

Appendix to the Head Start Program Performance Standards

45 CFR Chapter XIII September 2016

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Head Start



ADMINISTRATION FOR
CHILDREN & FAMILIES



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This compilation was prepared to assist grantees implementing the Head Start Program Performance Standards. If OHS identifies information that would enhance the utility of this compilation, an updated version will be posted.

Appendix: Statutory References and Web Resources

1. Section 642(c)(1)(B) of the Act:

(1) GOVERNING BODY-

(B) COMPOSITION- The governing body shall be composed as follows:

- (i) Not less than 1 member shall have a background and expertise in fiscal management or accounting.
- (ii) Not less than 1 member shall have a background and expertise in early childhood education and development.
- (iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body.
- (iv) Additional members shall—
 - (I) reflect the community to be served and include parents of children who are currently, or were formerly, enrolled in Head Start programs; and
 - (II) are selected for their expertise in education, business administration, or community affairs.
- (v) Exceptions shall be made to the requirements of clauses (i) through (iv) for members of a governing body when those members oversee a public entity and are selected to their positions with the public entity by public election or political appointment.
- (vi) If a person described in clause (i), (ii), or (iii) is not available to serve as a member of the governing body, the governing body shall use a consultant, or an other individual with relevant expertise, with the qualifications described in that clause, who shall work directly with the governing body.

2. Section 642(c)(1)(D) of the Act:

(1) GOVERNING BODY-

(D) EXCEPTION- If an individual holds a position as a result of public election or political appointment, and such position carries with it a concurrent appointment to serve as a member of a Head Start agency governing body, and such individual has any conflict of interest described in clause (ii) or (iii) of subparagraph (C)—

- (i) such individual shall not be prohibited from serving on such body and the Head Start agency shall report such conflict to the Secretary; and

Note: This document consists of excerpts from Public Law 110-134 “Improving Head Start for School Readiness Act of 2007,” and other statutes. Readers may wish to consult the statutes in full for additional information. Web links and statutory language were excerpted at the time of compilation on September 15, 2016, but may change over time.

(ii) if the position held as a result of public election or political appointment provides compensation, such individual shall not be prohibited from receiving such compensation.

3. Section 642(c)(1)(C) of the Act:

(1) GOVERNING BODY-

(C) CONFLICT OF INTEREST- Members of the governing body shall—

- (i) not have a financial conflict of interest with the Head Start agency (including any delegate agency);
- (ii) not receive compensation for serving on the governing body or for providing services to the Head Start agency;
- (iii) not be employed, nor shall members of their immediate family be employed, by the Head Start agency (including any delegate agency); and
- (iv) operate as an entity independent of staff employed by the Head Start agency.

4. Section 642(c)(1)(E) of the Act:

(1) GOVERNING BODY-

(E) RESPONSIBILITIES- The governing body shall—

- (i) have legal and fiscal responsibility for administering and overseeing programs under this subchapter, including the safeguarding of Federal funds;
- (ii) adopt practices that assure active, independent, and informed governance of the Head Start agency, including practices consistent with subsection (d)(1), and fully participate in the development, planning, and evaluation of the Head Start programs involved;
- (iii) be responsible for ensuring compliance with Federal laws (including regulations) and applicable State, tribal, and local laws (including regulations); and
- (iv) be responsible for other activities, including-
 - (I) selecting delegate agencies and the service areas for such agencies;
 - (II) establishing procedures and criteria for recruitment, selection, and enrollment of children;
 - (III) reviewing all applications for funding and amendments to applications for funding for programs under this subchapter;
 - (IV) establishing procedures and guidelines for accessing and collecting information described in subsection (d)(2);

- (V) reviewing and approving all major policies of the agency, including- (aa) the annual self-assessment and financial audit; (bb) such agency's progress in carrying out the programmatic and fiscal provisions in such agency's grant application, including implementation of corrective actions; and (cc) personnel policies of such agencies regarding the hiring, evaluation, termination, and compensation of agency employees;
- (VI) developing procedures for how members of the policy council are selected, consistent with paragraph (2)(B);
- (VII) approving financial management, accounting, and reporting policies, and compliance with laws and regulations related to financial statements, including the—
- (aa) approval of all major financial expenditures of the agency;
 - (bb) annual approval of the operating budget of the agency;
 - (cc) selection (except when a financial auditor is assigned by the State under State law or is assigned under local law) of independent financial auditors who shall report all critical accounting policies and practices to the governing body; and
 - (dd) monitoring of the agency's actions to correct any audit findings and of other action necessary to comply with applicable laws (including regulations) governing financial statement and accounting practices;
- (VIII) reviewing results from monitoring conducted under section 641A(c), including appropriate followup activities;
- (IX) approving personnel policies and procedures, including policies and procedures regarding the hiring, evaluation, compensation, and termination of the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other person in an equivalent position with the agency;
- (X) establishing, adopting, and periodically updating written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—
- (aa) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers and employees of the Head Start agency, and consultants and agents who provide services or furnish goods to the Head Start agency; and
 - (bb) complaints, including investigations, when appropriate; and
- (XI) to the extent practicable and appropriate, at the discretion of the governing body, establishing advisory committees to oversee key

responsibilities related to program governance and improvement of the Head Start program involved.

5. Section 642(d)(2) of the Act:

(d) Program Governance Administration-

(2) CONDUCT OF RESPONSIBILITIES- Each Head Start agency shall ensure the sharing of accurate and regular information for use by the governing body and the policy council, about program planning, policies, and Head Start agency operations, including—

- (A) monthly financial statements, including credit card expenditures;
- (B) monthly program information summaries;
- (C) program enrollment reports, including attendance reports for children whose care is partially subsidized by another public agency;
- (D) monthly reports of meals and snacks provided through programs of the Department of Agriculture;
- (E) the financial audit;
- (F) the annual self-assessment, including any findings related to such assessment;
- (G) the communitywide strategic planning and needs assessment of the Head Start agency, including any applicable updates;
- (H) communication and guidance from the Secretary; and
- (I) the program information reports.

6. Section 642(c)(2)(B) of the Act:

(2) POLICY COUNCIL-

(B) COMPOSITION AND SELECTION-

- (i) The policy council shall be elected by the parents of children who are currently enrolled in the Head Start program of the Head Start agency.
- (ii) The policy council shall be composed of—
 - (I) parents of children who are currently enrolled in the Head Start program of the Head Start agency (including any delegate agency), who shall constitute a majority of the members of the policy council; and
 - (II) members at large of the community served by the Head Start agency (including any delegate agency), who may include parents of children who were formerly enrolled in the Head Start program of the agency.

7. Section 642(c)(3) of the Act:

(3) POLICY COMMITTEES- Each delegate agency shall create a policy committee, which shall—

- (A) be elected and composed of members, consistent with paragraph (2)(B) (with respect to delegate agencies);
- (B) follow procedures to prohibit conflict of interest, consistent with clauses (i) and (ii) of paragraph (2)(C) (with respect to delegate agencies); and
- (C) be responsible for approval and submission of decisions about activities as they relate to the delegate agency, consistent with paragraph (2)(D) (with respect to delegate agencies).

8. Section 642(c)(2)(C) of the Act:

(2) POLICY COUNCIL-

(C) CONFLICT OF INTEREST- Members of the policy council shall-

- (i) not have a conflict of interest with the Head Start agency (including any delegate agency); and
- (ii) not receive compensation for serving on the policy council or for providing services to the Head Start agency.

