

HEAD START PROGRAM PERFORMANCE STANDARDS EXCERPTS
45 CFR Chapter XIII
SUBCHAPTER B – THE ADMINISTRATION FOR CHILDREN AND FAMILIES, HEAD START PROGRAMS

REFERENCES TO: DUAL LANGUAGE LEARNERS (DLLs), CULTURALLY AND LINGUISTICALLY APPROPRIATE,
LANGUAGE AND CULTURE, HOME LANGUAGE, TRIBAL, MIGRANT & SEASONAL AND AMERICAN INDIAN AND ALASKA NATIVE

PART 1302-PROGRAM OPERATIONS

Subpart A-Eligibility, Recruitment, Selection, Enrollment, and Attendance	Content Area	Notes
<p>1302.11 Determining community strengths, needs, and resources.</p> <p>(a) <i>Service area.</i> (1) A program must propose a service area in the grant application and define the area by county or sub-county area, such as a municipality, town or census tract or jurisdiction of a federally recognized Indian reservation.</p> <p>(i) A tribal program may propose a service area that includes areas where members of Indian tribes or those eligible for such membership reside, including but not limited to Indian reservation land, areas designated as near-reservation by the Bureau of Indian Affairs (BIA) provided that the service area is approved by the tribe’s governing council, Alaska Native Villages, Alaska Native Regional Corporations with land-based authorities, Oklahoma Tribal Statistical Areas, and Tribal Designated Statistical Areas where federally recognized Indian tribes do not have a federally established reservation.</p> <p>(ii) If the tribe’s service area includes any area specified in paragraph (a)(1)(i) of this section, and that area is also served by another program, the tribe may serve children from families who are members of or eligible to be members of such tribe and who reside in such areas as well as children from families who are not members of the</p>	<p>ERSEA</p>	<p>Tribal programs, tribal service areas, migrant and seasonal programs, community assessment focus on demographics.</p>

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<p>(e) Additional allowances for Indian tribes. (1) Notwithstanding paragraph (c)(2) of this section, a tribal program may fill more than 10 percent of its enrollment with participants who are not eligible under the criteria in (c), if:</p> <p>(i) The tribal program has served all eligible pregnant women or children who wish to be enrolled from Indian and non-Indian families living within the approved service area of the tribal agency;</p> <p>(ii) The tribe has resources within its grant, without using additional funds from HHS intended to expand Early Head Start or Head Start services, to enroll pregnant women or children whose family incomes exceed low-income guidelines or who are not otherwise eligible; and,</p> <p>(iii) At least 51 percent of the program’s participants meet an eligibility criterion under paragraph (c)(1) of this section.</p> <p>(2) If another program does not serve the approved service area, the program must serve all eligible Indian and non-Indian pregnant women or children who wish to enroll before serving over-income pregnant women or children.</p> <p>(3) A program that meets the conditions of this paragraph must annually set criteria that are approved by the policy council and the tribal council for selecting</p>	<p>ERSEA</p>	
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<p>relevant family or child risk factors.</p> <p>(2) If a program serves migrant or seasonal families, it must select participants according to criteria in paragraph (a)(1) of this section, and give priority to children whose families can demonstrate they have relocated frequently within the past two-years to pursue agricultural work.</p> <p>(3) If a program operates in a service area where Head Start eligible children can enroll in high-quality publicly funded pre-kindergarten for a full school day, the program must prioritize younger children as part of the selection criteria in paragraph (a)(1). If this priority would disrupt partnerships with local education agencies, then it is not required. An American Indian and Alaska Native or Migrant or Seasonal Head Start program must consider whether such prioritization is appropriate in their community. [...]</p>	<p>ERSEA</p>	
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Subpart B- Program Structure	Content Area	Notes
<p>§1302.20 Determining Program Structure.</p> <p>(c) <i>Conversion.</i> (1) Consistent with Section 645(a)(5) of the Head Start Act, grantees may request to convert Head Start slots to Early Head Start slots through the re-funding application process or as a separate grant amendment.</p> <p>(4) Consistent with section 645(d)(3) of the Act, any American Indian and Alaska Native grantees that operates both an Early Head Start program and a Head Start program may reallocate funds between the programs at its discretion and at any time during the grant period involved, in order to address fluctuations in client populations. An American Indian and Alaska Native program that exercises this discretion must notify the regional office.</p>	Program Management	American Indian and Alaskan Native
<p>§1302.21 Center-based option.</p> <p>(b) <i>Ratios and group size. [...]</i></p> <p>(2) An Early Head Start or Migrant or Seasonal Head Start class that serves children under 36 months old must have two teachers with no more than eight children, or three teachers with no more than nine children. Each teacher must be assigned consistent, primary responsibility for no more than four children to promote continuity of care for individual children. A program must minimize teacher changes throughout a child’s enrollment, whenever possible, and consider mixed age group classes to support continuity of care.</p> <p>(c) <i>Service duration.</i> (1) <i>Early Head Start.</i> (i) By August 1, 2018, a program must provide 1,380 annual hours of planned class operations for all enrolled children.</p>	Program Management	Migrant or Seasonal Head Start

