

## Governing Regulations and Documents

Organizations and governing bodies that accept Head Start grants agree to follow all the federal laws, regulations, and policies that govern Head Start programs. They also agree to comply with other relevant laws and regulations.

Listed here are some of the laws, regulations, and documents at the federal, Tribal, state, local, and organizational levels that may affect your organization and your Head Start program. The Head Start director and governing body legal expert can provide further guidance in determining which regulations and documents are relevant to your program.

### Head Start and Other Federal Regulations

**Head Start Act of 2007:** *The Improving Head Start for School Readiness Act of 2007*, more commonly referred to as the Head Start Act, is the most recent federal legislation authorizing and funding the Head Start program.

**Head Start Program Performance Standards:** These federal regulations describe in detail how Head Start programs should be managed and run. 45 CFR Parts 1301 through 1311 contains significant implications for the operation of Head Start programs.

**Information Memorandum (IM):** A communication from the Office of Head Start (OHS) that provides policy information to Head Start and Early Head Start grantees and delegate agencies.

**Program Instruction (PI):** A communication from OHS that addresses a specific requirement Head Start grantees and delegate agencies must implement in their programs.

**Policy Clarification:** A communication from OHS that assists governing body and Tribal Council members in better understanding requirements and making decisions pertaining to their Head Start program.

**Other federal requirements that apply to your organizational structure:** These include laws and regulations that impact hiring, employee relations and protections, tax reporting, civil rights, and more.

## Tribal Regulations

Federally recognized Tribes have the right to self-government. Tribes typically adopt a form of government that best suits their own practical, cultural, and religious needs. Political leaders of traditional Tribal governments often are chosen by clans or families, or according to religious laws. Consensus often governs the selection process.

Some Tribal governments operate under written or unwritten constitutions. Others function under articles of association or other bodies of law. Still others have found a way to combine their traditional systems of government with a modern governmental framework.

If you serve on a Tribal Council overseeing a Head Start program, your Tribe's constitution, resolutions, bylaws, and other relevant governing documents, regulations, or legislation may impact your program. Your executive director and legal counsel should guide you in determining which Tribal regulations and governing documents affect Head Start operations.

## State Regulations

**Nonprofit Corporations Act, State Attorney General:** Nearly all states have some form of registration, fundraising disclosure, and annual reporting requirements for nonprofit organizations. These requirements fall under the purview of the state attorney general's office, which often has a charities division.

**State Education Policies:** State departments of education are responsible for providing information, resources, and technical assistance on education matters to schools and residents within each state. They also develop regulations and policies that affect education services.

**Open Meeting Laws:** Open meeting laws, also called "sunshine laws," require certain proceedings of government agencies, elected bodies, and entities that receive government funding to be open or available to the public. These laws vary from state to state.

**Other state documents that apply to your organizational structure:** It is especially important that you are aware of your state's agency, laws, and policies that oversee child care programs. Other state regulations may affect your program's hiring, employee compensation and protections, tax reporting, staff licensing and credentialing, food safety, facilities management, and more. Your executive director should know the state laws that affect your operations.

## Local Regulations

Local ordinances can apply to Head Start programs. They may regulate different aspects of your operations, such as the food your program serves, staff licensing and credentialing, facilities maintenance, transportation, and much more. Your executive director should be familiar with and understand local laws that affect your operations.

## Organizational Regulations

**Articles of Incorporation, Charter, or Constitution:** The legal organizing document that creates a corporation. Both for-profit and nonprofit corporations have articles of incorporation that must be filed with the state.

**State/Municipal Charter or Constitution:** Government agencies often are established through legislation. Their organizing document may be called a charter or constitution.

**Bylaws:** The rules adopted by an organization to guide its governing body and regulate its governing body members.

**Standards of Conduct:** The principles, values, standards, and rules of behavior that guide the processes, structures, and decision-making in an organization.

**Policies and Procedures:** Operating guidelines that establish parameters for governing body members, professional staff, and volunteers for what gets done and how it gets done.