Introducing the New Head Start Program Performance Standards

Overview: Governance

[Music]

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 am really glad that you and I get to talk about governance.

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

Ann: And I think it's fitting, this is 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. And I think you and I both know that you can 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. So, it will be helpful to really point out how those comments did influence the final rule.

And for, very simply, this section has five separate sections that we are 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, a 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 Act's requirements just for the composition, the duties and responsibilities, and, of course, conflict of interests. There was actually an additional provision around advisory committees, which I think a lot of people are excited about, the governing body has the discretion to establish advisory committees, but in the final rule, we received request for clarification around advisory committees, because people kind of felt that we were overly prescriptive in NPRM proposals, but there are 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 want it 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. It's a Program Management section. And it's cross-referenced here in, when folks take a look at the rule. But it is really important, you cannot read this, the governance section, in isolation.

You have 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, I just wanted to jump back to the advisory committee, and I should have mentioned earlier that the board, the governing body, can never delegate its legal and fiduciary responsibilities. And, I should have pointed out that the distinct role of the Policy Council is really around the program direction. 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.

And so you mentioned the types of data, and I just like to want to cover a little bit, we are not only talking about data that they collect, but we are also talking about that the governing body and the Policy Council need to really be involved and aware of the goals that are established. Be they short-term, long term, be they school readiness goals, they really need to be invested in that. Because if, in fact, they are going to be receiving information about the progress towards achieving those goals, if they don't, if they are not integral in understanding what the goals are as they are established, then getting reports about achievement towards those goals, really, it's a disconnect.

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. And I like the fact that we talk about ongoing. It should not be something that the board gets once a year. 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 talk 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? 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: Ann, this connects really nicely, though, with the point that we are going to cover a little bit later, which is respect to training around their sort of distinct roles, and so again, as you are talking about the type of data they receive, the Policy Council would not need a full blown-out report about goal establishment, but the piece that's relevant to their understanding, I think that's the kind of stuff that we are talking about. 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 was an important change.

As we proposed in the 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, 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 5 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 received overwhelmingly positive comments about this change during the NPRM process.

Ann: It's funny, and I have 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. Some wanted 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: What I really like about it is, just going back a few years when I was a director in the program, was that by the time you really sort of got a group of Policy Council members trained and they fully understood their roles and responsibilities, they were phasing out. So now, with this additional requirement, their capacity to be able to serve more term, I think the continuity piece is really going to be enhanced across guarantees.

So the last basic change in this section was around reimbursement. We added low-income in a 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." And I think this is where we are, I think, demonstrating we are supporting the understanding of flexibility within communities, and communities are different. What is low income member in one community may be different than another community. So I think we are -- I think the flexibility is, the programs need to establish sort of those guidelines for themselves, which matches their community.

David: Absolutely. So this is a section that's kind of near and...

Ann: I get to talk about the parent committees!

David: Yes, near and dear to your heart!

Ann: So... 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 a, whether intentional or unintentionally, were minimizing the role of parents. That is absolutely the opposite, I mean, I think every one of us firmly believe that parents are the cornerstone of Head Start. Have always been, will always be.

So, I think in the NPRM, we were, wanted to give programs flexibility. And this is an area where programs said, "We want the parent committees to be a requirement." So, we restored it, and we added, I think, a couple of things which I think are really important.

We did prescribe how the parent committee should function. But we did say, if center-based, the Centers need to have the parent committees. I think for family childcare, we understand that there might be some more flexibility in figuring how you really arrange your parent committees. Particularly, if you have several family childcare 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 is you go in and you say to a parent, "How did you get on the Policy Council?" And they say, "Someone called me and asked me." 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 the Policy Councils with the 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 the other thing I want to mention, David, is eligibility. Remember that there is a provision there, not only that they be trained on the Head Start Performance Standards, but also, it'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. 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 from the 2007 Act...

David: That's right. 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 had 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. So, I think that in the, in listening to the many folks that commented, I think we strengthened that section, brought a little bit more balance. And I think that we also included provisions that if there is an impasse, and we are hoping that there will never be impasses, right?

David: Right.

Ann: But, if there are times that there is an impasse, and they really can't get, come to a 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 have 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. So in the event anything, a conflict arises, you have got these in place.

David: Yes, I mean, I think sound governance and leadership practice would be just to look at all of your policies and procedures across the board and ensure that they are adhering to what's being proposed in the rule.

Ann: So, I think in closing, governance is first, it's up front. It matters greatly, and I think 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, we urge you to read the preamble that accompanies the governance section, because I think that helps you, grantees, the community field, it would help Policy Council members and boards, really understand how we arrived at the final rule. So thanks very much, David.

David: Thank you Ann, it was awesome.

[Music]