



National Indian Head Start Directors Association

Recommendations for Head Start Act Reauthorization



Summer 2021

About American Indian/Alaska Native Head Start

American Indian/Alaska Native (AI/AN) Head Start has been a vital part of Head Start since its inception in 1965, and it is currently the most important and successful federal program focused on the needs of Native youth and families in early childhood education. Currently, AI/AN Head Start and Early Head Start serves roughly 22,000 children in more than 153 programs across 26 states. Our programs are unique in that they tend to be located in rural communities that are often affected by hardships such as poverty, high rates of crime, limited or non-existent transportation networks, and limited financial and qualified personnel resources. AI/AN Head Start strives to address these challenges through a focus on the whole individual—including education, health, language, and culture—as well as on the whole family and the whole community, creating a vibrant and safe learning environment for our Native children.

AI/AN Head Start has a long history of providing critical services to tribal communities, however only about 49 percent of the eligible AI/AN child population is enrolled in AI/AN Head Start; and only 167 tribes and tribal organizations have Head Start and/or Early Head Start programs. That leaves over half of the tribes without access to AI/AN Head Start. Of those that have programs, many face significant hurdles in providing adequate classroom facilities, meeting the federal in-kind contribution requirement, and overcoming culturally inappropriate evaluation metrics. Strengthening and expanding programs is, therefore, paramount to AI/AN Head Start's continued success in meeting the needs of Native children, families, and communities.

The National Indian Head Start Directors Association (NIHSDA) has been the voice of AI/AN Head Start programs for over 40 years, and during that time NIHSDA has conducted training to build leadership and quality in AI/AN Head Start programs as well as serving as a valuable educational resource to Congress during the 2007 Head Start Act reauthorization process. NIHSDA has developed a wealth of knowledge regarding early childhood education in tribal communities and welcomes the opportunity to work with Congress to improve Head Start on behalf of Native children and their families.

One Act, Many Dreams: The Future of Head Start

NIHSDA shares the aspirations of its partner organizations, principally the National Migrant and Seasonal Head Start Association and the National Head Start Association, in seeking the enactment of reauthorization legislation that builds on the strength of the local Head Start programs to serve as two-generational models of early childhood development and community engagement. The two-generation approach provides an array of services tailored to meet the needs of children *and* their parents. For example, programs may offer family nutrition or literacy workshops for parents. For AI/AN Head Start, this model is especially important given the critical role the program fills in addressing the unique needs of Native children, parents, and communities. We, therefore, share a vision for reauthorization legislation that:

- Includes all AI/AN children as categorically eligible in recognition of their increased developmental vulnerability due to high rates of adverse childhood risk factors, native health disparities, historical trauma, and damaged cultural identity.
- Allows for the reliable measurement of program quality in culturally diverse environments utilizing culturally appropriate evaluation tools and culturally sensitive reviewers.
- Authorizes AI/AN Head Start programs to develop their own culturally and linguistically appropriate instructional services and classroom practices, including tribally designed teaching certification programs, to better ensure that the programs are reflective of and responsive to needs of the Native communities they serve.
- Provides all local Head Start programs with funding flexibility to use certain Head Start funds for quality improvement activities such as competitive wages, transportation, or other critical needs.
- Expands service availability of AI/AN Head Start in Tribal communities to meet the vital need. To include both Tribal communities already operating programs, as well as those that seek to develop new programs.
- Adequately funds facility construction and renovation to ensure children are provided safe and healthy learning environments.
- Preserves Head Start provisions that have strengthened the ability of AI/AN Head Start programs to meet the educational, social, developmental, cultural, and health needs of Native youth.
- Meets the obligations of the federal government to fulfill its trust responsibility to Native peoples.

Recommendations for Reauthorization: Improving AI/AN Head Start

Categorical Eligibility for AI/AN Children

Of the approximately 22,000 funded enrollment slots in AI/AN Head Start and Early Head Start programs, only 85 percent are filled by AI/AN children due to stagnant federal poverty guidelines and restrictive eligibility requirements. There are over 85,000 AI/AN children in Tribal communities that are not being served by Head Start/Early Head Start programs, despite being the very children they were created to benefit. These children are being denied the educational, cultural, and linguistic repatriation that AI/AN Head Start and Early Head Start was specifically designed to provide.

Categorical eligibility currently exists in Head Start for other at-risk children, such as those experiencing homelessness or in the foster care system. AI/AN children are developmentally vulnerable similar to other categorically eligible children and experience some of the highest rates of all adverse childhood experiences (ACEs) indicators: physical, sexual and emotional abuse, intimate partner violence, household substance abuse, household mental illness, parental separation/divorce, and an incarcerated household member or members.

