewed or the person is not made a part of the staff.
3. In conjunction with the previous point, the Nez Perce Tribe believes that it is important for tribal programs to be able to put a face to the names of the staff of the Office of Head Start that they are working with frequently. The Tribe recommends having staff that have frequent interaction with the programs attend the National Indian Head Start Directors Association Conference each year to provide for more direct interaction. These personal one on one contacts should help tribal programs navigate what can sometimes be the maze that is the federal government system.
4. The Nez Perce Tribe supports the position of the National Indian Head Start Directors Association (NIHSDA) regarding staff qualifications. It should be noted that in many reservation environments not only is the pool of qualified applicants small, but sometimes it is effectively non-existent. Moreover, when individuals are trained to meet the educational requirements mandated by OHS they often go to better paying jobs due to low salaries in Head Start. AI/AN programs need the ability (funding) to hire native language/culture teachers. The regulations should be drafted to support such efforts.
5. The Nez Perce Tribe would like to address one issue related to underenrollment that has manifested itself. With the decrease in transportation funding, some families have been unable to enroll in the program because of an inability to get their children to the program. Due to costs, our program was only able to provide two buses for enrollees in the program this

past year. Normally, the program would provide 4 buses for transportation services. Many single parents have a difficult time dropping off or picking up children from the program when transportation is not available. Enrollment decreases as a result of the transportation shortage. The program is then penalized for the underenrollment. This results in a damaging cycle of decreasing funds for the program.

6. In relation to the previous point, the decision to not allow parental transport of children to the program as an in-kind service compounds this problem and is a harmful regulation. When parent can provide their own transportation, it is a valuable asset and contribution to the program that should be encouraged. The Nez Perce Tribe lost approximately \$40,000 in non-federal share with this change.
7. The Nez Perce Tribe supports the suggestions of the NIHSDA regarding suggested research preferences. Those include:
 - a. Funding allocations and distribution formulas, including cost of providing services with the rural, isolated, and remote locations of American Indian and Alaska Native populations.
 - b. Determine the eligible Indian population throughout the United States including populations served by current Indian Head Start Agencies including the need for services
 - c. Identification of culturally appropriate, relevant curricular, assessment, and screening tools and provide guidance on selecting curricula based upon price, adaptability, and their research grounding.
8. In striving to maintain quality control of programs, it is important for OHS to work with tribal programs throughout the evaluation period so there are no surprises. The parties should work together, not as adversaries.
9. In order to meet the needs of our communities, it is critical to keep the current Income Eligible / Over Income percentages for tribal programs. For example, “Nationally, there is a significant gap between the achievement of White students and their minority peers. While 36% of White 8th graders are able to do math at the proficient level, only 7% of African American 8th graders, 11% of Latino 8th graders, and **16% of Native American 8th graders** are meeting the standards for proficiency.” (U.S. Department of Education, National Center for Education Statistics, National Assessment of Education Progress (NAEP) Summary Data Tables, <http://www.nces.ed.gov>) More alarming is the fact that nationally, 46% of Native American 8th graders are doing math at the below basic level compared to 21% for White 8th graders. There are other mitigating factors affecting our tribal youth and families at every income level. The ECDP is an opportunity to provide early education for children and emphasize the importance of school readiness to parents and families. Thus, it is imperative the Tribe be able to provide services to its members through the ECDP.
10. The Nez Perce Tribe would also like the Office of Head Start to know that the Tribe fully supports the Head Start/Early Head Start Program. In fact, the Tribe has recently taken out a loan for over one million dollars to purchase 5 manufactured buildings to provide classrooms for the program. The program was almost shut down last year when the existing building was closed for health and safety reasons. That building was built in the early 1900’s and was a former Sanitarium. Despite this enormous problem in the middle of the school year, the program continued to provide services uninterrupted to the children. This is a great credit to the perseverance and dedication of our staff.

11. Finally, but just as important, the Tribe is concerned over the interpretation and implementation of the new requirements regarding composition of the governing body. The NIHSDA has made clear their position on this interpretation and the Tribe fully supports them on this issue. Tribal councils should have an absolute exception to the composition requirements when serving as the governing body for a Head Start program. They should not have to hire consultants. Existing employee expertise should be able to be utilized to minimize expense.