9. Section 642(c)(3)(B) of the Act:

(3) POLICY COMMITTEES- Each delegate agency shall create a policy committee, which shall—

- (B) follow procedures to prohibit conflict of interest, consistent with clauses (i) and (ii) of paragraph (2)(C) (with respect to delegate agencies);

10. Section 642(c)(2)(D) of the Act:

(2) POLICY COUNCIL-

(D) RESPONSIBILITIES- The policy council shall approve and submit to the governing body decisions about each of the following activities:

- (i) Activities to support the active involvement of parents in supporting program operations, including policies to ensure that the Head Start agency is responsive to community and parent needs.
- (ii) Program recruitment, selection, and enrollment priorities.
- (iii) Applications for funding and amendments to applications for funding for programs under this subchapter, prior to submission of applications described in this clause.

- (iv) Budget planning for program expenditures, including policies for reimbursement and participation in policy council activities.
- (v) Bylaws for the operation of the policy council.
- (vi) Program personnel policies and decisions regarding the employment of program staff, consistent with paragraph (1)(E)(iv)(IX), including standards of conduct for program staff, contractors, and volunteers and criteria for the employment and dismissal of program staff.
- (vii) Developing procedures for how members of the policy council of the Head Start agency will be elected.
- (viii) Recommendations on the selection of delegate agencies and the service areas for such agencies.

11. McKinney-Vento Local Education Agency Liaisons (42 U.S.C. 11432 (6)(A)):

(6) LOCAL EDUCATIONAL AGENCY LIAISON

(A) Duties - Each local educational agency liaison for homeless children and youths, designated under paragraph (1)(J)(ii), shall ensure that—

- (i) homeless children and youths are identified by school personnel and through coordination activities with other entities and agencies;
- (ii) homeless children and youths enroll in, and have a full and equal opportunity to succeed in, schools of that local educational agency;
- (iii) homeless families, children, and youths receive educational services for which such families, children, and youths are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;
- (iv) the parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- (v) public notice of the educational rights of homeless children and youths is disseminated where such children and youths receive services under this chapter, such as schools, family shelters, and soup kitchens;
- (vi) enrollment disputes are mediated in accordance with paragraph (3)(E); and
- (vii) the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A).

12. Section 645(a)(2) of the Act:

(2) Whenever a Head Start program is operated in a community with a population of 1,000 or less individuals and-

(A) there is no other preschool program in the community;

(B) the community is located in a medically underserved area, as designated by the Secretary pursuant to section 330(b)(3) of the Public Health Service Act [42 U.S.C. §254c(b)(3)] and is located in a health professional shortage area, as designated by the Secretary pursuant to section 332(a)(1) of such Act [42 U.S.C. §254e(a)(1)];

(C) the community is in a location which, by reason of remoteness, does not permit reasonable access to the types of services described in clauses (A) and (B); and

(D) not less than 50 percent of the families to be served in the community are eligible under the eligibility criteria established by the Secretary under paragraph (1); the Head Start program in such locality shall establish the criteria for eligibility, except that no child residing in such community whose family is eligible under such eligibility criteria shall, by virtue of such project's eligibility criteria, be denied an opportunity to participate in such program. During the period beginning on the date of the enactment of the Human Services Reauthorization Act and ending on October 1, 1994, and unless specifically authorized in any statute of the United States enacted after such date of enactment, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs.

13. Sec. 645A of the Act refers to EARLY HEAD START PROGRAMS.**14. 29 U.S.C. 705(9)(b) of the Rehabilitation Act:**

(9) DISABILITY - The term “disability” means—

(B) for purposes of sections 701, 711, and 712 of this title, and subchapters II, IV, V, and VII, the meaning given it in section 12102 of title 42.

Section 12102 of Title 42:

(1) DISABILITY - The term “disability” means, with respect to an individual—

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment (as described in paragraph (3)).

(2) MAJOR LIFE ACTIVITIES

(A) In general - For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

(B) Major bodily functions - For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(3) REGARDED AS HAVING SUCH AN IMPAIRMENT - For purposes of paragraph (1)(C):

(A) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(4) RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY

- The definition of “disability” in paragraph (1) shall be construed in accordance with the following:

(A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.

(B) The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(E) (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(II) use of assistive technology;

- (III) reasonable accommodations or auxiliary aids or services; or
- (IV) learned behavioral or adaptive neurological modifications.
 - (ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - (iii) As used in this subparagraph—
 - (I) the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (II) the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.
 - (ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - (iii) As used in this subparagraph—
 - (I) the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - (II) the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

15. Section 645(a)(5) of the Act:

(5)(A) Upon written request and pursuant to the requirements of this paragraph, a Head Start agency may use funds that were awarded under this subchapter to serve children age 3 to compulsory school age, in order to serve infants and toddlers if the agency submits an application to the Secretary containing, as specified in rules issued by the Secretary, all of the following information:

- (i) The amount of such funds that are proposed to be used in accordance with section 645A(b).
- (ii) A communitywide strategic planning and needs assessment demonstrating how the use of such funds would best meet the needs of the community.
- (iii) A description of how the needs of pregnant women, and of infants and toddlers, will be addressed in accordance with section 645A(b), and with regulations prescribed by the Secretary pursuant to section 641A in areas including the agency’s approach to child

development and provision of health services, approach to family and community partnerships, and approach to program design and management.

(iv) A description of how the needs of eligible children will be met in the community.

(v) Assurances that the agency will participate in technical assistance activities (including planning, start-up site visits, and national training activities) in the same manner as recipients of grants under section 645A.

(vi) Evidence that the agency meets the same eligibility criteria as recipients of grants under section 645A.

(B) An application that satisfies the requirements specified in subparagraph (A) shall be approved by the Secretary unless the Secretary finds that—

(i) the agency lacks adequate capacity and capability to carry out an effective Early Head Start program; or

(ii) the information provided under subparagraph (A) is inadequate.

(C) In approving such applications, the Secretary shall take into account the costs of serving persons under section 645A.

(D) Any Head Start agency with an application approved under subparagraph (B) shall be considered to be an Early Head Start agency and shall be subject to the same rules, regulations, and conditions as apply to recipients of grants under section 645A, with respect to activities carried out under this paragraph.

16. Section 645(d)(3) of the Act:

(3) Notwithstanding any other provision of this Act, an Indian tribe or tribes that operates both an Early Head Start program under section 645A and a Head Start program may, at its discretion, at any time during the grant period involved, reallocate funds between the Early Head Start program and the Head Start program in order to address fluctuations in client populations, including pregnant women and children from birth to compulsory school age. The reallocation of such funds between programs by an Indian tribe or tribes during a year shall not serve as the basis for the Secretary to reduce a base grant (as defined in section 640(a)(7)) for either program in succeeding years.

17. Section 640(k)(1) of the Act:

(k)(1) The Secretary shall allow center-based Head Start programs the flexibility to satisfy the total number of hours of service required by the regulations in effect on the date of enactment of the Human Services Amendments of 1994, to be provided to children in Head Start programs so long as such agencies do not-

(A) provide less than 3 hours of service per day;

(B) reduce the number of days of service per week; or

(C) reduce the number of days of service per year.