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<p>(ii) A program that is designed to meet the needs of young parents enrolled in school settings may meet the service duration requirements in paragraph (i) if it operates a center-based program schedule during the school year aligned with its local education agency requirements and provides regular home-based services during the summer break.</p> <p>(2) <i>Head Start.</i> (i) Until a program is operating all of its Head Start center-based funded enrollment at the standard described in paragraph (iv) or (v), a program must provide, at a minimum, at least 160 days per year of planned class operations if it operates for five days per week, or at least 128 days per year if it operates four days per week. Classes must operate for a minimum of 3.5 hours per day. [...]</p> <p>(5) Exemption for Migrant or Seasonal Head Start programs. A Migrant or Seasonal program is not subject to the requirements described in §1302.21(c)(1) or (2), but must make every effort to provide as many days and hours of service as possible to each child and family.</p> <p>(d) <i>Licensing and square footage requirements.</i> (1) The facilities used by a program must meet state, tribal, or local licensing requirements, even if exempted by the licensing entity. When state, tribal, or local requirements vary from Head Start requirements, the most stringent provision takes precedence. [...]</p> <p>§1302.23 Family child care option.</p> <p>(d) <i>Licensing requirements.</i> A family child-care provider must be licensed by the state, tribal, or local entity to provide services in their home or family-like setting. When state, tribal, or local requirements vary from Head Start requirements, the most stringent provision applies.</p>	<p>Program Management</p>	<p>Exemption MSHS</p> <p>Tribal</p> <p>Tribal</p>
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Subpart C- Education and Child Development Program Services	Content Area	Notes
<p>§1302.30 Purpose. All programs must provide high-quality early education and child development services, including for children with disabilities that promote children’s cognitive, social, and emotional growth for later success in school. A center-based or family child care program must embed responsive and effective teacher-child interactions. A home-based program must promote secure parent-child relationships and help parents provide high-quality early learning experiences. All programs must implement a research-based curriculum, and screening and assessment procedures that support individualization and growth in the areas of development described in the <i>Head Start Early Learning Outcomes Framework: Ages Birth to Five</i> and support family engagement in children’s learning and development. A program must deliver developmentally, culturally, and linguistically appropriate learning experiences in language, literacy, mathematics, social and emotional functioning, approaches to learning, science, physical skills, and creative arts. To deliver such high-quality early education and child development services, a center-based or family child care program must implement, at a minimum, the elements contained in §§1302.31 through 1302.34, and a home-based program must implement, at a minimum, the elements in §§1302.33 and 1302.35.</p>	Education	Culturally and linguistically appropriate learning experiences to promote high-quality early education and child development services.
<p>§1302.31 Teaching and the learning environment. [...] (b) <i>Effective teaching practices.</i> (1) Teaching practices must: (i) Emphasize nurturing and responsive practices, interactions, and environments that foster trust and emotional security; are communication and language rich; promote critical</p>	Education	Bilingualism and biliteracy, home language, language rich, dual language learners

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Subpart C- Education and Child Development Program Services	Content Area	Notes
<p>thinking and problem-solving; social, emotional, behavioral, and language development; provide supportive feedback for learning; motivate continued effort; and support all children’s engagement in learning experiences and activities; [...]</p> <p>(iv) Include developmentally appropriate learning experiences in language, literacy, social and emotional development, math, science, social studies, creative arts, and physical development that are focused toward achieving progress outlined in the <i>Head Start Early Learning Outcomes Framework: Ages Birth to Five</i>.</p> <p>(2) For dual language learners, a program must recognize bilingualism and biliteracy as strengths and implement research-based teaching practices that support their development. These practices must:</p> <p>(i) For an infant or toddler dual language learner, include teaching practices that focus on the development of the home language, when there is a teacher with appropriate language competency, and experiences that expose the child to English;</p> <p>(ii) For a preschool age dual language learner, include teaching practices that focus on both English language acquisition and the continued development of the home language; or,</p> <p>(iii) If staff do not speak the home language of all children in the learning environment,</p>		

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Subpart C- Education and Child Development Program Services	Content Area	Notes
include steps to support the development of the home language for dual language learners such as having culturally and linguistically appropriate materials available and other evidence-based strategies . Programs must work to identify volunteers who speak children’s home language/s who could be trained to work in the classroom to support children’s continued development of the home language .	Education	
<p>§1302.32 Curricula. [...] (b) <i>Adaptation.</i> A program that chooses to make significant adaptations to a curriculum or a curriculum enhancement described in paragraph (a)(1) to better meet the needs of one or more specific populations must use an external early childhood education curriculum or content area expert to develop such significant adaptations. A program must assess whether the adaptation adequately facilitates progress toward meeting school readiness goals, consistent with the process described in §1302.102(b) and (c). Programs are encouraged to partner with outside evaluators in assessing such adaptations</p>	Education	Meet needs of specific populations
<p>§1302.33 Child screenings and assessment. (a) <i>Screening.</i> (1) In collaboration with each child’s parent and with parental consent, a program must complete or obtain a current developmental screening to identify concerns regarding a child’s developmental, behavioral, motor, language, social, cognitive, and emotional skills within 45 calendar days of when the child first attends the program or, for the home-based program option, receives a home visit. A program that operates for 90 days or less must complete or obtain a current developmental screening within 30 calendar days of when the child first attends the program. [...]</p>	Education	Reliable screenings and assessments that are developmentally, culturally, and linguistically appropriate MSHS (< 90 days)

