

Head Start Showcase-Governance

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Dr. Blanca Enriquez: Welcome to this overview on how the new performance standards address program governance. I want to introduce Ann Linehan and David Jones as they discuss the requirements around the formal structure for the oversight of quality services for Head Start children and families and for making decisions related to program design and implementation.

Ann Linehan: Well, David it's great to be here with you and I'm really glad that you and I get to talk about governance.

David Jones: So am I Ann; it's a pleasure.

Ann: And you know what I think it's fitting the governance section as you and I both know how important governance is, the fact that it is placed in the very beginning of the standards I think sends a message.

David: Absolutely.

Ann: And I think you and I both know that you're going to have great services and incredible staff, but if the governance structure is not solid then a program is at risk.

David: Absolutely.

Ann: So hopefully over the next couple of minutes we can just go over the big points within the standards. I would like to mention also that this is, and you'll speak to this as we go on, that this is a section although it's pretty small, because we aligned it with the Act and didn't repeat, it got a lot of comments in the NPRM.

David: That's right.

Ann: So it will be helpful to really point out how those comments did influence the final rule.

David: Yep.

Ann: And for very simply this section has five separate sections that we're going to go over: the governing body, the policy council and policy committee, parent committee, training and the impasse procedures. And I think at the very start everyone knows that a Head Start grantee has to have a formal governance structure, which includes a governing body, policy council, and happily a parent committee. And we'll get back to that a little bit more. So you want to talk a little bit about the alignment.

David: Absolutely. So the governing body aligns with the Acts requirements just for the composition, the duties and responsibilities and of course conflict of interest. There was actually an additional provision around advisory committees which I think a lot of people are excited about. The governing body has a discretion to establish advisory committees, but in a final rule we receive requests for clarification around advisory committees because people kind of felt that we were overly prescriptive in the NPRM proposals, but there were two specific things that we really want to highlight about advisory committees.

Advisory committees can be established on a range of topics: mental health, fiscal issues, audit-type issues. But the focus of this section is really about those advisory committees that the governing body might establish to kind of oversee some of the key responsibilities. And if establishing an advisory committee to oversee some of those key responsibilities the rule just requires that the governing body notify the responsible HHS official of its intent to establish such an advisory committee. It doesn't require approval, just notification. But the most important thing to note is that the governing body must always retain legal and fiscal responsibility for the program.

There was an additional change in this section as well with respect to the use of data. Governing bodies need to use information and data just basically to carry out their day to day work and responsibilities in order to make informed decisions. So we wanted to be somewhat intentional and direct about what information should flow to the governing body and the policy council which would guide their work. So, some examples of the data the rule requires governing bodies and policy councils to use are results of their ongoing monitoring practices and also data on school readiness.

Ann: So, this is a place where I really love to jump in because I think that this is so critical and I think it points out another thing that I think is consistent throughout the standards that we want to point out here. The reference in the governance section to the use of data really comes from another section.

David: Absolutely.

Ann: It's a program management section. And it's cross referenced here when folks take a look at the rule.

David: Right.

Ann: But it is really important, you cannot read this, the governance section in isolation.

David: That's right.

Ann: You've got to read those cross references and really understand that it is also the responsibility of the governing body around sort of using the data in a much more meaningful way. You mentioned and I just want to jump back to the advisory committee.

David: Sure.

Ann: And I should have mentioned earlier that you know the governing body can never delegate its legal and fiduciary responsibilities.

David: Right.

Ann: And I should have pointed out that the distinct role of the policy council is really around the program direction.

David: That's right.

Ann: And both of those I think have impact when you look at them, how the policy council and how the board have to use data.

David: Absolutely.

Ann: And so you mentioned the types of data and I just want to, would like to cover a little bit. We're not only talking about data that they collect, but we're also talking about that the governing body and the policy council need to really be involved and aware of the goals that are established.

David: That's right.

Ann: Be they short term, long term, be they school readiness goals, they really need to be invested in that, because if in fact they're going to be receiving information about the progress towards achieving those goals if they're not integral in understanding what the goals are as they're established then getting reports about achievement towards those goals really it's a disconnect.

David: It is.