18. Section 504 of the Rehabilitation Act of 1973:

<https://www.dol.gov/oasam/regs/statutes/sec504.htm>

Americans with Disabilities Act:

https://www.ada.gov/2010ADAstandards_index.htm

19. Individuals with Disabilities Education Act (IDEA)

Part C (ages birth – 2 years old) <http://idea.ed.gov/part-c/statutes>

Part B (ages 3-21) <http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C> For more resources visit <http://idea.ed.gov>

20. Child and Adult Care Food Program: Meal Pattern Revisions (7 CFR 210, 215, 220 and 226):

<https://www.federalregister.gov/articles/2016/04/25/2016-09412/child-and-adult-care-food-program-meal-pattern-revisions-related-to-the-healthy-hunger-free-kids-act>

21. IDEA and FERPA Confidentiality provisions – a crosswalk by the Department of Education:

<https://www2.ed.gov/policy/gen/guid/ptac/pdf/idea-ferpa.pdf>

22. Section 642(e)(5) of the Act:

(e) Collaboration and Coordination- To be so designated, a Head Start agency shall collaborate and coordinate with public and private entities, to the maximum extent practicable, to improve the availability and quality of services to Head Start children and families, including carrying out the following activities:

(5) Enter into a memorandum of understanding, not later than 1 year after the date of enactment of the Improving Head Start for School Readiness Act of 2007, with the appropriate local entity responsible for managing publicly funded preschool programs in the service area of the Head Start agency, that shall—

(A)(i) provide for a review of each of the activities described in clause (ii); and (ii) include plans to coordinate, as appropriate, activities regarding—

(I) educational activities, curricular objectives, and instruction;

(II) public information dissemination and access to programs for families contacting the Head Start program or any of the preschool programs;

(III) selection priorities for eligible children to be served by programs;

(IV) service areas;

(V) staff training, including opportunities for joint staff training on topics such as academic content standards, instructional methods, curricula, and social and emotional development;

(VI) program technical assistance;

(VII) provision of additional services to meet the needs of working parents, as applicable;

(VIII) communications and parent outreach for smooth transitions to kindergarten as required in paragraphs (3) and (6) of section 642A(a);

(IX) provision and use of facilities, transportation, and other program elements; and

(X) other elements mutually agreed to by the parties to such memorandum;

(B) be submitted to the Secretary and the State Director of Head Start Collaboration not later than 30 days after the parties enter into such memorandum, except that—

(i) where there is an absence of publicly funded preschool programs in the service area of a Head Start agency, this paragraph shall not apply; or

(ii) where the appropriate local entity responsible for managing the publicly funded preschool programs is unable or unwilling to enter into such a memorandum, this paragraph shall not apply and the Head Start agency shall inform the Secretary and the State Director of Head Start Collaboration of such inability or unwillingness; and

(C) be revised periodically and renewed biennially by the parties to such memorandum, in alignment with the beginning of the school year.

23. Section 642(b)(13) of the Act:

(b) Family and Community Involvement; Family Services- To be so designated, a Head Start agency shall, at a minimum:

(13) Promote the continued involvement of the parents (including foster parents, grandparents, and kinship caregivers, as appropriate) of children that participate in Head Start programs in the education of their children upon transition of their children to school, by working with the local educational agency—

(A) to provide training to the parents—

(i) to inform the parents about their rights and responsibilities concerning the education of their children; and

- (ii) to enable the parents—
 - (I) to understand and work with schools in order to communicate with teachers and other school personnel;
 - (II) to support the schoolwork of their children; and
 - (III) to participate as appropriate in decisions relating to the education of their children; and
- (B) to take other actions, as appropriate and feasible, to support the active involvement of the parents with schools, school personnel, and school-related organizations.

24. The Child Care and Development Block Grant Act, criminal background checks (42 U.S.C. 9858f (c)(1)(D) and (h)(1))

(c) PROHIBITIONS

(1) CHILD CARE STAFF MEMBERS - A child care staff member shall be ineligible for employment by a child care provider that is receiving assistance under this subchapter if such individual—

(D) has been convicted of a felony consisting of—

- (i) murder, as described in section 1111 of title 18;
- (ii) child abuse or neglect;
- (iii) a crime against children, including child pornography;
- (iv) spousal abuse;
- (v) a crime involving rape or sexual assault;
- (vi) kidnapping;
- (vii) arson;
- (viii) physical assault or battery; or
- (ix) subject to subsection (e)(4), a drug-related offense committed during the preceding 5 years

(h)(1) DISQUALIFICATION FOR OTHER CRIMES - Nothing in this section shall be construed to prevent a State from disqualifying individuals as child care staff members based on their conviction for crimes not specifically listed in this section that bear upon the fitness of an individual to provide care for and have responsibility for the safety and well-being of children.

25. Section 648A(a)(2)(B)(i) of the Act:

(2) DEGREE REQUIREMENTS-

(B) ADDITIONAL STAFF- The Secretary shall ensure that, not later than September 30, 2013, all—

- (i) Head Start education coordinators, including those that serve as curriculum specialists, nationwide in center-based programs—
 - (I) have the capacity to offer assistance to other teachers in the implementation and adaptation of curricula to the group and individual needs of children in a Head Start classroom; and
 - (II) have—
 - (aa) a baccalaureate or advanced degree in early childhood education; or
 - (bb) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children;

26. Section 645A(h) of the Act:

- (h) Center-Based Staff- The Secretary shall—
 - (1) ensure that, not later than September 30, 2010, all teachers providing direct services to children and families participating in Early Head Start programs located in Early Head Start centers, have a minimum of a child development associate credential, and have been trained (or have equivalent coursework) in early childhood development; and
 - (2) establish staff qualification goals to ensure that not later than September 30, 2012, all such teachers have been trained (or have equivalent coursework) in early childhood development with a focus on infant and toddler development.

27. Section 648A(a)(3)(B) of the Act:

(3) ALTERNATIVE CREDENTIALING AND DEGREE REQUIREMENTS- The Secretary shall ensure that, for center-based programs, each Head Start classroom that does not have a teacher who meets the qualifications described in clause (i) or (ii) of paragraph (2)(A) is assigned one teacher who has the following during the period specified:

- (B) As of October 1, 2011—
 - (i) an associate degree in early childhood education;
 - (ii) an associate degree in a related field and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children; or
 - (iii) a baccalaureate degree and has been admitted into the Teach For America program, passed a rigorous early childhood content exam, such as the Praxis II, participated in a Teach For America summer training institute that includes teaching preschool children, and is receiving ongoing professional development and support from Teach For America’s professional staff.

28. Section 648A(a)(2)(B)(ii) of the Act:

(2) DEGREE REQUIREMENTS-

(B) ADDITIONAL STAFF- The Secretary shall ensure that, not later than September 30, 2013, all—

(ii) Head Start teaching assistants nationwide in center based programs have—

(I) at least a child development associate credential;

(II) enrolled in a program leading to an associate or baccalaureate degree;
or

(III) enrolled in a child development associate credential program to be completed within 2 years.

29. Section 648A(a)(5) of the Act:

(5) TEACHER IN-SERVICE REQUIREMENT- Each Head Start teacher shall attend not less than 15 clock hours of professional development per year. Such professional development shall be high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and regularly evaluated by the program for effectiveness.

30. Section 644(a)(2) of the Act:

(2) Each Head Start agency shall make available to the public a report published at least once in each fiscal year that discloses the following information from the most recently concluded fiscal year, except that reporting such information shall not reveal personally identifiable information about an individual child or parent:

(A) The total amount of public and private funds received and the amount from each source.

(B) An explanation of budgetary expenditures and proposed budget for the fiscal year.

(C) The total number of children and families served, the average monthly enrollment (as a percentage of funded enrollment), and the percentage of eligible children served.

(D) The results of the most recent review by the Secretary and the financial audit.

(E) The percentage of enrolled children that received medical and dental exams.

(F) Information about parent involvement activities.

(G) The agency's efforts to prepare children for kindergarten.

(H) Any other information required by the Secretary.