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<p>(c) <i>Characteristics of screenings and assessments.</i> (1) Screenings and assessments must be valid and reliable for the population and purpose for which they will be used, including by being conducted by qualified and trained personnel, and being age, developmentally, culturally and linguistically appropriate; and appropriate for children with disabilities, as needed.</p> <p>(2) If a program serves a child who speaks a language other than English a program must use qualified bilingual staff, contractor, or consultant to:</p> <p>(i) Assess language skills in English and the child’s home language, to assess both the child’s progress in the home language and in English language acquisition;</p> <p>(ii) Conduct screenings and assessments for domains other than language skills in the language or languages that best capture the child’s development and skills in the specific domain; and,</p> <p>(iii) Ensure those conducting the screening or assessment know and understand the child’s language and culture and have sufficient skill level in the child’s home language to accurately administer the screening or assessment and to record and understand the child’s responses, interactions, and communications.</p> <p>(3) If a program serves a child who speaks a language other than English and qualified</p>	<p>Education</p>	

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<p>bilingual staff, contractors, or consultants are not able conduct screenings and assessments, a program must use an interpreter in conjunction with a qualified staff person to conduct screenings and assessments as described in paragraphs (2)(i) through (iii).</p> <p>(4) If a program serves a child who speaks a language other than English and can demonstrate that there is not a qualified bilingual staff person or interpreter, screenings and assessments can be conducted in English. In such a case, a program must also gather and use other information including structured observations over time and information gathered in a child’s home language from the family for use in evaluating the child’s development and progress.</p>	Education	
<p>§1302.34 Parent and family engagement in education and child development services. [...] (b) <i>Engaging parents and family members.</i> A program must offer opportunities for parents and family members to be involved in the program’s education services and implement policies to ensure: [...]</p> <p>(8) Teachers that serve migrant or seasonal families make every effort to conduct home visits to engage the family in the child’s learning and development.</p>	Education	Migrant or seasonal families
<p>§1302.35 Education in home-based programs. (a) Purpose. A home-based program must provide home visits and group socialization</p>	Education	Research-based evidence curriculum

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<p>activities that promote secure parent-child relationships and help parents provide high-quality early learning experiences in language, literacy, mathematics, social and emotional functioning, approaches to learning, science, physical skills, and creative arts. A program must implement a research-based curriculum that delivers developmentally, linguistically, and culturally appropriate home visits and group socialization activities that support children’s cognitive, social, and emotional growth for later success in school.</p> <p>(b) <i>Home-based program design.</i> A home-based program must ensure all home visits are:</p> <p>(1) Planned jointly by the home visitor and parents, and reflect the critical role of parents in the early learning and development of their children, including that the home visitor is able to effectively communicate with the parent, directly or through an interpreter; [...]</p> <p>(c) <i>Home visit experiences.</i> A program that operates the home-based option must ensure all home visits focus on promoting high-quality early learning experiences in the home and growth towards the goals described in the <i>Head Start Early Learning Outcomes Framework: Ages Birth to Five</i> and must use such goals and the curriculum to plan home visit activities that implement:</p> <p>2) Strategies and activities that promote parents’ ability to support the child’s cognitive, social, emotional, language, literacy, and physical development;</p>	<p align="center">Education</p>	<p>that delivers developmentally, culturally, and linguistically appropriate practices, home-based program</p>

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<p>(3) Strategies and activities that promote the home as a learning environment that is safe, nurturing, responsive, and language- and communication- rich;</p> <p>(4) Research-based strategies and activities for children who are dual language learners that recognize bilingualism and biliteracy as strengths, and:</p> <p>(i) For infants and toddlers, focus on the development of the home language, while providing experiences that expose both parents and children to English; and,</p> <p>(ii) For preschoolers, focus on both English language acquisition and the continued development of the home language;</p> <p>d) <i>Home-based curriculum.</i> A program that operates the home-based option must:</p> <p>(1) Ensure home-visiting and group socializations implement a developmentally appropriate research-based early childhood home-based curriculum that:</p> <p>(i) Promotes the parent’s role as the child’s teacher through experiences focused on the parent-child relationship and, as appropriate, the family’s traditions, culture, values, and beliefs. [...]</p>	<p>Education</p>	

