



National Indian Head Start Directors Association

2021 Advocacy Head Start/Early Head Start Issues and Concerns

Indian Head Start is unique because it helps fulfill the federal government's trust responsibility to protect the interests of tribal nations and communities. Tribal nations are sovereign entities with inherent, recognized powers of self-determination and self-governance. The Head Start Act preserves and reinforces the federal government's commitment to work with tribal nations on government-to-government basis. Specifically the Act requires annual consultations with tribal governments operating Indian Head Start programs.

Department of Health and Human Services, Administration for Children and Youth Tribal Consultation Policy of 2011 – Final Rule, Federal Register, Vol. 76, No. 174, September 8, 2011

“Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinions among parties, which leads to mutual understanding and comprehension. Consultation is integral to a deliberative process that results in effective collaboration and informed decision-making with the ultimate goal of reaching consensus on issues. ACF will consult, as defined in this document and as practicable and permitted by law, with Indian tribes before taking action that will significantly affect Indian tribes. The ACF policy is to conduct timely, respectful, meaningful, and effective two-way communication and consultation with tribes wherein elected officials and other authorized 10 representatives of the tribal governments provide input prior to any action that either ACF or one or more tribes determines has or may have significantly affected one or more Indian tribes, and before any such action or further action is taken. An action that triggers consultation is any legislative proposal, new rule adoption, or other policy change that either ACF or a tribe determines may significantly affect Indian tribes.”

ISSUES AND CONCERNS TO BE EXPLORED

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CLASS and Designation Renewal System

The Head Start Act of 2007 does not specifically require the use of the CLASS (Classroom Assessment Scoring System). *Sec 641A (c) (2)(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.* AIAN Tribal grantees are concerned and hold issue with the use of CLASS generally, and more specifically, as a measurement for determining if a grantee goes into the Designation Renewal process.

We are concerned that “principles of scientific research” for supporting the assessment approach have not been tested with American Indian and Alaska Native populations, and therefore the reliability and validity relative to education activities and teacher performance is highly suspect. We have grave concerns regarding the cultural appropriateness and reliability to the AIAN zero to five populations. Teachstone, the developers of CLASS, cannot provide research data on Native American Alaskan Native children to show cultural and behavioral norms or differences. There are “white-paper” references on the importance of cultural competency and respect, but no real information on how it impacts tribal teachers or children.

Of particular concern is the reliability of CLASS reviewers in observing child and teacher interaction and instructional support in native communities. Currently there is inadequate training for reliable CLASS reviewers to consider cultural differences during the review process, and the system does not allow time for the program to make reviewers aware of cultural differences they may observe.

CLASS is a quality improvement system for teaching, but programs are hampered in using it as such because of the limited data OHS provides from a review. Currently OHS releases only program level data, but not classroom specific data or insight into specific issues. This does not allow programs to develop individualized coaching and professional development plans to meet the direct needs of staff.

Suggested OHS Action:

- Exempt AIAN grantees from CLASS until it has been tested and shown to be valid and reliable in AIAN populations.
- Identify and use proficient reviewers that demonstrate knowledge, expertise and experience in working with AIAN populations and have demonstrated abilities to work with diverse cultural and ethnic populations.
- Low CLASS scores should be treated as non-compliance rather than deficiency, which would allow programs an opportunity to address CLASS concerns before sanctions are imposed.
- A qualitative study should be conducted to identify the culture-specific variations of the CLASS domains, dimensions, indicators, and behavioral markers. Such a study should be carefully designed in active coordination with NIHSDA, the Tribal Early Childhood Research Center, and tribal leaders to ensure adequate representation from different tribes. Information from this study should be used to either modify the CLASS’s structure or develop a new instrument.
- Provide additional resources and supports for bringing the AIAN grantees up-to-speed on implementing and using CLASS. Additional funds to support the purchasing of CLASS materials, attending training programs, and added additional funding to the CLASS contract for the logistics and facilitation of training events.
- Establish a formal grievance process for challenging CLASS evaluations not conducted appropriately.
- Greater transparency to programs of CLASS data from their review to allow programs to target professional development.



Staff Qualifications:

Indian Head Start programs have great difficulty in recruiting and retaining teachers and teacher aides.