31. Section 641A(e)(2) of the Act:

(e) Corrective Action for Head Start Agencies-

(2) QUALITY IMPROVEMENT PLAN-

(A) AGENCY AND PROGRAM RESPONSIBILITIES- To retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program to continue to receive funds from such agency, a Head Start agency that is the subject of a determination described in paragraph (1), or a Head Start program that is determined to have a deficiency under subsection (d)(2) (excluding an agency required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and that shall specify—

(I) the deficiencies to be corrected;

(II) the actions to be taken to correct such deficiencies; and (III) the timetable for accomplishment of the corrective actions specified; and

(ii) correct each deficiency identified, not later than the date for correction of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or Head Start program that is determined to have a deficiency received notice of the determination and of the specific deficiency to be corrected).

(B) SECRETARIAL RESPONSIBILITY- Not later than 30 days after receiving from a Head Start agency a proposed quality improvement plan pursuant to subparagraph (A), the Secretary shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

(C) AGENCY RESPONSIBILITY- Not later than 30 days after receiving from a Head Start program a proposed quality improvement plan pursuant to subparagraph (A), the Head Start agency involved shall either approve such proposed plan or specify the reasons why the proposed plan cannot be approved.

32. Section 640(b) of the Act:

(b) Financial assistance extended under this subchapter for a Head Start program shall not exceed 80 percent of the approved costs of the assisted program or activities, except that the Secretary may approve assistance in excess of such percentage if the Secretary determines that such action is required in furtherance of the purposes of this subchapter. For the purpose of making such determination, the Secretary shall take into consideration with respect to the Head Start program involved-

(1) the lack of resources available in the community that may prevent the Head Start agency from providing all or a portion of the non-Federal contribution that may be required under this subsection;

(2) the impact of the cost the Head Start agency may incur in initial years it carries out such program;

- (3) the impact of an unanticipated increase in the cost the Head Start agency may incur to carry out such program;
- (4) whether the Head Start agency is located in a community adversely affected by a major disaster; and
- (5) the impact on the community that would result if the Head Start agency ceased to carry out such program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment, or services. The Secretary shall not require non-Federal contributions in excess of 20 percent of the approved costs of programs or activities assisted under this subchapter.

33. Section 644(e) of the Act:

- (e) Funds appropriated to carry out this subchapter shall not be used to assist, promote, or deter union organizing.

34. Section 644(g)(3) of the Act:

- (3) All laborers and mechanics employed by contractors or subcontractors in the construction or renovation of facilities to be used to carry out Head Start programs shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a *et seq.*, commonly known as the “Davis-Bacon Act”).

35. Section 653 of the Act: COMPARABILITY OF WAGES

- (a) Comparability of Wages- The Secretary shall take such action as may be necessary to assure that persons employed in carrying out programs financed under this subchapter shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person’s immediately preceding employment, whichever is higher; or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938. The Secretary shall encourage Head Start agencies to provide compensation according to salary scales that are based on training and experience.

- (b) Limitation-

- (1) IN GENERAL- Notwithstanding any other provision of law, 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.
 - (2) COMPENSATION- In this subsection, the term ‘compensation’—

(A) includes salary, bonuses, periodic payments, severance pay, the value of any vacation time, the value of a compensatory or paid leave benefit not excluded by subparagraph (B), and the fair market value of any employee perquisite or benefit not excluded by subparagraph (B); and

(B) excludes any Head Start agency expenditure for a health, medical, life insurance, disability, retirement, or any other employee welfare or pension benefit.

36. Section 654 of the Act: NONDISCRIMINATION PROVISIONS

(a) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this subchapter. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if such person is excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this subchapter.

(c) The Secretary shall not provide financial assistance for any program, project, or activity under this subchapter unless the grant or contract relating to the financial assistance specifically provides that no person with responsibilities in the operation of the program, project, or activity will discriminate against any individual because of a handicapping condition in violation of section 504 of the Rehabilitation Act of 1973.

37. Section 655 of the Act: LIMITATION WITH RESPECT TO CERTAIN UNLAWFUL ACTIVITIES

No individual employed or assigned by or in any Head Start agency or other agency assisted under this subchapter shall, pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this subchapter by such Head Start agency or such other agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

38. Section 656 of the Act: POLITICAL ACTIVITIES

(a) State or Local Agency- For purposes of Chapter 15 of title 5, United States Code, any agency which assumes responsibility for planning, developing, and coordinating Head Start

programs and receives assistance under this subchapter shall be deemed to be a State or local agency. For purposes of clauses (1) and (2) of section 1502(a) of such title, any agency receiving assistance under this subchapter shall be deemed to be a State or local agency.

(b) Restrictions-

(1) IN GENERAL- A program assisted under this subchapter, and any individual employed by, or assigned to or in, a program assisted under this subchapter (during the hours in which such individual is working on behalf of such program), shall not engage in—

(A) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office; or

(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election.

(2) REGISTRATION- No funds appropriated under this subchapter may be used to conduct voter registration activities. Nothing in this subchapter prohibits the availability of Head Start facilities during hours of operation for the use of any nonpartisan organization to increase the number of eligible citizens who register to vote in elections for Federal office.

(3) RULES AND REGULATIONS- The Secretary, after consultation with the Director of the Office of Personnel Management, may issue rules and regulations to provide for the enforcement of this section, which may include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

39. Section 657A of the Act: PARENTAL CONSENT REQUIREMENT FOR NONEMERGENCY INTRUSIVE PHYSICAL EXAMINATIONS.

(a) Definition- The term `nonemergency intrusive physical examination' means, with respect to a child, a physical examination that-

(1) is not immediately necessary to protect the health or safety of the child involved or the health or safety of another individual; and

(2) requires incision or is otherwise invasive, or involves exposure of private body parts.

(b) Requirement- A Head Start agency shall obtain written parental consent before administration of any nonemergency intrusive physical examination of a child in connection with participation in a program under this subchapter.

(c) Rule of Construction- Nothing in this section shall be construed to prohibit agencies from using established methods, for handling cases of suspected or known child abuse and neglect, that are in compliance with applicable Federal, State, or tribal law.

40. UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR HHS AWARDS (45 CFR part 75)

<http://www.ecfr.gov/cgi-bin/text-idx?node=pt45.1.75>

41. Child Abuse Prevention and Treatment Act (42 USC 5101):

The term ‘child abuse and neglect’ means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

42. Section 637(3) of the Act:

The term “delegate agency” means a public, private nonprofit (including a community based organization, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), or for profit organization or agency to which a grantee has delegated all or part of the responsibility of the grantee for operating a Head Start program.

43. Section 641A(d) of the Act:

(d) Evaluations and Corrective Action for Delegate Agencies-

(1) PROCEDURES- Each Head Start agency shall establish, subject to paragraph (4), procedures relating to its delegate agencies, including—

- (A) procedures for evaluating delegate agencies;
- (B) procedures for defunding delegate agencies; and
- (C) procedures for a delegate agency to appeal a defunding decision.

(2) EVALUATION- Each Head Start agency—

- (A) shall evaluate its delegate agencies using the procedures established under this subsection; and
- (B) shall inform the delegate agencies of the deficiencies identified through the evaluation that are required to be corrected.