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<p>(3)For parents with preschoolers, group socializations also must provide opportunities for parents to participate in activities that support parenting skill development or family partnership goals identified in §1302.52(c), as appropriate and must emphasize peer group interactions designed to promote children’s social, emotional and language development, and progress towards school readiness goals, while encouraging parents to observe and actively participate in activities, as appropriate. [...]</p>	Education	
<p>§1302.36 Tribal language preservation and revitalization.</p> <p>A program that serves American Indian and Alaska Native children may integrate efforts to preserve, revitalize, restore, or maintain the tribal language for these children into program services. Such language preservation and revitalization efforts may include full immersion in the tribal language for the majority of the hours of planned class operations. If children’s home language is English, exposure to English as described in §1302.31(b)(2)(i) and (ii) is not required.</p>	Education	The integration of efforts to preserve, revitalize, restore, or maintain Tribal Language

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Subpart D-Health Program Services.	Content Area	Notes
<p>§1302.40 Purpose. (a) A program must provide high-quality health, oral health, mental health, and nutrition services that are developmentally, culturally, and linguistically appropriate and that will support each child’s growth and school readiness.</p> <p>§1302.42 Child health status and care. [...] (b) <i>Ensuring up-to-date child health status.</i> (1) Within 90 calendar days after the child first attends the program or, for the home-based program option, receives a home visit, with the exceptions noted in paragraph (b)(3), a program must:</p> <p>(i) Obtain determinations from health care and oral health care professionals as to whether or not the child is up-to-date on a schedule of age appropriate preventive and primary medical and oral health care, based on: the well-child visits and dental periodicity schedules as prescribed by the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program of the Medicaid agency of the state in which they operate, immunization recommendations issued by the Centers for Disease Control and Prevention, and any additional recommendations from the local Health Services Advisory Committee that are based on prevalent community health problems;</p> <p>(ii) Assist parents with making arrangements to bring the child up-to-date as quickly as possible; and, if necessary, directly facilitate provision of health services to bring the</p>	<p>Health</p>	<p>Culturally and linguistically appropriate practices</p> <p>MSHS (< 90 days)</p>

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<p>child up-to-date with parent consent as described in §1302.41(b)(1).</p> <p>(2) Within 45 calendar days after the child first attends the program or, for the home-based program option, receives a home visit, a program must either obtain or perform evidence-based vision and hearing screenings.</p> <p>(3) If a program operates for 90 days or less, it has 30 days from the date the child first attends the program to satisfy paragraphs (b)(1) and (2).</p>	Health	
<p>§1302.44 Child nutrition.</p> <p>(a) <i>Nutrition service requirements.</i> (1) A program must design and implement nutrition services that are culturally and developmentally appropriate, meet the nutritional needs of and accommodate the feeding requirements of each child, including children with special dietary needs and children with disabilities. Family style meals are encouraged as described in §1302.31 (e)(2)</p> <p>§1302.45 Child mental health and social and emotional well-being.</p> <p>[...]</p> <p>(b) <i>Mental health consultants.</i> A program must ensure mental health consultants assist:</p> <p>(1) The program to implement strategies to identify and support children with mental health and social and emotional concerns;</p>	Health	Culturally and linguistically appropriate practices

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<p>(2) Teachers, including family child care providers, to improve classroom management and teacher practices through strategies that include using classroom observations and consultations to address teacher and individual child needs and creating physical and cultural environments that promote positive mental health and social and emotional functioning ; [...]</p>	<p>Health</p>	
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Subpart E- Family and Community Engagement Program Services	Content Area	Notes
<p>§1302.50 Family engagement. [...] (a) Purpose. A program must: [...]</p> <p>(2) Develop relationships with parents and structure services to encourage trust and respectful, ongoing two-way communication between staff and parents to create welcoming program environments that incorporate the unique cultural, ethnic, and linguistic backgrounds of families in the program and community. [...]</p>	<p>Family and Community Engagement</p>	<p>Culture, ethnic, and linguistic backgrounds, preferred languages</p>

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<p>(2) A program must establish necessary collaborative relationships and partnerships, with community organizations that may include: [...]</p> <p>(iii) Family preservation and support services and child protective services and any other agency to which child abuse must be reported under state or tribal law;</p> <p>(iv) Educational and cultural institutions, such as libraries and museums, for both children and families.</p> <p>(b) <i>Coordination with other programs and systems.</i> A program must take an active role in promoting coordinated systems of comprehensive early childhood services to low-income children and families in their community through communication, cooperation, and the sharing of information among agencies and their community partners, while protecting the privacy of child records in accordance with subpart C of part 1303 and applicable federal, state, local, and tribal laws.</p> <p>(1) <i>Memorandum of understanding.</i> To support coordination between Head Start and publicly funded preschool programs, a program must enter into a memorandum of understanding with the appropriate local entity responsible for managing publicly funded preschool programs in the service area of the program, as described in section 642(e)(5) of the Act.</p>	<p>Family and Community Engagement</p>	