Ann: So they really have to be engaged from the very beginning. I think the other thing that you mentioned was ongoing monitoring, data from ongoing monitoring.

David: Right.

Ann: And I like the fact that we talk about ongoing.

David: Yes.

Ann: It should not be something that the board gets once a year.

David: Right.

Ann: The board should be fed as well as the policy council types of information from what the program is learning throughout the year so it can make informed decisions. And I think one of the keys I think that is important for programs to think about is how the data is presented. We talked about that the board and policy council need information. I think what's critical is how is it presented? Is it presented in a usable fashion?

David: That's right.

Ann: I mean I think for a board and a policy council when you see all the areas where we're asking programs to ensure they have data to inform the governing structures we're not talking about giving them the disparate health report or a fiscal report or ... there's got to be some analysis and serious presentation because a board can't read through everything.

David: That's right.

Ann: So I think how the information is -- not just the gathering it, not just the collecting, but how it's packaged to fully inform both the board and the policy council I really think is important.

David: You know, Anne this connects really nicely though with the point that we're going to cover a little bit later, which is respect to training around their sort of distinct roles. And so again as you're talking about the type of data they receive the policy council would not need a full blown our report about you know goal establishment but the piece that's relevant to their understanding. I think that's the kind of stuff that we're talking about.

Ann: And I think the other thing that's important here, and it will be mentioned in other sections and again there's so much interrelatedness between the section.

David: Right.

Ann: But I think a lot of the discussions about data that are not necessarily covered here but will be covered in other aspects is about the whole issue of privacy and sharing.

David: Right.

Ann: As we want both policy councils and board to see Head Start as part of integrated within a community, within the early childhood system, within the health systems, what kind of data do we need, does the board need to understand that we need, grantees need to be sharing with others in their stakeholder community. So I think that this is -- and it's not to say that there are many, many grantees out there in policy councils, we've been talking about this for a while.

David: Yes.

Ann: So there are many programs that are saying we do it already. For some programs when you take a look at the regulations it's not going to be such a lift.

David: No.

Ann: For others it may be a lift. But I think the change here is now we've codified the whole issue around data and usage and collection. So it becomes I think much more serious, much more intentional and we know the programs can do this.

David: Yes. So 1301.3 sort of refers to the policy council and the policy committee and again it aligns with the Act's requirements for composition, very similar to the governing body. Same requirement with respect to the use of data. However, with respect to term of service there wasn't an important change. We propose in NPRM the final rule allows the policy council and policy committee the option of establishing in their bylaws that members can now serve five one year terms, which is up from three terms in the previous standards. But members must also of course you know stand for re-election every year. And the rationale behind this change is that it really gives programs a lot more flexibility to align with the birth to five approach, the five-year grant cycle to support continuity and also to increase an understanding of the complexities of the Head Start program performance standards. We receive overwhelmingly positive comments about this change during the NPRM process.

Ann: You know it's funny, and I've said this to you before I was at the Head Start Bureau at the time when we did the last revision of the standards, and we put out there some changes to the term of the policy council members and that got more comments than any other thing 20 years ago. But at that point the community was split.

David: Right.

Ann: Some wanted you know to lift any limits and some wanted to stay the three years. So, we kept it at that point the three years, so you can see how the community has changed.

David: You know what I really like about it and this is going back a few years when I was a director of a program was that by the time you really sort of got a group of policy council members trained and I fully understood their roles and responsibilities they were phasing out.

Ann: Right.

David: So now with this additional requirement they can actually be able to serve more terms, I think that continuity piece is really going to be enhanced across grantees. So the last basic change in this section was around reimbursement. We added low income in the final rule to clarify that programs may reimburse for reasonable expenses if necessary to ensure that low income members can fully participate in policy council or policy committee events.

Ann: And I think someone asked us about that low income. Is that the federal poverty guidelines? And we said no.

David: Right.

Ann: And I think this is where we are I think demonstrating or supporting the understanding and flexibility within communities and communities are different. What is a low income member in one community may be different than another community. So, I think we're allowing -- I think the flexibility is that programs need to establish sort of those guidelines for themselves which matches their community.