They also suffer from high rates of health disparities such as Fetal Alcohol Syndrome – five times the national rate; postneonatal deaths – twice the US all-races rate; early childhood caries (tooth decay) – three times the rate of non-Natives; and are twice as likely to be overweight and three times as likely to be obese. In school year 2018-2019 the percentage of children and youth served under the Individuals with Disabilities Education Act was highest for AI/ANs at 18 percent.

Native people experience historical trauma due to their violent colonization which has resulted in a damaged cultural identity. The religious indoctrination, cultural intolerance, seizure of Tribal land and property, as well as the removal of Native children from their languages, religions, cultures, families, and communities has resulted in poor overall physical, mental, and behavioral health in Native populations. This trauma is continued in the present due to substantial and significant personal experiences of discrimination. This discrimination is institutional in the form of unequal pay or consideration for promotion, hiring discrimination, or when interacting with the police or courts. It is also experienced individually in the form of racial or ethnic slurs, insensitive or offensive comments, or violence or harassment because they are Native.

Head Start programs offer a unique array of comprehensive services to children and families that provide support and early intervention, as well as being vital to Tribal efforts to preserve Native language and culture. AI/AN Head Start helps fulfill the federal government's trust responsibility to AI/AN tribes and villages, heal historic injustice and empower Tribal communities with its holistic, culturally-tailored and multi-generational approach to early childhood education. Head Start and Early Head Start programs honor the rich cultural heritage of our AI/AN children, families, and communities. Based on the needs of local communities, programs offer traditional language and cultural practices to provide high-quality services to

young children and their families. The restoration of and reconnection with their indigenous identities is a key element in Native student confidence and success in later years

AI/AN children should be categorically eligible to attend tribally operated HS/EHS programs to combat these severe and systemic conditions that affect all Native youth. Families that fall above outdated poverty guidelines should not be excluded from the opportunity to reclaim their cultural identity and language. AI/AN children that live in the same communities suffer the same effects of historical and intergenerational trauma, ACE indicators, health disparities, and harm to their cultural identities; yet, they are denied the opportunities that the AI/AN Head Start program was made to provide simply because they do not meet arbitrary poverty guidelines – guidelines that are themselves culturally insensitive and imposed from the outside on Tribal communities. Categorical eligibility for AI/AN children would be consistent with the spirit and intent of AI/AN Head Start, address unique challenges facing this population, and be a just policy for helping AI/AN children achieve in life.

RECOMMENDATION:

- Reauthorization language should add American Indian/Alaska Native children as categorically eligible to attend tribally operated Head Start/Early Head Start programs.

Use of CLASS Review Process Unfairly Impacts AI/AN Head Start Programs

AI/AN Head Start is deeply committed to providing excellent programs. However, there needs to be further dialogue about developing reliable measurements of program quality in culturally diverse environments. The Classroom Assessment Scoring System (CLASS) was designed as a professional development tool but has ended up being used as a monitoring tool for determining whether a grantee enters into the Designation Renewal System (DRS) process.

The Head Start Act requires that a research-based observational instrument be used during program reviews. We feel that the “principles of scientific research” for supporting the assessment approach have not been tested with AI/AN 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 AI/AN zero to five populations. Teachstone, the developers of CLASS, cannot provide research data on AI/AN 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.

Also at issue is the reliability of CLASS coders in observing education activities and teacher performance in AI/AN Head Start programs. Currently, there is inadequate training for CLASS coders to consider cultural differences during the review process, and the system does not even allow time for the program to make reviewers aware of cultural differences they may observe. Consequently, programs that are otherwise in full compliance with Head Start requirements may find themselves in DRS because CLASS coders are unable to take into account cultural and behavioral norms. Patterns of conduct and communication among certain tribes may vary significantly from that of mainstream culture. Navajo Indians, for example, tend

to express themselves through non-verbal communication and often avoid direct eye contact as a sign of respect. A CLASS coder unfamiliar with these traditional patterns of expression would miss the nuanced and rich learning environment of a Navajo Head Start classroom and assign the program an inappropriately low CLASS score that may send it into DRS. Support for culturally-based learning is one of the keystones of the AI/AN Head Start program.

Moreover, if a Head Start grantee has reason to believe a CLASS review was inappropriately conducted, such programs should be able to formally request that the Secretary review the evaluation process and take appropriate corrective action.