- **Difficulty in recruiting qualified applicants with an existing CDA, AA or BA in Early Childhood Education.**
 - **CDA Challenges:** Potential employees are not aware of the CDA credential prior to seeking employment with Head Start. To expect that programs can recruit and hire someone with an existing CDA is not possible. It is very rare that a job applicant already has a CDA. It is only after the program hires the employee that the CDA process can begin. Finding mentors and other support staff that are easily accessible to Tribal communities as part of the CDA process is a difficult task for many programs.
 - **AA/BA Challenges:** On many of the reservations there are not institutions of Higher Learning where potential employees can obtain an A.A or B.A. in Early Childhood Education. Many reservations are located in extreme rural areas making distance learning institutions inaccessible for rurally located tribal communities.
- **Teachers earn required degrees and then are able to take higher paying positions.** Head Start employees who obtain a degree are able to seek employment with the local school system or other early childhood programs for a higher paying wage. Due to inadequate funding levels, Tribal Head Start Programs are unable to compete with the wages that other schools and ECE programs can offer to employees. They are able to earn a higher wage with fewer requirements creating perpetual vacancies within the Head Start program.
- **Funding to maintain qualified teaching staff.** The Head Start Act continues to increase the educational requirements for teaching staff but does not provide adequate funding levels to tribal programs that would allow programs to increase current wages to be competitive and to improve starting wages/wage scales of the program.
- **Minimum wage increases.** Many cities and states have voted to raise their minimum wage with increases over the next few years. This coupled with increasing healthcare costs will force programs to adjust their entire pay scales to avoid wage compression (when the lowest paid workers, such as substitute teachers, edge closer to the higher paid employees with degrees or even managers). Without increased funding or an option to renegotiate a program's cost per child, many programs will face reducing already overburdened staff and/or compromising program elements – or worst case, shutting down.

Suggested OHS Action:

- Grant waivers for staff that do not meet the degree requirements who have a professional development plan and are showing progression
- Since the teacher qualification requirements are a nationwide target, OHS should consider waiving the teacher qualifications for teaching staff so that Tribes can employ qualified (as determined by Tribes), and sometimes certified, language speakers and/or cultural transmitters in their Head Start and Early Head Start programs.
- Allow programs to renegotiate their cost per child to allow for the proper compensation and retention of qualified staff.

Birth to Five Grants

Maintaining full enrollment in both HS and EHS continues to be a challenge for some programs. In the past few years, many agencies providing Head Start and Early Head Start services have been considering converting Head Start slots into Early Head Start slots due to the changing needs in their communities. While ACF/OHS has a process in place to convert slots, it can take, depending on the region, a year or more to complete - harming the planning necessary to effectively provide services. The Act offers special



provisions for American Indian and Alaska Native (AIAN) grantees. An AIAN grantee that operates both an Early Head Start program and a Head Start program may reallocate funds between the Early Head Start program and the Head Start program **at its discretion and at any time during the grant period involved**, in order to address fluctuations in client populations (Section 645(d)(3) of the HS Act and 1302.20(c) of the HSPPS). Any AIAN grantee that exercises its discretion to reallocate funds is asked to notify its OHS Regional Office prior to the effective date of such reallocation. Current procedures for converting slots interfere with a tribe's sovereign right of self-determination and how to best serve the needs of their community.

Converting programs to a continuous birth to five grant would allow them to better serve any shifts in their population and avoid the need for a reduction in funding.

Birth to five grants will also reduce the administrative burden that programs operating both HS and EHS endure. A continuous grant will remove the need for tracking cost allocation between HS and EHS. A birth to five grant would also reduce or eliminate the instances of unused funds at the end of the fiscal year.

When programs work with families in EHS to become self-sufficient and support them gaining employment, it often means the family is over-income and won't qualify for Head Start. The loss of services is punishing the family for achieving goals encouraged by the program, and could cause the parent to lose employment if they are unable to secure affordable child care. For programs to truly sustain family progress and child school readiness, continuity of services must be preserved from birth to 5. Re-determining eligibility when transitioning from EHS to HS disrupts the continuity of services.

Suggested OHS Action:

- Create a process for any grantee who operates Early Head Start and Head Start to convert the two grants into one birth to five grant
- Section 645(d)(3) of the HS Act, 1302.20(c) of the HSPPS, and Program Instruction 14-02 states that AIAN grantees who operate both HS/EHS may reallocate funds between the programs at its discretion. OHS should not require AIAN programs to follow all the requirements of the standard slot conversion process.
- Do not require re-determination of eligibility when a child transitions from EHS to HS.