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<p>(2) <i>Quality Rating and Improvement Systems</i>. A program, with the exception of American Indian and Alaska Native programs, must participate in its state or local Quality Rating and Improvement System (QRIS) if: [...]</p> <p>(3) <i>Data systems</i>. A program, with the exception of American Indian and Alaska Native programs unless they would like to and to the extent practicable, should integrate and share relevant data with state education data systems, to the extent practicable, if the program can receive similar support and benefits as other participating early childhood programs.</p> <p>(4) <i>American Indian and Alaska Native programs</i>. An American Indian and Alaska Native program should determine whether or not it will participate in the systems described in paragraphs (2) and (3).</p>	<p>Family and Community Engagement</p>	

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Subpart G-Transition Services. (Noting: language instruction programs)	Content Area	Notes
<p>§1302.71 Transitions from Head Start to kindergarten. [...] (b) <i>Family collaborations for transitions.</i> (1) A program must collaborate with parents of enrolled children to implement strategies and activities that will help parents advocate for and promote successful transitions to kindergarten for their children, including their continued involvement in the education and development of their child.</p> <p>(2) At a minimum, such strategies and activities must: [...]</p> <p>(iii) Prepare parents to exercise their rights and responsibilities concerning the education of their children in the elementary school setting, including various options for their child to participate in language instruction educational programs.</p>	<p>Family and Community Engagement</p>	<p>Language instruction education programs</p>
<p>§1302.72 Transitions between programs. [...] (c) A migrant or seasonal Head Start program must undertake efforts to support effective transitions to other migrant or seasonal Head Start or, if appropriate, Early Head Start or Head Start programs for families and children moving out of the community in which they are currently served.</p>	<p>Family and Community Engagement</p>	<p>Migrant or seasonal HS</p>

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Subpart I- Human Resources Management	Content Area	Notes
<p>§1302.90 Personnel policies.</p> <p>(a) <i>Establishing Personnel Policies.</i> A program must establish written personnel policies and procedures that are approved by the governing body and policy council or policy committee and that are available to all staff.</p> <p>(b) <i>Background checks and selection procedures.</i> (1) Before a person is hired, directly or through contract, including transportation staff and contractors, a program must conduct an interview, verify references, conduct a sex offender registry check and obtain one of the following:</p> <p>(i) State or tribal criminal history records, including fingerprint checks; or, [...]</p> <p>(3) A program must review the information found in each employment application and complete background check to assess the relevancy of any issue uncovered by the complete background check including any arrest, pending criminal charge, or conviction and must use Child Care and Development Fund (CCDF) disqualification factors or tribal disqualifications factors to determine whether the prospective employee can be hired or the current employee must be terminated. [...]</p> <p>(c) <i>Standards of conduct.</i> (1) A program must ensure all staff, consultants, contractors,</p>	<p>Human Resources and Professional Development</p>	<p>Tribal checks, Communication with DLL and their families, Staff qualifications</p>

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<p>implementation and use of assessment and promote children’s progress across the standards described in the <i>Head Start Early Learning Outcomes Framework: Ages Birth to Five</i> and applicable state early learning and development standards, including for children with disabilities and dual language learners, as appropriate.</p> <p>(6) <i>Home visitors.</i> A program must ensure home visitors providing home-based education services:</p> <p>(i) Have a minimum of a home-based CDA credential or comparable credential, or equivalent coursework as part of an associate’s or bachelor's degree; and,</p> <p>(ii) Demonstrate competency to plan and implement home-based learning experiences that ensure effective implementation of the home visiting curriculum and promote children’s progress across the standards described in the <i>Head Start Early Learning Outcomes Framework: Ages Birth to Five</i>, including for children with disabilities and dual language learners, as appropriate, and to build respectful, culturally responsive, and trusting relationships with families.</p>	<p>Human Resources and Professional Development</p>	
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Subpart I- Human Resources Management	Content Area	Notes
<p>§1302.92 Training and Professional Development. [...] (b) A program must establish and implement a systematic approach to staff training and professional development designed to assist staff in acquiring or increasing the</p>	<p>Human Resources and Professional Development</p>	<p>Tribal laws, dual language learners</p>

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<p>knowledge and skills needed to provide high-quality, comprehensive services within the scope of their job responsibilities, and attached to academic credit as appropriate. At a minimum, the system must include: [...]</p> <p>(2) Training on methods to handle suspected or known child abuse and neglect cases that comply with applicable federal, state, local, and tribal laws. [...]</p> <p>(5) Research-based approaches to professional development for education staff, that are focused on effective curricula implementation, knowledge of the content in <i>Head Start Early Learning Outcomes Framework: Ages Birth to Five</i>, partnering with families, supporting children with disabilities and their families, providing effective and nurturing adult-child interactions, supporting dual language learners as appropriate, addressing challenging behaviors, preparing children and families for transitions (as described in subpart G), and use of data to individualize learning experiences to improve outcomes for all children. [...]</p> <p>§1302.93 Staff health and wellness.</p> <p>(a) A program must ensure each staff member has an initial health examination and a periodic re-examination as recommended by their health care provider in accordance with state, tribal, or local requirements, that include screeners or tests for communicable diseases, as appropriate. The program must ensure staff do not, because of communicable diseases, pose a significant risk to the health or safety of others in the program that cannot be</p>	<p>Human Resources and Professional Development</p>	<p>DLLs</p> <p>Tribal laws</p>