RECOMMENDATIONS:

- Congress should exempt AI/AN grantees from CLASS until it has been tested and shown to be valid and reliable in AI/AN 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.
- Coders of the newly revised or developed system should have strong cross-cultural understanding as well as an in-depth knowledge of the cultural context of the classrooms in which they are observing.
- Establish a formal grievance process for challenging CLASS evaluations that a Head Start grantee has reason to believe were not appropriately conducted.

Implementation of Culturally and Linguistically Appropriate Instruction

Beginning in the late 1860s, the federal government used education as the principal weapon in what became a nationwide campaign to “civilize” American Indians and wipeout Native identities. Thousands of Native youth were taken—often forcibly—to live away from their families in boarding schools where they were forbidden to speak their Native languages, denied traditional clothing and hairstyles, and were made to adopt non-Native names. The campaign caused immeasurable harm to the transmission of Native languages, cultures, and traditions as entire generations were isolated from their communities.

Despite these efforts, the Native spirit has endured. Tribes have taken meaningful steps to address the impacts of historical trauma on their communities and promote resiliency. Such

initiatives include the implementation of culturally based education programs that have proven to be critical factors in fostering long-term Native student development. The two-generational approach and locally driven focus of AI/AN Head Start programs places it squarely on the frontline in the preservation of Native language and culture. Accordingly, any Head Start Act reauthorization should continue to allow AI/AN Head Start programs to develop locally their own, culturally appropriate curriculum for children and parents. Reauthorization language should recognize local traditional knowledge as an independent and intrinsically valuable basis for evidence-based curriculum development.

RECOMMENDATIONS:

- Reauthorization language should provide an exemption for AI/AN Head Start programs from research-based requirements for curriculum development for children and parents, which would allow AI/AN Head Start programs to meet Head Start Program Performance Standards while also serving the unique needs of Native students, families, and communities.
- Provide funding to allow tribes to develop their own culturally appropriate curriculum that is aligned with the Early Learning Outcomes Framework.

Recognition of Tribal Teaching Certifications Supports the Critical Role of AI/AN Head Start Programs in Advancing Native Culture and Identity

Through the integration of culturally and linguistically appropriate classroom practices, AI/AN Head Start empowers Native communities to take the lead in preserving, revitalizing, and reclaiming their Native heritage. This is achieved most commonly through the integration of Native elders and culture bearers into the classroom. Native elders and culture bearers are teachers and role models in their communities who impart tradition, knowledge, culture, and lessons—all of which have been proven to be key contributors to Native student resiliency and success in later life. Further, for many communities, elders represent the last stronghold of tribal languages and traditions that were very nearly lost during the boarding school and termination eras of federal Indian policy.

Despite the immeasurable value of connecting Native elders and culture bearers with Native youth, the current regulations for teaching qualification requirements essentially exclude Native elders and culture bearers from Head Start classrooms. The 2007 Act does not recognize tribally awarded teaching certifications for the purpose of satisfying the degree requirements for Head Start staff. Many tribes do not have the resources to employ a third person in the classroom as a language and culture teacher, which prevents Native elders and culture bearers from serving in a teaching capacity unless a certified staff member is available to accompany them, despite the fact that it is Native elders and culture bearers themselves who are in fact most highly qualified to educate Native children on cultural and linguistic matters.

Because the teacher qualification requirements are a nationwide target, reauthorization legislation should consider amending the teacher qualifications for AI/AN Head Start staff so that tribes can directly certify Native elders, culture bearers, and other qualified individuals as

language and culture instructors in their Head Start and Early Head Start programs. Alternatively, the Head Start Act should provide for tribal-specific teaching certifications, honoring the unique nature of AI/AN Head Start programs and consistent with and respectful of the inherent sovereignty of AI/AN tribes.

RECOMMENDATION:

- Reauthorization language should enable AI/AN Head Start programs to recognize tribally awarded teaching certifications in language and culture instruction or early childhood education for the purposes of satisfying staff teaching qualification requirements.
- Provide additional funding for AI/AN programs to competitively hire highly sought-after language and culture staff to empower Native communities to take the lead in preserving, revitalizing, and reclaiming their Native heritage.

Increased Funding to Address the Dire Needs of AI/AN Communities and to Fulfill the Government's Trust Responsibility

The living conditions in Native communities remain unmatched by any other group in the United States, characterized as they are by persistent poverty, poor health, and substandard housing and education. Whether intentional or not, the government is failing to live up to its trust responsibility to Native peoples. The federal government undertook a legal and moral obligation to make up for what had been taken from AI/ANs and to ensure their well-being. This obligation is rooted in the history of displacement of entire tribes and the confiscation of natural resources that they depended upon for their livelihood. Perennial government failure to compensate AI/ANs and the residual effects of the nation's long history of mistreatment of Native peoples have increased the need for federal assistance even further. Efforts to bring AI/ANs up to the standards of other Americans have failed in part because of a lack of sustained adequate funding.