AIAN Specific Research:

The Department of Health and Human Services, Administration of Children and Families and the Office of Head Start have demonstrated over a good number of years (20-30) that it was remiss in meeting the administrative requirements stipulated in numerous (7) Head Start Acts as Amended relating to the research/development for AIAN specific research. The U.S. Congress's intent in placing Indian specific research requirements in the Acts was to assist DHHS and its agencies in making informed decisions regarding the targeted Indian population, funding formulas, condition and lack of appropriate facilities, effects of rural and remote service delivery areas, learning and development styles of young diverse Indian children, effects of services, etc. There has been limited or no production on the research items as required by the 2007 Act let alone previous Head Start Acts.

Suggested OHS Action:

- A research status report be developed by OHS and distributed widely to Tribal grantees, Tribally Controlled Colleges/Institutions, NIHSDA and the National American Indian Alaska Native Head Start Collaboration Office.
- Sufficient research dollars be allocated by OHS for actualizing its required charge to conduct specific research affecting Tribal Grantees prior to other areas in the Act or OHS internal priorities. For example:



- **Funding allocations** and distribution formulas, including cost of providing services with the rural, isolated and remote locations of American Indian and Alaska Native populations
- Determine the **eligible Indian population** throughout the United States including populations served by current Indian Head Start Agencies including the need for services
- **Identification of culturally appropriate and relevant curricula, assessment**, and screening tools and provide guidance on selecting curricula based upon price, adaptability and their research grounding
- **Overall study of Indian Head Start, Sec. 649(k)**. The Act requires a study or studies, undertaken in collaboration with tribes, the collaboration director and the National Indian Head Start Directors Association, addressing a wide range of issues.
- **Delivery Study. Sec. 650(a)(14)**. The Act also requires a study of the delivery of Head Start programs to Indian children living on and near Indian reservations and to children of Alaska Natives.

Federal Monitoring:

There needs to be a continued effort to assure cultural competence for federal reviews and monitoring activities. Since the inception of the Federal On-Site Review Process, Tribal grantees have consistently voiced concerns over the lack of knowledgeable and skilled federal on-site teams, the lack of professionalism of team leaders and reviewers, and the lack of cultural sensitivity of teams. Many reviewers lack an understanding of Tribal governments and the unique relationship they have with the federal government, let alone have the expertise inclusive of cultural awareness and responsiveness of diverse cultures. More effort should be made to recruit culturally competent reviewers from the Native community.

Suggested OHS Action:

- Ensure the federal monitoring contractor provides cultural competence training regarding the uniqueness of Tribal governments and cultures
- Increase recruitment from the Native community
- Simplify the process for Native reviewers to apply and to identify a preference for reviewing native programs

AIAN Head Start Facilities:

Tribal Head Start grantees have reported the need for facility improvements that include both major and minor renovations as well as the need for new construction. Often there is a lack of alternate facilities in rural and remote areas, forcing grantees to spend significant portions of their budget to maintain environmentally safe facilities. In FY2015 the Office of Head Start submitted their Report to Congress on American Indian Alaska Native Head Start Facilities. In it OHS reported that:

- 36% of facilities had documented concerns including worn interiors, cracked ceilings, poor insulation and overall deterioration due to the impact of adverse weather conditions.
- 37% of facilities had concerns related to building materials and conditions, such as mold, leaks, flooding, and gas or sewage odors.
- 15% of centers have HVAC systems that are improperly ventilated and experience difficulty in regulating temperature. Some centers attempt to augment systems with window AC units and space heaters, which add energy costs and can pose fire safety risks.
- 14% of the restrooms are not age-appropriate (sized for adults, not children), or the ratio of restrooms to children is too low.

Twenty-five percent of the centers assessed are now 40 years of age. Investing in short term maintenance and repairs rather than renovations or new construction designed for the long-term lends itself to



inefficient spending. Centers that are rapidly deteriorating due to old age, and/or have a major structural issue are likely contributing to other patterns such as under enrollment, a higher cost per child, and issues AIAN programs encounter when expanding services and partnering with child care providers. The cost to renovate or perform outstanding maintenance and repair of the 506 centers nationwide is estimated to be \$69.64 million.