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<p>eliminated or reduced by reasonable accommodation, in accordance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. [...]</p> <p>§1302.94 Volunteers.</p> <p>(a) A program must ensure regular volunteers have been screened for appropriate communicable diseases in accordance with state, tribal or local laws. In the absence of state, tribal or local law, the Health Services Advisory Committee must be consulted regarding the need for such screenings.</p> <p>(b) A program must ensure children are never left alone with volunteers.</p>	<p>Human Resources and Professional Development</p>	<p>Tribal laws</p>
Subpart J- Program Management and Quality Improvement	Content Area	Notes
<p>§1302.101 Management system.</p> <p>[...]</p> <p>(b) <i>Coordinated approaches.</i> At the beginning of each program year, and on an ongoing basis throughout the year, a program must design and implement program-wide coordinated approaches that ensure:</p> <p>(1) The training and professional development system, as described in §1302.92, effectively supports the delivery and continuous improvement of high-quality services;</p>	<p>Program Management</p>	<p>Dual Language Learners, language spoken, bilingual staff, tribal laws.</p>

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<p>(2) The full and effective participation of children who are dual language learners and their families, by:</p> <p>(i) Utilizing information from the program’s community assessment about the languages spoken throughout the program service area to anticipate child and family needs;</p> <p>(ii) Identifying community resources and establishing ongoing collaborative relationships and partnerships with community organizations consistent with the requirements in §1302.53(a); and,</p> <p>(iii) Systematically and comprehensively addressing child and family needs by facilitating meaningful access to program services, including, at a minimum, curriculum, instruction, staffing, supervision, and family partnerships with bilingual staff, oral language assistance and interpretation, or translation of essential program materials, as appropriate.</p> <p>(4) The management of program data to effectively support the availability, usability, integrity, and security of data. A program must establish procedures on data management, and have them approved by the governing body and policy council, in areas such as quality of data and effective use and sharing of data, while protecting the privacy of child records in accordance with subpart C of part 1303 and applicable federal, state, local, and tribal laws.</p>	<p>Program Management</p>	

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Subpart J- Program Management and Quality Improvement	Content Area	Notes
<p>§1302.102 Achieving Program Goals. <i>(a) Establishing program goals.</i> A program, in collaboration with the governing body and policy council, must establish goals and measurable objectives that include: [...]</p> <p>(3) School readiness goals that are aligned with the <i>Head Start Early Learning Outcomes Framework: Ages Birth to Five</i>, state and tribal early learning standards, as appropriate, and requirements and expectations of schools Head Start children will attend, per the requirements of subpart B of part 1304; and,</p>	Program Management	Tribal early learning standards.
<p>§1302.102 Achieving Program Goals. [...] <i>(c) Using data for continuous improvement.</i> (1) A program must implement a process for using data to identify program strengths and needs, develop and implement plans that address program needs, and continually evaluate compliance with program performance standards and progress towards achieving program goals described in (a).</p> <p>(2) This process must:</p> <p>(i) Ensure data is aggregated, analyzed and compared in such a way to assist agencies in identifying risks and informing strategies for continuous improvement in all program service areas;</p> <p>(ii) Ensure child-level assessment data is aggregated and analyzed at least three times a</p>	Program Management	Dual Language Learners MSHS (< 90 days)

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<p>year, including for sub-groups, such as dual language learners and children with disabilities, as appropriate, except in programs operating fewer than 90 days, and used with other program data described in paragraph (iv) to direct continuous improvement related to curriculum choice and implementation, teaching practices, professional development, program design and other program decisions, including changing or targeting scope of services; and,</p> <p>(iii) For programs operating fewer than 90 days, ensures child assessment data is aggregated and analyzed at least twice during the program operating period, including for subgroups, such as dual language learners and children with disabilities, as appropriate, and used with other program data described in paragraph (iv) to direct continuous improvement related to curriculum choice and implementation, teaching practices, professional development, program design and other program decisions, including changing or targeting scope of services. [...]</p> <p>(d) <i>Reporting.</i> (1) A program must submit:</p> <p>(i) Status reports, determined by ongoing oversight data, to the governing body and policy council, at least semi-annually;</p> <p>(ii) Reports, as appropriate, to the responsible HHS official immediately or as soon as practicable, related to any significant incidents affecting the health and safety of program</p>	<p>Program Management</p>	

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<p>participants, circumstances affecting the financial viability of the program, breaches of personally identifiable information, or program involvement in legal proceedings, any matter for which notification or a report to state, tribal, or local authorities is required by applicable law, including at a minimum:</p> <p>(A) Any reports regarding agency staff or volunteer compliance with federal, state, tribal, or local laws addressing child abuse and neglect or laws governing sex offenders; [...]</p>	Program Management	

PART 1303 FINANCIAL AND ADMINISTRATIVE REQUIREMENTS

Subpart C- Protection for the Privacy of Child Records	Content Area	Notes
<p>§1303.22 Disclosures with, and without, parent consent. [...] (c) <i>Disclosure without parental consent.</i> The procedures to protect PII must allow the program to disclose such PII from child records without parental consent to: [...]</p> <p>(7) A caseworker or other representative from a state, local, or tribal child welfare agency, who has the right to access a case plan for a child who is in foster care placement, when such agency is legally responsible for the child's care and protection, under state or tribal law, if the agency agrees in writing to protect PII, to use information from the child's case plan for</p>	Administrative and Fiscal Requirements	Tribal child welfare caseworker or other representatives, and tribal laws.