David: Absolutely. So this is a section that's --

Ann: I get to talk about the -- and I really have been talking about the parent committees. As I said in the onset, well, we got a little crushed with a lot of alarming comments in this section. I think both as we'll speak about with the impasse and with the parent committees. I think that the community largely felt that we were in it, whether intentionally or unintentionally, were minimizing the role of parents. That is absolutely the opposite. I mean, I think everyone of us firmly believes that parents are the cornerstone of Head Start. Have always been, will always be.

David: Right.

Ann: So I think in the NPRM we were, wanted to give programs flexibility. And this is an area where programs said uh-huh we want the parent committees to be a requirement.

David: That's right.

Ann: So we restored it and we add I think a couple of things which I think are really important. We didn't prescribe how the parent committee should function, but we did say center based and the centers need to have the parent committees.

David: Right.

Ann: I think for family child care we understand that there might be some more flexibility figuring how you really arrange your parent committees.

David: Right.

Ann: Particularly, if you have several family child care homes. But I think the other thing that is important that is now part of the requirement is we inserted a sentence that said there must be formal, a level of, a system for communicating with the policy council and also making opportunities for parents on the parent committees knowledgeable about the election processes as it relates to the policy council and also leadership opportunities. I think the last thing we ever want to find as you go in and you say to a parent how'd you get on the policy council? And they say someone called me and asked me.

David: Right.

Ann: So I think part of this is the restoration of the parent committee was absolutely the right thing. But I think also putting a little bit more conditions. We want them to be informed, we want them to be heard by the policy council and we want them to understand the opportunities for leadership and growth that they have within that governance structure.

David: Absolutely. So 1301.5, training is another critical part of ensuring that governing bodies, advisory committee members and policy councils have the tools and information they need to carry out their responsibilities effectively. The final rule kind of requires that agencies provide training for the governing body advisory committee members and their policy councils with respect to their distinctive roles, because we think it's really critical that these different groups have an understanding of the broader program requirements.

Ann: And I guess I should -- and the other thing I want to mention, David, is eligibility. Remember, that there's a provision there not only that they be trained on the Head Start performance standards but also there's another cross reference to the eligibility. And I think that that's important because I think the governing bodies, both the board and the policy council ought to understand the eligibility regulations particularly around children who are categorically eligible.

David: That's right.

Ann: So again that's an important cross reference that I just wanted to mention. I think the last piece in this section that certainly we got a lot of comments were the impasse procedures.

David: We did.

Ann: And as many of you know we were, it was in from the 2007 Act that the Secretary was required to develop policies and procedures around impasse and in the NPRM we I think probably gave more weight to the board having the final decision when it comes to impasse. And we got a lot of comments. Again, I think that was sort of the pervasive theme of you know are we diminishing the role of parents? Absolutely not.

David: Right.

Ann: So I think that in listening to the many folks that commented I think we strengthened that section, brought a little bit more balance.

David: Yes.

Ann: And I think that we also included provisions that if there is an impasse, and we're hoping that there will never be impasses, right?

David: Right.

Ann: But if there are times that there's an impasse and they really can't get, come to consensus that we have put in provisions for both mediation and arbitration. So I think that that is important. The other thing that we want to say is most programs have had impasse procedures for years.

David: Absolutely.

Ann: They've worked, and we are asking programs to take a look at these new requirements and just build on what they have. And if there are programs out there that don't have impasse procedures don't wait for something to occur, it's really something that you need to develop now.

David: Absolutely.

Ann: So in the event anything, a conflict arises, you've got these in place.

David: Yeah, I mean, I think a sound governance and leadership practice would be just to look at all of your policies and procedures across the board and ensure that their adherence is that's being proposed in the rule.

Ann: So I think in closing in governance is first, it's upfront.

David: Yes.

Ann: It matters greatly and I think that this is an opportunity for programs with their governing bodies and policy councils to step back, I think to read these standards along with the Head Start Act and also urge you to read the preamble that accompanies the governance section because I think that helps you grantees and the community feel that would help policy council members and boards really understand how we arrived at the final rule. So, thanks very much David.

David: Yeah. Thank you, Anne, it was awesome.

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