Suggested OHS Action:

- Create opportunities for grantees to apply for funding for renovation or construction of facilities.
- Provide a separate space for facility topics regarding construction and renovation requirements, resources including how to prepare an application for facilities funding, training and funding opportunities on the ECLKC.
- Update on the FY2020 Report to Congress on American Indian Alaska Native Head Start Facilities process and timeline. Once the report is completed, it should be sent to Tribal Leaders.

ACF and OHS Head Start Tribal Consultations Process:

AIAN grantees appreciate the opportunity tribal consultations potentially offer for expressing issues and concerns affecting the delivery of HS/EHS services for “better meeting the needs of Indian, including Alaska Native, children and their families (Head Start Act, 2007).” Tribes see Head Start, inclusive of Early Head Start, as the foundation for building future leaders within tribal communities through its preparation of young children and their families in life-long learning, growth and development.

Since the inception of the formal Tribal Consultation in 2008, the consultation sessions have not been productive, have been inconsistent in their facilitation, and have been less than effective in producing outcome results directed at improved early childhood services within Tribal Communities.

Tribal grantees are seeking continued improvement in the tribal consultation process where funding allocations, distribution formulas and other issues affecting the delivery of Head Start and Early Head Start services are openly discussed and resolved within a timely manner.

Suggested OHS Action:

- Have an open discussion with Tribal leadership to evaluate how the consultation process can be more effective to ensure satisfaction and true government to government relationships. (Add as an agenda item during the tribal consultation)
- Sufficient notice (at least 60 days) of scheduled consultations needs to be given to Tribal leadership to plan their attendance. When consultations are announced one at a time throughout the year it is difficult to determine which location would be most convenient.
- Reports of the consultations should include a record of topics discussed with clarifications and intended action steps and should be sent directly to all AIAN grantee tribal leadership.

Funding Timelines

NIHSDA is deeply concerned by the short amount of time given to our grantees to apply for Head Start and Early Head Start funds. Many programs are unable to apply for funding despite documented need because of short application windows.

AI/AN programs are uniquely situated in comparison to other Head Start centers because many, if not most, operate as part of a Tribal government. Decisions related to the operation of AI/AN Head Start programs must be pre-approved by Tribal council or another governing body of the Tribe. Many Tribal governments are not operating at full capacity due to the COVID pandemic, and their agendas are often



taxed by other pressing matters. The combination of lengthy grant applications and tribal government responsibilities puts our programs at a significant disadvantage in meeting federal deadlines.

Suggested OHS Action:

- We urge OHS to extend the deadline for applying for AI/AN Head Start and Early Head Start funds in recognition of Tribal sovereignty. Going forward, we recommend an open application period of at least 90 days for all AI/AN Head Start funding opportunities. We urge the OHS Director to exercise her administrative authority to make this change or, in the alternative, to work with Congress on this matter for the next Head Start reauthorization act.

Redistribution of Funds

When AIAN grantees relinquish or have a reduction in funding, the losses are detrimental to AI/AN Head Start overall and especially to the individual communities this critical program was designed to support. It is vital that these award amounts remain in Region XI. This is a matter not only of moral responsibility to the AI/AN children that rely on Head Start for high quality, nurturing, and culturally appropriate early childhood education, but also a legal requirement under the "Improving Head Start for School Readiness Act of 2007," Pub. L. 110-134. Section 641A(h)(6)(A)(i) mandates: If such funds are derived from an Indian Head Start program, then such funds shall be redistributed to increase enrollment by the end of the following fiscal year in 1 or more Indian Head Start programs.

There have been past instances in which funds derived from AI/AN Head Start grant awards were relinquished or otherwise returned to the Office of Head Start and were redistributed outside of Region XI. Attempts to obtain information from OHS on processing of these funds and their ultimate destinations were unsuccessful. With such large sums of federal funding at issue this is simply unacceptable. We fear that the redistribution of funds outside of Region XI may happen again with future relinquished program funds and reduced grant awards.

Suggested OHS Action:

- Share the process currently used to track AI/AN Head Start and Early Head Start grants and redistributions. Greater transparency in the administration of program funds is urgently needed for accountability and good governance.
- Provide an annual report of all reclaimed AI/AN funds and all redistributions of those funds.