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Subpart C- Protection for the Privacy of Child Records	Content Area	Notes
<p>specific purposes intended of addressing the child's needs, and to destroy information that is no longer needed for those purposes; and,</p> <p>(8) Appropriate parties in order to address suspected or known child maltreatment and is consistent with applicable federal, state, local, and tribal laws on reporting child abuse and neglect. [...]</p>	Administrative and Fiscal Requirements	

Subpart E-Facilities	Content Area	Notes
<p>§1303.42 Eligibility to purchase, construct, and renovate facilities.</p> <p>(a) <i>Preliminary eligibility.</i> (1) Before a grantee can apply for funds to purchase, construct, or renovate a facility under §1303.44, it must establish that:</p> <p>(i) The facility will be available to Indian tribes, or rural or other low-income communities.</p>	Administrative and Fiscal Requirements	Indian tribes

Subpart F—Transportation	Content Area	Notes
<p>[...]</p> <p>§1303.72 Vehicle operation.</p> <p>[...]</p> <p>(c) <i>Driver application review.</i> In addition to the applicant review process prescribed §1302.90(b), a program, with the exception of transportation services to children served under a</p>	Administrative and Fiscal Requirements	Tribal

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Subpart F—Transportation	Content Area	Notes
<p>home-based option, must ensure the applicant review process for drivers includes, at minimum:[...]</p> <p>(3) A check that drivers qualify under the applicable driver training requirements in the state or tribal jurisdiction; and, [...]</p>	Administrative and Fiscal Requirements	

PART 1304 FEDERAL ADMINISTRATIVE PROCEDURES

Subpart B-Designation Renewal	Content Area	Notes
<p>§1304.11 Basis for determining whether a Head Start agency will be subject to an open competition. A Head Start or Early Head Start agency shall be required to compete for its next five years of funding whenever the responsible HHS official determines that one or more of the following seven conditions existed during the relevant time period covered by the responsible HHS official's review under §1304.15: [...]</p> <p>(b)(1)(ii) Align with the Birth to Five Head Start Child Outcomes Framework, state early learning guidelines, and the requirements and expectations of the schools, to the extent that they apply to the ages of children, birth to five, participating in the program and at a minimum address the domains of language and literacy development, cognition and general knowledge, approaches toward learning, physical well-being and motor development, and social and emotional development; [...]</p>	(Part 1304 is not included in a content area although it may be considered under Administrative and Fiscal Requirements)	Domains of language and literacy development

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Subpart B-Designation Renewal	Content Area	Notes
<p>§1304.11 Basis for determining whether a Head Start agency will be subject to an open competition. [...] (b)(2)(ii) Analyzing individual ongoing, child-level assessment data for all children birth to age five participating in the program and using that data in combination with input from parents and families to determine each child's status and progress with regard to, at a minimum, language and literacy development, cognition and general knowledge, approaches toward learning, physical well-being and motor development, and social and emotional development and to individualize the experiences, instructional strategies, and services to best support each child.</p>	<p>(Part 1304 is not included in a content area although it may be considered under Administrative and Fiscal Requirements)</p>	<p>Domains of language and literacy development</p>
<p>§1304.14 Tribal government consultation under the Designation Renewal System for when an Indian Head Start grant is being considered for competition. (a) In the case of an Indian Head Start or Early Head Start agency determined not to be delivering a high-quality and comprehensive Head Start or Early Head Start program, the responsible HHS official will engage in government-to-government consultation with the appropriate tribal government or governments for the purpose of establishing a plan to improve the quality of the Head Start program or Early Head Start program operated by the Indian Head Start or Indian Early Head Start agency. (1) The plan will be established and implemented within six months after the responsible HHS official's determination.</p>	<p>(Part 1304 is not included in a content area although it may be considered under Administrative and Fiscal Requirements)</p>	<p>Indian Head Start/Early Head Start Programs</p>

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<p>(2) Not more than six months after the implementation of that plan, the responsible HHS official will reevaluate the performance of the Indian Head Start or Early Head Start agency.</p> <p>(3) If the Indian Head Start or Early Head Start agency is still not delivering a high-quality and comprehensive Head Start or Early Head Start program, the responsible HHS official will conduct an open competition to select a grantee to provide services for the community currently being served by the Indian Head Start or Early Head Start agency.</p> <p>(b) A non-Indian Head Start or Early Head Start agency will not be eligible to receive a grant to carry out an Indian Head Start program, unless there is no Indian Head Start or Early Head Start agency available for designation to carry out an Indian Head Start or Indian Early Head Start program.</p> <p>(c) A non-Indian Head Start or Early Head Start agency may receive a grant to carry out an Indian Head Start program only until such time as an Indian Head Start or Indian Early Head Start agency in such community becomes available and is designated pursuant to this Part.</p>	<p>(Part 1304 is not included in a content area although it may be considered under Administrative and Fiscal Requirements)</p>	