Prior to the 2007 reauthorization of the Head Start Act, HHS divulged that 3-4% of the 12% set aside for priority programs, which includes AI/AN Head Start, had been transferred out of the set aside programs to expand the funding of non-priority Head Start programs. In an attempt to address this irregularity, the 2007 Act provided for special AI/AN Head Start expansion funds over FY 2008-2010, however, those funds were only received in FY 2009 due to flat funding in the other two years. A statutorily guaranteed increase in the AI/AN Head Start set aside is now needed to allow for quality improvement and expansion for existing and new tribal entities. Additionally, federal appropriations must account for facilities costs that are unique to AI/AN programs, such as those required for necessary infrastructure and those associated with geographic remoteness.

Under the 2007 Act, Congress designated a minimum 3% set aside of overall program funding for AI/AN Head Start. The set aside is intended to ensure that tribal communities receive the requisite support to carry out robust early childhood education services. It also recognizes that many tribal governments encounter challenges when federal funds must first pass through a state. Regrettably, the 3% set aside has rarely been fully funded, which undermines Congress's goal. The result, over time, is a compounding deficit of AI/AN Head Start funding

that makes it increasingly challenging, if not impossible, for our programs to address unmet needs, respond to changing community demographics, and stay ahead of inflation. To catch up ground on this chronic funding shortfall AI/AN Head Start requires an increase in its set aside.

Increase the AI/AN Head Start Set Aside to 4%. Setting the set aside at 4% is needed to address the disparities in AI/AN Head Start funding and resourcing. The chronic and ongoing shortfalls in funding the existing tribal set aside has negative consequences on our programs' ability to carry out their missions and uplift the children and communities they serve. An increased set-aside of 4% should be flexibly provided for quality improvement; infrastructure, to include facilities (renovations and new construction), transportation, and Internet access and connectivity; workforce broadly defined to include, but not limited to, achieving pay parity; and expansion to include new entities for both AI/AN Head Start and Early Head Start.

Quality Improvement Funding. AI/AN Head Start programs are deeply committed to serving Native children, families, and communities who on a daily basis must deal with depression-era economics, high rates of crime, limited educational resources, and poor health outcomes. These programs desperately need quality improvement funds for meeting staff qualifications, staff retention through competitive wages, increasing staff, increasing childhood trauma informed care and mental health and behavioral health services, transportation costs, technology, internet access and connectivity, and other program needs. Currently the only way to meaningfully address these funding shortages is through expansion funding, but not all programs have the available facilities or the children in their community to allow for expansion. Quality Improvement funding is intended to facilitate programs in building on their demonstrated success through improved capacity and in recognition of the need to address historic disparities in AI/AN Head Start resources. It should be equitably available to all programs.

Expansion Funding. Despite the critical services that AI/AN Head Start provides to Tribal communities, only about 49 percent of the eligible AI/AN child population is enrolled in AI/AN Head Start. Only 167 tribes and tribal organizations have Head Start and/or Early Head Start programs. That leaves nearly 2/3 of tribes without access to AI/AN Head Start. There has been no new expansion funding available to new AI/AN Head Start grantees (3-5 year olds) since 2007. AI/AN Early Head Start has received expansion funding for new entities, however, AI/AN Head Start expansion has only been available to existing grantees for the last 14 years. This has left many Tribal communities unable to apply for Head Start services for their children and families. AI/AN Head Start expansion funding should be provided for existing grantees *and* for new entities. This must be a priority for reaching the 2/3 of tribes that are essentially barred from participating in AI/AN Head Start today.

Facilities Funding. Finding, financing, and otherwise securing adequate facilities is a major issue in AI/AN communities. For instance, many AI/AN Head Start programs lack the physical foundation for success because they operate out of the oldest buildings on their reservations. Programs 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 programs to spend significant portions of their budget on maintaining outdated facilities for Head Start classrooms. Dedicated funding and/or flexibility in Quality Improvement funds is required to address this growing unmet need.

Flexibility for Use of Redistributed Funds. Currently, the 2007 Head Start Act and its implementing regulations limit the use of redistributed program funds to increasing enrollment in existing AI/AN Head Start programs. Reauthorization language that provides for increased flexibility regarding the use of redistributed program funds would enable AI/AN Head Start programs to partially address funding gaps that impact not just enrollment but also for quality improvement, infrastructure, and workforce. Congress must support innovative ways to maximize the use of federal funds to meet local program needs consistent with the underlying intent of the AI/AN Head Start program. A provision of greater flexibility in the use of redistributed funds, which should and must remain in Region XI programs, would be a simple means of diversifying funding sources for our programs.