Thank you for your time today. The Nez Perce Tribe appreciates this opportunity and hopes that our suggestions and recommendations along with the ones of the other representatives present here today are useful in continuing to make the tribal programs such an excellent resource in the education of our youth.

Written testimony from the Southcentral Foundation, Alaska, Regarding Barriers to Tribal Head Start Programs Created by the Head Start Improvement Act of 2007

Thank you for providing Southcentral Foundation (SCF) the opportunity to testify about the Head Start Improvement Act of 2007. [Consultation on an annual basis is required under the Head Start Improvement Act of 2007 (hereinafter “the Act”), Section 640(1)(4)]. Notice for this consultation meeting was published in the Federal Register on June 20, 2008, Vol. 73, No. 120, F.R. 35142.] SCF has been designated by Cook Inlet Region, Incorporated, the Alaska Native regional corporation and tribal authority for our area of Alaska, to administer Head Start programs and to speak about Head Start issues on its behalf. SCF is a Head Start provider and a Tribal Organization [as that term is defined in the Indian Self-Determination and Education Assistance Act, hereinafter “ISDEAA,” P.L. 93-638, 23 U.S.C. § 450(b)], that, in addition to operating the Head Start program, provides health care, dental care, mental health services, elder care, nutrition programs, and a large variety of health-related services through its compact with the Secretary of HHS under Title V of the ISDEAA. As with many programs serving Alaska Native and tribal communities, we depend, in significant part, on federal funding to operate our many programs.

For SCF, there are three changes in the Act as amended in 2007 that create significant barriers to our continuing ability to operate the Head Start program. We believe these same provisions create potential barriers for all Alaska Native/American Indian programs. The three provisions are: (1) the limit on compensation paid to any employee receiving federal funds who works for a Head Start provider to approximately \$172,000 per year, including all benefits; (2) the requirement of Board qualifications under Section 642(c)(1)(B); and (3) the prohibition against compensation for board members under Section 642(c)(1)(c)(ii).

At the time the Head Start Improvement Act of 2007 was being considered, the discussion regarding many of the changes centered around a need for more oversight and accountability of programs. (House Report 110-067: Summary of the bill “Improved Accountability”; Committee Views “Accountability”; Minority Views “Improved Accountability.”) The amendments contained in the Head Start Improvement Act of 2007 sought to address complaints that some programs were not providing measurable success for children in the program and others were providing avenues for

financial abuse of grant monies. Successful programs, like the one operated by SCF, can establish measurable success by showing improvements in the children served and by demonstrating full accountability for the funds we receive.

Still, some of the amendments have caused difficulty for successful programs in Indian country in particular. Unfortunately for the Alaska Native children we serve, some of the changes have severely impacted our ability to provide the best possible services. The areas with which we are most concerned are the following:

1. Staff Compensation Limits Pose Problems for SCF.

SCF is a Head Start provider but its major focus is in the provision of health care for Alaska Native and American Indian people. Overall, the vast majority of our funding comes from federal dollars for health services. To provide comprehensive health care for our Alaska Native and American Indian people, we receive most of our funds from the Indian Health Service (IHS) through our compact pursuant to ISDEAA. In order to attract and retain qualified and capable doctors, psychiatrists and other health professionals, we are often required to pay salaries and fringe benefits in amounts that exceed the salary limits imposed by the new Act, especially because of the high cost of living in Alaska. We are allowed to pay these salary rates using Federal funds from the IHS.

Previously, the Head Start law imposed a salary cap only on the salaries of employees who were paid from Head Start funds. The new Act, however, imposes a \$172,000 salary cap on the salaries of all SCF employees who are paid with any federal funds simply because SCF is a Head Start provider, among its many functions. (ACF-PI-HS-08-03, "Statutory Requirements regarding compensation of Head Start staff"; Head Start Improvement Act of 2007, Section 653.) This means that SCF's professional staff involved with health care delivery (physicians, dentists, behavioral health providers, etc.) are also covered by this salary limit. Such a dramatic change in salary limits imposed by the Head Start Improvement Act on all Federally-funded employees of a Head Start provider, no matter what agency provides the funds and no matter what type of program they are employed by, will severely impact SCF's ability to hire and retain qualified and talented staff.