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Subpart D-Replacement of American Indian and Alaska Native Grantees	Content Area	Notes
<p>§1304.30 Procedure for Identification of Alternative Agency.</p> <p>(a) An Indian tribe whose Head Start grant has been terminated, relinquished, designated for competition or which has been denied refunding as a Head Start agency, may identify an alternate agency and request the responsible HHS official to designate such agency as an alternative agency to provide Head Start services to the tribe if:</p> <p>(1) The tribe was the only agency that was receiving federal financial assistance to provide Head Start services to members of the tribe; and,</p> <p>(2) The tribe would be otherwise precluded from providing such services to its members because of the termination or denial of refunding.</p> <p>(b)(1) The responsible HHS official, when notifying a tribal grantee of the intent to terminate financial assistance or deny its application for refunding, or its designation for competition must notify the grantee that it may identify an agency and request that the agency serve as the alternative agency in the event that the grant is terminated or refunding denied, or the grant is not renewed without competition.</p> <p>(2) The tribe must identify the alternate agency to the responsible HHS official in writing.</p> <p>(3) The responsible HHS official will notify the tribe, in writing, whether the alternative</p>	<p>(Part 1304 is not included in a content area although it may be considered under Administrative and Fiscal Requirements)</p>	<p>American Indian and Alaskan Native grantees</p>

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Subpart D-Replacement of American Indian and Alaska Native Grantees	Content Area	Notes
<p>agency proposed by the tribe is found to be eligible for Head Start funding and capable of operating a Head Start program. If the alternative agency identified by the tribe is not an eligible agency capable of operating a Head Start program, the tribe will have 15 days from the date of the sending of the notification to that effect from the responsible HHS official to identify another agency and request that the agency be designated. The responsible HHS official will notify the tribe in writing whether the second proposed alternate agency is found to be an eligible agency capable of operating the Head Start program.</p> <p>(4) If the tribe does not identify an eligible, suitable alternative agency, a grantee will be designated under these regulations.</p> <p>(c) If the tribe appeals a termination of financial assistance or a denial of refunding, it will, consistent with the terms of §1304.5, continue to be funded pending resolution of the appeal. However, the responsible HHS official and the grantee will proceed with the steps outlined in this regulation during the appeal process.</p> <p>(d) If the tribe does not identify an agency and request that the agency be appointed as the alternative agency, the responsible HHS official will seek a permanent replacement grantee under these regulations.</p> <p>§1304.31 Requirements for alternative agency.</p>	<p>(Part 1304 is not included in a content area although it may be considered under Administrative and Fiscal Requirements)</p>	

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Subpart D-Replacement of American Indian and Alaska Native Grantees	Content Area	Notes
<p>The agency identified by the Indian tribe must establish that it meets all requirements established by the Head Start Act and these requirements for designation as a Head Start grantee and that it is capable of conducting a Head Start program. The responsible HHS official, in deciding whether to designate the proposed agency, will analyze the capacity and experience of the agency according to the criteria found in section 641(d) of the Head Start Act and</p> <p>§1304.20. Alternative agency-prohibition</p> <p>(a) No agency will be designated as the alternative agency pursuant to this subpart if the agency includes an employee who:</p> <p>(1) Served on the administrative or program staff of the Indian tribal grantee described under section 646(e)(1)(A) of the Act, and [...]</p>	<p>(Part 1304 is not included in a content area although it may be considered under Administrative and Fiscal Requirements)</p>	

PART 1305 DEFINITIONS

1305.2 **Terms.** For the purposes of this subchapter, the following definitions apply:

Dual language learner means a child who is acquiring two or more languages at the same time, or a child who is learning a second language while continuing to develop their first language. The term "dual language learner" may encompass or overlap substantially with other terms frequently used, such as bilingual, English language learner (ELL), Limited English Proficient (LEP), English learner, and children who speak a Language Other Than English (LOTE).

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Indian Head Start agency means a program operated by an Indian tribe (as defined by the Act) or designated by an Indian tribe to operate on its behalf.

Indian Tribe is defined in the same manner as presented in the Head Start Act, 42 U.S.C 9801

Migrant family means, for purposes of Head Start eligibility, a family with children under the age of compulsory school attendance who changed their residence by moving from one geographic location to another, either intrastate or interstate, within the preceding two years for the purpose of engaging in agricultural work and whose family income comes primarily from this activity.

Migrant or Seasonal Head Start Program means: (1) with respect to services for migrant farm workers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from one geographic location to another in the preceding 2-year period; and, (2) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period.