(3) REMEDIES TO ENSURE CORRECTIVE ACTIONS- In the event that the Head Start agency identifies a deficiency for a delegate agency through the evaluation, the Head Start agency shall take action, which may include—

- (A) initiating procedures to terminate the designation of the agency unless the agency corrects the deficiency;
- (B) conducting monthly monitoring visits to such delegate agency until all deficiencies are corrected or the Head Start agency decides to defund such delegate agency; and

(C) releasing funds to such delegate agency—

- (i) only as reimbursements except that, upon receiving a request from the delegate agency accompanied by assurances satisfactory to the Head Start agency that the funds will be appropriately safeguarded, the Head Start agency shall provide to the delegate agency a working capital advance in an amount sufficient to cover the estimated expenses involved during an agreed upon disbursing cycle; and
- (ii) only if there is continuity of services.

(4) TERMINATION- The Head Start agency may not terminate a delegate agency's contract or reduce a delegate agency's service area without showing cause or demonstrating the cost-effectiveness of such a decision.

(5) RULE OF CONSTRUCTION- Nothing in this subsection shall be construed to limit the powers, duties, or functions of the Secretary with respect to Head Start agencies or delegate agencies that receive financial assistance under this subchapter.

44. Section 644(c), (f), and (g) of the Act:

(c) The Secretary shall prescribe rules or regulations to supplement subsections (a) and (f) of this section, which shall be binding on all agencies carrying on Head Start program activities with financial assistance under this subchapter. The Secretary may, where appropriate, establish special or simplified requirements for smaller agencies or agencies operating in rural areas. Policies and procedures shall be established to ensure that indirect costs attributable to the common or joint use of facilities and services by programs assisted under this subchapter and other programs shall be fairly allocated among the various programs which utilize such facilities and services.

(f)(1) The Secretary shall establish uniform procedures for Head Start agencies to request approval to purchase facilities, or to request approval of the purchase (after December 31, 1986) of facilities, to be used to carry out Head Start programs. The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.

(2) Financial assistance provided under this subchapter may not be used by a Head Start agency to purchase a facility (including paying the cost of amortizing the principal, and paying interest on, loans) to be used to carry out a Head Start program unless the Secretary approves a request that is submitted by such agency and contains—

- (A) a description of the efforts by the agency to coordinate or collaborate with other providers in the community to seek assistance, including financial assistance, prior to the use of funds under this section;

- (B) a description of the site of the facility proposed to be purchased or that was previously purchased;
- (C) the plans and specifications of such facility;
- (D) information demonstrating that-
 - (i) the proposed purchase will result, or the previous purchase has resulted, in savings when compared to the costs that would be incurred to acquire the use of an alternative facility to carry out such program; or
 - (ii) the lack of alternative facilities will prevent, or would have prevented, the operation of such program;
- (E) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and
- (F) such other information and assurances as the Secretary may require.

(3) Upon a determination by the Secretary that suitable facilities are not otherwise available to Indian tribes to carry out Head Start programs, and that the lack of suitable facilities will inhibit the operation of such programs, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance to make payments for the purchase of facilities owned by such tribes. The amount of such a payment for such a facility shall not exceed the fair market value of the facility.

(g)(1) Upon a determination by the Secretary that suitable facilities (including public school facilities) are not otherwise available to Indian tribes, rural communities, and other low-income communities to carry out Head Start programs, that the lack of suitable facilities will inhibit the operation of such programs, and that construction of such facilities is more cost effective than purchase of available facilities or renovation, the Secretary, in the discretion of the Secretary, may authorize the use of financial assistance under this subchapter to make payments for capital expenditures related to facilities that will be used to carry out such programs. The Secretary shall establish uniform procedures for Head Start agencies to request approval for such payments, and shall promote, to the extent practicable, the collocation of Head Start programs with other programs serving low-income children and families.

(2) Such payments may be used for capital expenditures (including paying the cost of amortizing the principal, and paying interest on, loans) such as expenditures for-

- (A) construction of facilities that are not in existence on the date of the determination;
- (B) major renovation of facilities in existence on such date; and
- (C) purchase of vehicles used for programs conducted at the Head Start facilities.

(3) All laborers and mechanics employed by contractors or subcontractors in the construction or renovation of facilities to be used to carry out Head Start programs shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq., commonly known as the "Davis-Bacon Act").

45. **The Flood Disaster Protection Act of 1973:** <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=4999a47429a7654bed5cc9532b0aa93f&rgn=div5&view=text&node=12:7.0.2.3.32&idno=12>

National Historic Preservation Act of 1966:

<http://www.achp.gov/nhpa.pdf>

46. Section 641A(c)(1) and (2) of the Act:

(c) Monitoring of Local Agencies and Programs-

(1) IN GENERAL - To determine whether Head Start agencies meet standards described in subsection (a)(1) established under this subchapter with respect to program, administrative, financial management, and other requirements, and in order to help the programs identify areas for improvement and areas of strength as part of their ongoing self-assessment process, the Secretary shall conduct the following reviews of Head Start agencies, including the Head Start programs operated by such agencies:

(A) A full review, including the use of a risk-based assessment approach, of each such agency at least once during each 3-year period.

(B) A review of each newly designated Head Start agency immediately after the completion of the first year such agency carries out a Head Start program.

(C) Follow up reviews, including—

(i) return visits to Head Start agencies with 1 or more findings of deficiencies, not later than 6 months after the Secretary provides notification of such findings, or not later than 12 months after such notification if the Secretary determines that additional time is necessary for an agency to address such a deficiency prior to the review; and

(ii) a review of Head Start agencies with significant areas of noncompliance.

(D) Other reviews, including unannounced site inspections of Head Start centers, as appropriate.

(2) CONDUCT OF REVIEWS- The Secretary shall ensure that reviews described in subparagraphs (A) through (C) of paragraph (1)—

(A) are conducted by review teams that—

(i) include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, individuals who are knowledgeable about—

(I) other early childhood education and development programs, personnel management, financial accountability, and systems development and monitoring; and

- (II) the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities, homeless children, children in foster care, and limited English proficient children) and their families;
 - (ii) include, to the maximum extent practicable, current or former employees of the Department of Health and Human Services who are knowledgeable about Head Start programs; and
 - (iii) shall receive periodic training to ensure quality and consistency across reviews;
- (B) include as part of the reviews, a review and assessment of program strengths and areas in need of improvement;
 - (C) include as part of the reviews, a review and assessment of whether programs have adequately addressed population and community needs (including those of limited English proficient children and children of migrant or seasonal farmworker families);
 - (D) include as part of the reviews, an assessment of the extent to which the programs address the communitywide strategic planning and needs assessment described in section 640(g)(1)(C);
 - (E) include information on the innovative and effective efforts of the Head Start agencies to collaborate with the entities providing early childhood and development services or programs in the community and any barriers to such collaboration that the agencies encounter;
 - (F) include as part of the reviews, a valid and reliable research-based observational instrument, implemented by qualified individuals with demonstrated reliability, that assesses classroom quality, including assessing multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement;
 - (G) are conducted in a manner that evaluates program performance, quality, and overall operations with consistency and objectivity, are based on a transparent and reliable system of review, and are conducted in a manner that includes periodic interrater reliability checks, to ensure quality and consistency, across and within regions, of the reviews and of noncompliance and deficiency determinations;
 - (H) in the case of reviews of Early Head Start agencies and programs, are conducted by a review team that includes individuals who are knowledgeable about the development of infants and toddlers;
 - (I) include as part of the reviews a protocol for fiscal management that shall be used to assess compliance with program requirements for—
 - (i) using Federal funds appropriately;

- (ii) using Federal funds specifically to purchase property (consistent with section 644(f)) and to compensate personnel;
 - (iii) securing and using qualified financial officer support; and
 - (iv) reporting financial information and implementing appropriate internal controls to safeguard Federal funds;
- (J) include as part of the reviews of the programs, a review and assessment of whether the programs are in conformity with the eligibility requirements under section 645(a)(1), including regulations promulgated under such section and whether the programs have met the requirements for the outreach and enrollment policies procedures, and selection criteria, in such section, for the participation of children in programs assisted under this subchapter;
- (K) include as part of the reviews, a review and assessment of whether agencies have adequately addressed the needs of children with disabilities, including whether the agencies involved have met the 10 percent minimum enrollment requirement specified in section 640(d) and whether the agencies have made sufficient efforts to collaborate with State and local agencies providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.); and
- (L) include as part of the reviews, a review and assessment of child outcomes and performance as they relate to agency-determined school readiness goals described in subsection (g)(2), consistent with subsection (b)(5).