If we want to remain a Head Start provider, we would have to cut the salaries of many of our professional health care staff to comply with this new provision of the Act, despite the fact that our salaries in excess of this amount are appropriate for the professionals we employ. This would also likely be the case with any other Tribe or Tribal organization that serves as a Head Start provider and that also operates a health facility.

We weave these programs together, under one umbrella organization, to meet the need of the Alaska Native community and maximize funding as part of our continuum of care. In this way we are able to supplement our Head Start budget with third party revenue. In Fiscal Year 2007, expenditures for SCF's Head Start program totaled \$3,603,025. SCF received \$1,958,197 (54% of total expenditures) from its Head Start grant. SCF contributed \$1,385,790 of its own funds (39% of total expenditures) and \$259,038 from other sources (7% of total expenditures) to cover the total cost of operating its Head Start programs.

The undue hardship that this change in the law has created has necessitated some tribal programs to seek to move their Head Start program to another provider. SCF is also now forced to consider transferring its Head Start programs to a different provider since our organization relies heavily on non-Head Start federal dollars, as is typical in Indian country.

It is not in anyone's best interest to require Alaska Native/American Indian communities to rearrange their well-established patterns of providing services because there is now a limitation on salaries for anyone employed by a Head Start provider. These service patterns were developed in order to save administrative costs by having Tribe or Tribal organizations serve multiple functions with different sources of funding, most of which is federal funding from different federal agencies.

2. Board Composition.

The amendments to Section 642C(1)(B) of the Act that relate to Board qualifications also cause problems for SCF. SCF is an umbrella organization, the primary focus of which is health care, rather than Head Start or Early Head Start. As such, the Board of Directors does not include the particular types of expertise required by the new amendments to the law for Head Start Board of Directors members. Moreover, because SCF receives funding under the ISDEAA, all of its Board of Directors members must be Alaska Native or American Indian people. This is the case with any Tribe or Tribal organization receiving funding pursuant to P.L. 93-638. In many Alaska Native communities, it would be difficult to find tribal members who meet all of the Head Start Board qualification requirements. And, because Tribes and Tribal organizations have developed patterns of service delivery that have involved operating more than one type program, the Boards of Directors of these organizations are required to meet more diverse community needs than those for simply running a Head Start program. What the Act will mean in Indian country is that new organizations will have to start up to become Head Start providers. These new organizations will not have the experience, track record, or capabilities that the existing organizations have. Nor will they have the ability to spread their administrative costs among a variety of programs so as to operate more efficiently and effectively.

The problems we face with this requirement at SCF are significant. For example, no current Director on the SCF Board has a child young enough to be currently enrolled in Head Start nor do any have children who were enrolled in Head Start, although some have grandchildren who are Head Start participants. Similarly, no Board member has a background in early childhood education and development nor is any Board member a licensed attorney. Nonetheless, the Board uses consultants and staff members with expertise in these various areas to educate their decisions as appropriate. The Board also uses an advisory committee composed of Head Start parents for Head Start policy recommendations. This is consistent with the practice of other Tribal organizations throughout Indian country.

3. Compensation Precluded for Board Members.

Another problem we face is that Section 642(c)(1)(C)(ii) of the Act precludes members of the governing body of the Head Start agency from receiving compensation, including Board fees. The SCF Directors receive compensation in the form of Board per diem or honorarium fees for attending

meetings pertaining to the business of SCF. This is standard, if not universal, practice in Indian country. However, the Board honorarium fees and per diem paid by SCF is not paid from Head Start funds. Rather, the majority of the funds used to pay the fees and per diem come from the IHS. If no per diem or honorarium fees could be paid to Board members from any source, as the Act provides, SCF would likely be precluded from retaining its qualified and dedicated Directors who devote large amounts of personal time to overseeing and setting policy for SCF programs.

4. Proposed Amendments to the Head Start Act.

With all of the issues that arise due to the amendments to the Act, SCF recommends that the Act must be revised to address these difficulties for Head Start providers who offer services to Alaska Native and American Indian communities. We recommend that the Act be amended as follows:

Compensation of Head Start Provider's Staff:

“Section 653 shall be amended to read as follows:

(b) Limitation—

(1) IN GENERAL—Notwithstanding any other provision of law, and except as stated herein, no federal funds may be used to pay any part of the compensation of an individual employed by a Head Start agency if such compensation, including non-federal funds, exceeds an amount equal to the rate payable for level II of the Executive Schedule under Section 5313 of Title 5, United States Code. An Indian Head Start agency which operates any other federally-funded program(s) (such as programs funded by the Indian Health Service, Bureau of Indian Affairs, Department of Labor, Department of HHS, etc.) shall be exempt from this subsection; provided, however, that no Head Start funds shall be used to pay salaries except as provided herein.”

