



# National Indian Head Start Directors Association

## Standing Strong and Preserving the Identity of AIAN Children and Families

### AIAN Specific Provisions in the Head Start Act and Performance Standards

- AIAN Head Start Collaboration Director [\[Sec. 640. \(I\)\(3\)\(A\) and \(B\)\]](#)
- AIAN programs may reallocate funds between their HS and EHS programs at their discretion at any time during the grant period. [\[Sec. 645. \(d\)\(3\)\]](#) [\[45 CFR § 1302.20 \(c\)\(4\)\]](#)
- Annual consultations between the secretary and tribal governments operating programs to discuss issues affecting the delivery of Head Start services in their area. [\[Sec. 640. \(I\)\(4\)\(A-D\)\]](#)
- The Secretary will consult with AIAN tribes, AIAN ECE experts, and NIHSDA in developing any modifications to the Head Start standards. [\[Sec. 641A. \(a\)\(2\)\(D\)\]](#)
- AIAN preference in all personnel actions in Region XI office of OHS. [\[Sec. 644. \(h\)\]](#)
- If there are funds held due to underenrollment in AIAN grantees the redistribution shall be to increase enrollment in one or more tribal grantees by the end of the following fiscal year. [\[Sec. 641A. \(h\)\(6\)\(A\)\(i\) and \(ii\)\]](#)
- Tribes not delivering a high quality and comprehensive program will engage in government –to-government consultation with the Secretary to establish an improvement plan. If after reevaluation the program is still not delivering a high quality and comprehensive program the Secretary will conduct an open competition. [\[Sec. 641. \(c\)\(7\)\(A\)\(iii\) and \(B\)\]](#) [\[45 CFR § 1304.14\]](#)
  - Non-AIAN Head Start agencies may not receive a grant to carry out an AIAN program unless there is NO AIAN agency available and only until an AIAN agency becomes available and is designated. [\[Sec. 641. \(e\)\(1\) and \(2\)\]](#)
  - A tribe may request an alternative agency if they are terminated as a grantee. [\[Sec. 646 \(e\)\(1\) and \(2\)\]](#) [\[45 CFR § 1304.30 – 1304.32\]](#)
- AIAN programs are exempt from governing body expertise requirements. [\[Sec. 642. \(c\)\(1\)\(B\)\(v\)\]](#)
- An AIAN program may enroll additional children who exceed the low income eligibility if the program serves predominately low income children (tribes may serve up to 49% over income) provided they serve all income eligible children in the community. [\[Sec. 645. \(d\)\(1\) and \(2\)\]](#) [\[45 CFR § 1302.12 \(e\)\]](#)
- National system for AIAN programs for training and technical assistance. [\[Sec. 648. \(e\)\]](#)
- Five year grants for Tribal Colleges and Universities to help AIAN Head Start staff members develop skills and expertise needed to teach. [\[Sec. 648. \(g\)\(1\)\]](#)
- To the maximum extent possible the Governor of each state shall include a representative from AIAN Head Start agencies on the State Advisory Council. [\[Sec. 642B. \(b\)\(1\)\(C\)\]](#)
- A report to Congress every five years on the condition of AIAN Head Start facilities. [\[Sec. 650. \(b\)\]](#)
- A report to Congress every two years on the status of AIAN children that includes funding, services, and monitoring information. [\[Sec. 650. \(a\)\]](#)
- A study on the delivery of services to AIAN children living on or near reservations. [\[Sec. 650 \(a\)\(14\)\]](#)
- A study to determine the number of AIAN children nationwide needing services in order to make expansion funding decisions. [\[Sec. 649. \(k\)\]](#)
- Conflict of interest for serving on the Policy Council applies only to tribal staff who work in areas directly related to or which directly impact administrative, fiscal, or programmatic issues. [\[45 CFR § 1301.3 \(b\)\(2\)\]](#)
- In cases of an impasse between the governing body and policy council where no resolution is reached, AIAN programs do not have to select an arbitrator with power of final decision. [\[45 CFR § 1301.6 \(c\)\]](#)
- An AIAN program may propose a service area that includes areas where tribal members reside with tribal governing body approval. [\[45 CFR § 1302.11\]](#)
- AIAN programs can determine if they want to prioritize selection of younger children if their service area includes publicly funded pre-K for a full school day. [\[45 CFR § 1302.14 \(a\)\(3\)\]](#)
- AIAN programs may integrate tribal language preservation efforts, which may include full immersion in the tribal language. [\[45 CFR § 1302.36\]](#)
- AIAN programs may determine whether or not to participate in the state Quality Rating and Improvement System. [\[45 CFR § 1302.53 \(b\)\(2-4\)\]](#)