47. Section 637(2) of the Act:

(2) The term “deficiency” means—

- (A) a systemic or substantial material failure of an agency in an area of performance that the Secretary determines involves—
- (i) a threat to the health, safety, or civil rights of children or staff;
 - (ii) a denial to parents of the exercise of their full roles and responsibilities related to program operations;
 - (iii) a failure to comply with standards related to early childhood development and health services, family and community partnerships, or program design and management;
 - (iv) the misuse of funds received under this subchapter;
 - (v) loss of legal status (as determined by the Secretary) or financial viability, loss of permits, debarment from receiving Federal grants or contracts, or the improper use of Federal funds; or
 - (vi) failure to meet any other Federal or State requirement that the agency has shown an unwillingness or inability to correct, after notice from the Secretary, within the period specified;

- (B) systemic or material failure of the governing body of an agency to fully exercise its legal and fiduciary responsibilities; or
- (C) an unresolved area of noncompliance.

48. Section 641A(e)(1)(B) of the Act:

(e) Corrective Action for Head Start Agencies-

(1) DETERMINATION- If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to this subchapter fails to meet the standards described in subsection (a)(1) or fails to address the communitywide strategic planning and needs assessment, the Secretary shall—

(B) with respect to each identified deficiency, require the agency—

- (i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;
- (ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or
- (iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency), to comply with the requirements of paragraph (2) concerning a quality improvement plan;

49. Section 641A(e)(1)(B)(i) of the Act:

(e) Corrective Action for Head Start Agencies-

(1) DETERMINATION- If the Secretary determines, on the basis of a review pursuant to subsection (c), that a Head Start agency designated pursuant to this subchapter fails to meet the standards described in subsection (a)(1) or fails to address the communitywide strategic planning and needs assessment, the Secretary shall—

(B) with respect to each identified deficiency, require the agency—

- (i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

50. Section 641A(e)(2)(A) of the Act:

(e) Corrective Action for Head Start Agencies-

(2) QUALITY IMPROVEMENT PLAN-

(A) **AGENCY AND PROGRAM RESPONSIBILITIES-** To retain a designation as a Head Start agency under this subchapter, or in the case of a Head Start program to continue to receive funds from such agency, a Head Start agency that is the subject of a determination described in paragraph (1), or a Head Start program that is determined to have a deficiency under subsection (d)(2) (excluding an agency required to correct a deficiency immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)) shall—

(i) develop in a timely manner, a quality improvement plan that shall be subject to the approval of the Secretary, or in the case of a program, the sponsoring agency, and that shall specify—

(I) the deficiencies to be corrected;

(II) the actions to be taken to correct such deficiencies; and (III) the timetable for accomplishment of the corrective actions specified; and

(ii) correct each deficiency identified, not later than the date for correction of such deficiency specified in such plan (which shall not be later than 1 year after the date the agency or Head Start program that is determined to have a deficiency received notice of the determination and of the specific deficiency to be corrected).

51. Section 646(a)(5)(B) of the Act:

(a) The Secretary shall prescribe -

(5) procedures to assure that the Secretary may suspend financial assistance to a recipient under this subchapter—

(B) in the case of a recipient under this subchapter that has multiple and recurring deficiencies for 180 days or more and has not made substantial and significant progress toward meeting the goals of the grantee's quality improvement plan or eliminating all deficiencies identified by the Secretary, during the hearing of an appeal described in paragraph (3), for any amount of time;

52. PROCEDURES OF THE DEPARTMENTAL GRANT APPEALS BOARD (45 CFR part 16)

<https://www.law.cornell.edu/cfr/text/45/part-16>

53. Section 641A(a)(1) of the Act:

(a) Standards-

(1) CONTENT OF STANDARDS- The Secretary shall modify, as necessary, program performance standards by regulation applicable to Head Start agencies and programs under this subchapter, including-

- (A) performance standards with respect to services required to be provided, including health, parental involvement, nutritional, and social services, transition activities described in section 642A, and other services;
- (B) scientifically based and developmentally appropriate education performance standards related to school readiness that are based on the Head Start Child Outcomes Framework to ensure that the children participating in the program, at a minimum, develop and demonstrate-
 - (i) language knowledge and skills, including oral language and listening comprehension;
 - (ii) literacy knowledge and skills, including phonological awareness, print awareness and skills, and alphabetic knowledge;
 - (iii) mathematics knowledge and skills;
 - (iv) science knowledge and skills;
 - (v) cognitive abilities related to academic achievement and child development;
 - (vi) approaches to learning related to child development and early learning;
 - (vii) social and emotional development related to early learning, school success, and social problem solving;
 - (viii) abilities in creative arts;
 - (ix) physical development; and
 - (x) in the case of limited English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in clauses (i) through (ix), including progress made through the use of culturally and linguistically appropriate instructional services;
- (C) administrative and financial management standards;
- (D) standards relating to the condition and location of facilities (including indoor air quality assessment standards, where appropriate) for such agencies, and programs, including regulations that require that the facilities used by Head Start agencies (including Early Head Start agencies and any delegate agencies) for regularly scheduled center based and combination program option classroom activities-

- (i) shall meet or exceed State and local requirements concerning licensing for such facilities; and
 - (ii) shall be accessible by State and local authorities for purposes of monitoring and ensuring compliance, unless State or local laws prohibit such access; and
- (E) such other standards as the Secretary finds to be appropriate.

54. Section 641A(c)(1)(A), (C), and (D) of the Act:

(c) Monitoring of Local Agencies and Programs-

(1) IN GENERAL- To determine whether Head Start agencies meet standards described in subsection (a)(1) established under this subchapter with respect to program, administrative, financial management, and other requirements, and in order to help the programs identify areas for improvement and areas of strength as part of their ongoing self-assessment process, the Secretary shall conduct the following reviews of Head Start agencies, including the Head Start programs operated by such agencies:

- (A) A full review, including the use of a risk-based assessment approach, of each such agency at least once during each 3-year period.
- (C) Follow up reviews, including—
 - (i) return visits to Head Start agencies with 1 or more findings of deficiencies, not later than 6 months after the Secretary provides notification of such findings, or not later than 12 months after such notification if the Secretary determines that additional time is necessary for an agency to address such a deficiency prior to the review; and
 - (ii) a review of Head Start agencies with significant areas of noncompliance.
- (D) Other reviews, including unannounced site inspections of Head Start centers, as appropriate.

55. Section 641A(g)(2) of the Act:

(g) Self-Assessments-

(2) GOALS, REPORTS, AND IMPROVEMENT PLANS-

- (A) GOALS- An agency conducting a self-assessment shall establish agency-determined program goals for improving the school readiness of children participating in a program under this subchapter, including school readiness goals that are aligned with the Head Start Child Outcomes Framework, State early learning standards as appropriate, and requirements and expectations of the schools the children will be attending.
- (B) IMPROVEMENT PLAN- The agency shall develop, and submit to the Secretary a report containing, an improvement plan approved by the governing

body of the agency to strengthen any areas identified in the self-assessment as weaknesses or in need of improvement.