Board Composition and Compensation:

Add the following language to the Head Start Improvement Act of 2007:

“An Indian Head Start agency that operates other federally-funded programs (such as programs funded by the Indian Health Service, Bureau of Indian Affairs, Department of Labor, Department of HHS, etc.) shall be exempt from the following provisions of the law:

“(1) Section 642(c)(1)(C)(ii) [Conflict of Interest and Board Compensation] provided that no Board members shall be compensated from Head Start funds for serving on the Board of Directors.

“(2) Section 624(c)(1)(B) [‘Board Qualifications’].”

Alternatively, add Waiver provisions:

Another possible solution that would make the transition easier on Head Start providers for Alaska Native people and tribal communities would be to provide a waiver from these particular sections until an amendment unique to Indian Head Start programs could be passed.

Conclusion

We appreciate this opportunity to raise the issues that affect Tribal Head Start programs most severely because of the unique situations that often exist in Indian country. With just a few minor amendments, or with waivers from the requirements of these particular sections, SCF and many other Indian programs can continue to provide high quality services to their Alaska Native and tribal communities. Thank you.

Katherine Gottlieb, MBA
President/CEO
Southcentral Foundation

TRIBAL CONSULTATION MEETING

July 31, 2008
Seattle, WA

AGENDA

8:30 A.M.

TRIBAL OPENING

WELCOME & INTRODUCTIONS

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

TRIBAL STATEMENTS

Patricia Brown, Facilitator

REGIONAL DISCUSSION

*Renée Perthuis, Director, Regional Operations Division, and Acting Regional Program Manager,
American Indian/Alaska Native Program Branch, OHS*

HEAD START REAUTHORIZATION

Craig Turner, Director, Policy and Budget Division, OHS

TRIBAL INPUT

PROGRAM PERFORMANCE STANDARDS & RESEARCH

Amanda Bryans, Director, Educational Development and Partnerships Division, OHS

TRIBAL INPUT

MONITORING & TECHNICAL ASSISTANCE

Ann Linehan, Director, Quality Assurance Division, OHS

TRIBAL INPUT

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

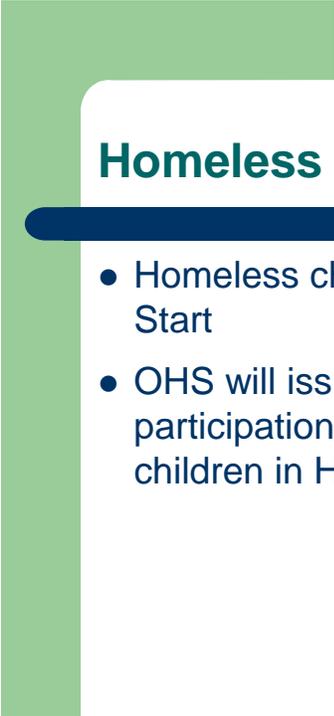
Funding Allocation

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



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

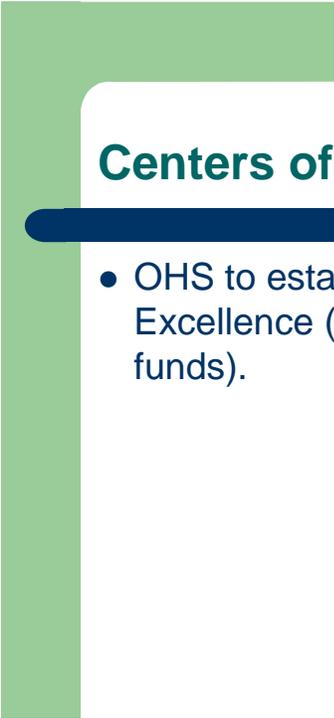
- Grantees will report monthly on enrollment.
- On a semi-annual basis OHS shall:
 - determine which agencies are under-enrolled,
 - develop a plan for reducing or eliminating under-enrollment with such agencies, and
 - provide technical assistance.
- If after 12 months of TA, an agency is less than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