RECOMMENDATIONS:

- A statutory increase in the AI/AN Head Start set-aside to 4% effective immediately. Currently, AI/AN Head Start receives approximately 2.8% of Head Start funds.
- Reauthorization language should enable tribal programs to use funds that have been held by the Secretary as a result of base grant adjustments for expanded purposes such as quality improvement, or facilities construction and renovation. Currently, such funds can only be used to increase enrollment in existing AI/AN grantees.
- Provide specific funding for major renovation or construction of new facilities that is not tied to expansion.

Recommendations for Reauthorization: Principles for Continued Success

Preservation of the Federal-to-Tribal Relationship Fulfills the Government's Unique Responsibility to Tribes

AI/AN tribes are sovereign nations with inherent, recognized powers of self-determination and self-governance. The United States Constitution, treaties, federal statutes, executive orders, Supreme Court precedent, and other agreements establish the federal government's trust responsibility to protect the interests of AI/AN tribes and communities. They also set forth the federal government's recognition of AI/AN tribes as sovereign nations with inherent powers of self-governance over their communities and tribal members.

The Head Start Act helps fulfill these unique obligations to AI/AN tribes by reinforcing the federal government's commitment to work with tribes on a government-to-government basis. For example, the Head Start Act requires annual consultations with tribal governments operating AI/AN Head Start programs. It also ensures that funds flow directly from the federal government to the tribes rather than passing through the states. Preserving the direct federal-to-tribal relationship is critical to AI/AN Head Start's continued success in serving the needs of Native youth, families, and communities going forward.

RECOMMENDATION:

- Reauthorization should preserve the federal-to-tribal relationship in fulfillment of the federal government’s unique responsibility to AI/AN tribes by maintaining consultation requirements and ensuring that funds flow directly from the federal government to the tribes. *See e.g.*, §§ 9835(1)(4), 9836(c)(7)(B) (consultation requirements); § 9835(d)(2)(B)(ii) (direct funding distributions to AI/AN Head Start agencies).

Preservation of AI/AN Head Start Specific Provisions and Expanded Use of Set Asides Essential to Continued Program Success and Growth

The Head Start Act provides specific provisions and set asides for AI/AN Head Start that range from funding measures to tribal consultation requirements. These AI/AN-specific provisions are tailored to the unique nature of AI/AN Head Start programs and honor the special relationship between the federal government and tribes. Moreover, the preservation of funds that are specifically designated for AI/AN Head Start programs is essential to program stability and growth. It is essential that such set asides be maintained in any Head Start Act reauthorization *and* be incorporated into all competitive funding made available through the Office of Head Start going forward. Designating tribal asides of all base funding should become standard federal practice. These monies are key to ensuring that federal funds make it into tribal communities, otherwise there is a substantial—and unacceptable—risk that our programs will miss out on valuable opportunities due to capacity limitations, administrative barriers, or other factors. To continue the program’s unparalleled success in serving the needs of Native children, families, and entire communities, we request that current AI/AN specific provisions and set asides for AI/AN Head Start be maintained throughout any reauthorization process.

RECOMMENDATION:

- The upcoming reauthorization should maintain existing language as it relates to specific set asides for AI/AN Head Start programs, which are essential to continued program success, stability and growth. *See, e.g.*, § 9840(d) (eligibility criteria); § 9843(g)(1)(E) (technical assistance); § 9841(e) (establishment of alternative agency); § 9836(e) (prohibition against a non- AI/AN Head Start agency receiving AI/AN Head Start funds).

Conclusion

AI/AN Head Start programs promote equitable access to educational and developmental services for Native infants and toddlers that would otherwise be unavailable in many Tribal communities. AI/AN Head Start’s family- and community-centered model is one of the most effective of the few federal programs providing resources to address the particular needs of Native children. It represents a model that can be drawn upon in crafting early childhood education expansion, other tribal educational programs, and programs for older Native youth. Our programs focus on the whole individual—through education, health and culture—as well as on the whole family and the whole community in a holistic manner that is connected to traditional Native learning styles and cultural practices. NIHSDA has developed a wealth of knowledge regarding early childhood education in tribal communities and welcomes the opportunity to work with Congress to improve Head Start on behalf of Native children and their families. Please do not hesitate to contact us for any additional information.