56. 2 CFR 180: OMB GUIDELINES TO AGENCIES ON GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT)

180.135 May a Federal agency grant an exception to let an excluded person participate in a covered transaction?

- (a) A Federal agency head or designee may grant an exception permitting an excluded person to participate in a particular covered transaction. If the agency head or designee grants an exception, the exception must be in writing and state the reason(s) for deviating from the government wide policy in Executive Order 12549.
- (b) An exception granted by one Federal agency for an excluded person does not extend to the covered transactions of another Federal agency.

57. Section 647 of the Act: RECORDS AND AUDITS

- (a) Each recipient of financial assistance under this subchapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such financial assistance, the total cost of the project or undertaking in connection with which such financial assistance is given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.
- (b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under this subchapter.
- (c) Each recipient of financial assistance under this subchapter shall—
 - (1) maintain, and annually submit to the Secretary, a complete accounting of the recipient's administrative expenses (including a detailed statement identifying the amount of financial assistance provided under this subchapter used to pay expenses for salaries and compensation and the amount (if any) of other funds used to pay such expenses);
 - (2) not later than 30 days after the date of completion of an audit conducted in the manner and to the extent provided in chapter 75 of title 31, United States Code (commonly known as the Single Audit Act of 1984), submit to the Secretary a copy of the audit management letter and of any audit findings as they relate to the Head Start program; and
 - (3) provide such additional documentation as the Secretary may require.

58. Section 641(d)(2) of the Act:

(2) CONSIDERATIONS FOR DESIGNATION.—In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall consider the effectiveness of each such applicant to provide Head Start services, based on—

(A) any past performance of such applicant in providing services comparable to Head Start services, including how effectively such applicant provided such comparable services;

(B) the plan of such applicant to provide comprehensive health, educational, nutritional, social, and other services needed to aid participating children in attaining their full potential, and to prepare children to succeed in school;

(C) the plan of such applicant to attract and retain qualified staff capable of delivering, including implementing, a high-quality and comprehensive program, including the ability to carry out a research based curriculum aligned with the Head Start Child Outcomes Framework and, as appropriate, State early learning standards;

(D) the ability of such applicant to maintain child-to-teacher ratios and family service worker caseloads that reflect best practices and are tied to high-quality service delivery;

(E) the capacity of such applicant to serve eligible children with—

(i) curricula that are based on scientifically valid research, that are developmentally appropriate, and that promote the school readiness of children participating in the program involved; and

(ii) teaching practices that are based, as appropriate, on scientifically valid research, that are developmentally appropriate, and that promote the school readiness of children participating in the program involved;

(F) the plan of such applicant to meet standards described in section 641A(a)(1), with particular attention to the standards described in subparagraphs (A) and (B) of such section;

(G) the proposed budget of the applicant and plan of such applicant to maintain strong fiscal controls and cost effective fiscal management;

(H) the plan of such applicant to coordinate and collaborate with other public or private entities providing early childhood education and development programs and services for young children in the community involved, including—

(i) programs implementing grant agreements under the Early Reading First and Even Start programs under subparts 2 and 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6371 *et seq.*, 6381 *et seq.*);

(ii) other preschool programs under title I of that Act (20 U.S.C. 6301 *et seq.*);

(iii) programs under section 619 and part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 *et seq.*);

- (iv) State pre kindergarten programs;
- (v) child care programs;
- (vi) the educational programs that the children in the Head Start program involved will enter at the age of compulsory school attendance; and
- (vii) local entities, such as a public or school library, for—
 - (I) conducting reading readiness programs;
 - (II) developing innovative programs to excite children about the world of books, including providing fresh books in the Head Start classroom;
 - (III) assisting in literacy training for Head Start teachers; or
 - (IV) supporting parents and other caregivers in literacy efforts;
- (I) the plan of such applicant to coordinate the Head Start program that the applicant proposes to carry out, with public and private entities that are willing to commit resources to assist the Head Start program in meeting its program needs;
- (J) the plan of such applicant—
 - (i) to facilitate the involvement of parents (including grandparents and kinship caregivers, as appropriate) of children participating in the proposed Head Start program, in activities (at home and, if practicable, at the location of the Head Start program) designed to help such parents become full partners in the education of their children;
 - (ii) to afford such parents the opportunity to participate in the development and overall conduct of the program at the local level, including transportation assistance, as appropriate;
 - (iii) to offer (directly or through referral to local entities, such as entities carrying out Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.), public and school libraries, and entities carrying out family support programs) to such parents—
 - (I) family literacy services; and
 - (II) parenting skills training;
 - (iv) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), if needed, including information on the effect of drug exposure on infants and fetal alcohol syndrome;
 - (v) at the option of such applicant, to offer (directly or through referral to local entities) to such parents—
 - (I) training in basic child development (including cognitive, social, and emotional development);
 - (II) assistance in developing literacy and communication skills;

- (III) opportunities to share experiences with other parents (including parent-mentor relationships);
 - (IV) regular in-home visitation;
 - (V) health services, including information on maternal depression; or
 - (VI) any other activity designed to help such parents become full partners in the education of their children;
- (vi) to provide, with respect to each participating family, a family needs assessment that includes consultation with such parents (including foster parents, grandparents, and kinship caregivers, where applicable), in a manner and language that such parents can understand, to the extent practicable, about the benefits of parent involvement and about the activities described in this subparagraph in which such parents may choose to become involved (taking into consideration their specific family needs, work schedules, and other responsibilities); and
- (vii) to extend outreach to fathers (including father figures), in appropriate cases, in order to strengthen the role of those fathers in families, in the education of young children, and in the Head Start program, by working directly with the fathers through activities such as—
- (I) in appropriate cases, including the fathers in home visits and providing opportunities for direct father child interactions; and
 - (II) targeting increased male participation in the conduct of the program;
 - (K) the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);
 - (L) the plan of such applicant to meet the diverse needs of the population served;
 - (M) the plan of such applicant who chooses to assist younger siblings of children who will participate in the Head Start program to obtain health services from other sources;
 - (N) the plan of such applicant to meet the needs of children with disabilities, including procedures to identify such children, procedures for referral of such children for evaluation to State or local agencies providing services under section 619 or part C of the Individuals with Disabilities Education Act (20 U.S.C. 1419, 1431 et seq.), and plans for collaboration with those State or local agencies;
 - (O) the plan of such applicant to meet the needs of homeless children, including transportation needs, and the needs of children in foster care; and
 - (P) other factors related to the requirements of this subchapter.

59. Section 646(e)(1)(A) of the Act:

(e)(1) The Secretary shall by regulation specify a process by which an Indian tribe may identify and establish an alternative agency, and request that the alternative agency be designated under section 641 as the Head Start agency providing services to the tribe, if—

(A) the Secretary terminates financial assistance under section 646 to the only agency that was receiving financial assistance to provide Head Start services to the Indian tribe;

60. Section 648A(d) of the Act:

(d) HEAD START FELLOWSHIPS.-

(1) AUTHORITY.-The Secretary may establish a program of fellowships, to be known as Head Start Fellowships', in accordance with this subsection. The Secretary may award the fellowships to individuals, to be known as Head Start Fellows', who are staff in local Head Start programs or other individuals working in the field of child development and family services.