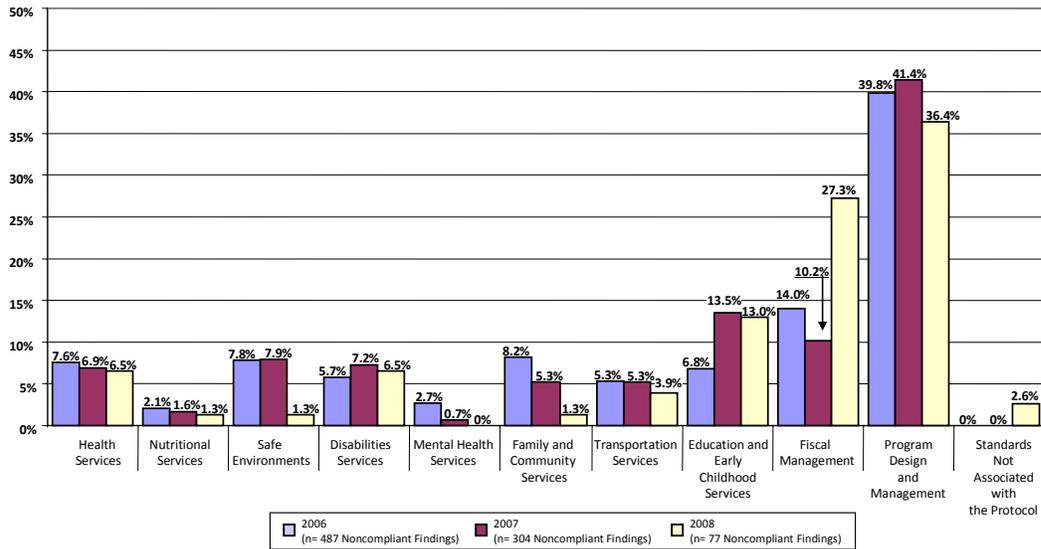
- Statute provides authority to regulate
 - OHS consults with experts
 - Draft regulations are developed
 - Notice of Proposed Rule Making is published in Federal Register
 - Public comments
 - OHS responds via publication of final rule
-

Thanks to you . . .

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

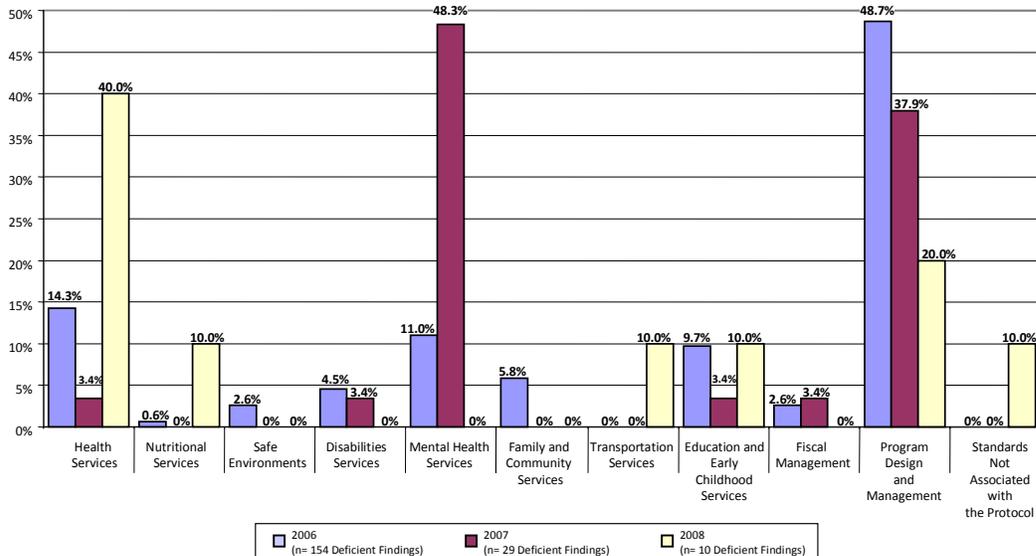
AI/AN FY 2006 to FY 2008 Noncompliant Findings by Protocol Section

**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 GRANTEEES

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.