(2) PURPOSE.-The fellowship program established under this subsection shall be designed to enhance the ability of Head Start Fellows to make significant contributions to programs authorized under this subchapter, by providing opportunities to expand their knowledge and experience through exposure to activities, issues, resources, and new approaches, in the field of child development and family services.

(3) ASSIGNMENTS OF FELLOWS.-

(A) PLACEMENT SITES.-Fellowship positions under the fellowship program may be located (subject to subparagraphs (B) and (C))-

- (i) in agencies of the Department of Health and Human Services administering programs authorized under this subchapter (in national or regional offices of such agencies);
- (ii) in local Head Start agencies and programs;
- (iii) in institutions of higher education;
- (iv) in public or private entities and organizations concerned with services to children and families; and
- (v) in other appropriate settings.

(B) LIMITATION FOR FELLOWS OTHER THAN HEAD START EMPLOYEES.-A Head Start Fellow who is not an employee of a local Head Start agency or program may be placed only in a fellowship position located in an agency or program specified in clause (i) or (ii) of subparagraph (A).

(C) NO PLACEMENT IN LOBBYING ORGANIZATIONS.-Head Start Fellowship positions may not be located in any agency (including a center) whose

primary purpose, or one of whose major purposes, is to influence Federal, State, or local legislation.

(4) **SELECTION OF FELLOWS.**-Head Start Fellowships shall be awarded on a competitive basis to individuals (other than Federal employees) selected from among applicants who are working, on the date of application, in local Head Start programs or otherwise working in the field of child development and children and family services.

(5) **DURATION.**-Head Start Fellowships shall be for terms of 1 year, and may be renewed for a term of 1 additional year.

(6) **AUTHORIZED EXPENDITURES.**-From amounts made available under section 640(a)(2)(E), the Secretary is authorized to make expenditures of not to exceed \$1,000,000 for any fiscal year, for stipends and other reasonable expenses of the fellowship program.

(7) **STATUS OF FELLOWS.**-Except as otherwise provided in this paragraph, Head Start Fellows shall not be considered to be employees or otherwise in the service or employment of the Federal Government. Head Start Fellows shall be considered to be employees for purposes of compensation for injuries under chapter 81 of title 5, United States Code. Head Start Fellows assigned to positions located in agencies specified in paragraph (3)(A)(i) shall be considered employees in the executive branch of the Federal Government for the purposes of chapter 11 of title 18, United States Code, and for purposes of any administrative standards of conduct applicable to the employees of the agency to which they are assigned.

(8) **REGULATIONS.**-The Secretary shall promulgate regulations to carry out this subsection.

61. Case plan as presented in 42 U.S.C. 675(1)

(1) The term “case plan” means a written document which includes at least the following:

(A) A description of the type of home or institution in which a child is to be placed, including a discussion of the safety and appropriateness of the placement and how the agency which is responsible for the child plans to carry out the voluntary placement agreement entered into or judicial determination made with respect to the child in accordance with section 672(a)(1) [1] of this title.

(B) A plan for assuring that the child receives safe and proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents’ home, facilitate return of the child to his own safe home or the permanent placement of the child, and address the needs of the child while in foster care, including a discussion of the appropriateness of the services that have been provided to the child under the plan.

(C) The health and education records of the child, including the most recent information available regarding—

(i) the names and addresses of the child’s health and educational providers;

- (ii) the child's grade level performance;
- (iii) the child's school record;
- (iv) a record of the child's immunizations;
- (v) the child's known medical problems;
- (vi) the child's medications; and
- (vii) any other relevant health and education information concerning the child determined to be appropriate by the State agency.

(D) Where appropriate, for a child age 16 or over, a written description of the programs and services which will help such child prepare for the transition from foster care to independent living.

(E) In the case of a child with respect to whom the permanency plan is adoption or placement in another permanent home, documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a fit and willing relative, a legal guardian, or in another planned permanent living arrangement, and to finalize the adoption or legal guardianship. At a minimum, such documentation shall include child specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State and interstate placements.

(F) In the case of a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardianship assistance payments under section 673(d) of this title, a description of—

- (i) the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
- (ii) the reasons for any separation of siblings during placement;
- (iii) the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;
- (iv) the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
- (v) the efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefor; and
- (vi) the efforts made by the State agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.

(G) A plan for ensuring the educational stability of the child while in foster care, including—

(i) assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and

(ii)

(I) an assurance that the State agency has coordinated with appropriate local educational agencies (as defined under section 7801 of title 20) to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or

(II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

62. Commercial driver's license standards; requirements and penalties (49 CFR part 383)

<https://www.fmcsa.dot.gov/regulations/title49/part/383>

63. Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))

(2) The term “homeless children and youths”—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and

(B) includes—

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels,

trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) [1] of this title);

(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

64. Section 645(a)(3)(B) of the Act:

(B) The following amounts of pay and allowance of a member of the uniformed services shall not be considered to be income for purposes of determining the eligibility of a dependent of such member for programs funded under this subchapter:

- (i) The amount of any special pay payable under section 310 of title 37, United States Code, relating to duty subject to hostile fire or imminent danger.
- (ii) The amount of basic allowance payable under section 403 of such title, including any such amount that is provided on behalf of the member for housing that is acquired or constructed under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law.

65. Section 637(12) of the Act:

The term “Indian tribe” means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

66. Individuals with Disabilities Education Act, Sec. 300.320

Definition of individualized education program. (IEP)

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with Sec. Sec. 300.320 through 300.324, and that must include-

- (1) A statement of the child’s present levels of academic achievement and functional performance, including-
 - (i) How the child’s disability affects the child’s involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
 - (ii) For preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities;
- (2)(i) A statement of measurable annual goals, including academic and functional goals designed to-
 - (A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and

- (B) Meet each of the child's other educational needs that result from the child's disability;
- (ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- (3) A description of-
 - (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
 - (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child-
 - (i) To advance appropriately toward attaining the annual goals;
 - (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
 - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;
- (5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;
- (6)(i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; and
 - (ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why-
 - (A) The child cannot participate in the regular assessment; and
 - (B) The particular alternate assessment selected is appropriate for the child; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.

(b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include-

(1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

(2) The transition services (including courses of study) needed to assist the child in reaching those goals.

(c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under Sec. 300.520.

(d) Construction. Nothing in this section shall be construed to require-

(1) That additional information be included in a child's IEP beyond what is explicitly required in section 614 of the Act; or

(2) The IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.

67. Individuals with Disabilities Education Act, Sec. 636

Definition of an Individualized Family Service Plan (IFSP)

(a) Assessment and Program Development.-A statewide system described in section 633 shall provide, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive-

(1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs;

(2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and

(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), including a description of the appropriate transition services for the infant or toddler.

(b) Periodic Review.-The individualized family service plan shall be evaluated once a year and the family shall be provided a review of the plan at 6-month intervals (or more often where appropriate based on infant or toddler and family needs).

(c) Promptness After Assessment.-The individualized family service plan shall be developed within a reasonable time after the assessment required by subsection (a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment.

- (d) Content of Plan.-The individualized family service plan shall be in writing and contain-
- (1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;
 - (2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;
 - (3) a statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary;
 - (4) a statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;
 - (5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;
 - (6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;
 - (7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and
 - (8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.
- (e) Parental Consent.-The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

68. Section 637(25) of the Act:

The term “State” means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands. The term includes the Republic of Palau for fiscal years 2008 and 2009, and (if the legislation described in section 640(a)(2)(B)(v) has not been enacted by September 30, 2009) for fiscal years 2010 through 2012.

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