

Office of Head Start (OHS) Tribal Consultations

The Office of Head Start (OHS) convenes Tribal Consultation sessions as required by Section 640(l)(4) of the Head Start Act and in conformity with the Department of Health and Human Services Tribal Consultation Policy. Tribal Consultation reports reflect comments and recommendations raised by Tribal leaders and their representatives; comments and responses from OHS; and areas identified at the Tribal Consultations as requiring follow up by OHS.

640(l)(4)(A) For the purposes of paragraph (3), the Secretary shall conduct an annual consultation in each affected Head Start region, with tribal governments operating Head Start including Early Head Start programs.

(B) The consultations shall be for the purpose of better meeting the needs of Indian, including Alaska Native, children and their families, in accordance with this subchapter, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

(C) The Secretary shall publish a notification of the consultations in the Federal Register before conducting the consultations.

(D) The Secretary shall ensure that a detailed report of each consultation shall be prepared and made available, within 90 days after the consultation, to all tribal governments receiving funds under this subchapter.

The last consultation was held July 9-10, 2024 in Fort McDowell, AZ. Currently no consultations have been scheduled for 2025.

Additional Consultation requirements in the Head Start Act:

The Head Start Act explicitly requires HHS/OHS to consult with tribes (and NIHSDA) whenever it develops or modifies Head Start standards

Sec. 641A Standards; Monitoring of Head Start Agencies and Programs

(a) Standards-

(2) CONSIDERATIONS REGARDING STANDARDS- In developing any modifications to standards required under paragraph (1), the Secretary shall—

(D) consult with Indian tribes, including Alaska Natives, experts in Indian, including Alaska Native, early childhood education and development, linguists, and the National Indian Head Start Directors Association on the review and promulgation of standards under paragraph (1) (including standards for language acquisition and school readiness).

Upcoming Regulatory Changes:

The OMB's Spring 2025 Regulatory Agenda indicated two rules the Administration plans to publish:

COVID-19 Mitigation Policy Requirement in Head Start Programs; Recission

This NPRM proposes to modify the Head Start Program Performance Standards to rescind the requirement that Head Start programs have a specific COVID-19 mitigation policy. This requirement is no longer relevant, and rescinding it provides an opportunity to reduce regulatory burden on grant recipients.

(45 CFR 1302.47)

Restoring Flexibility to Support Head Start Program Access and Quality

This NPRM proposes to modify the Head Start Program Performance Standards to reduce costs and burden for Head Start programs, as well as streamline and clarify requirements. More specifically, the NPRM proposes to revise costly requirements for staff wages, benefits, family child care staff qualifications, and increase flexibility throughout the existing standards.

(45 CFR 1302.23; 45 CFR 1302.90; 45 CFR 1302.91)

There is no legal requirement to follow through and publish these rules, nor is there a prohibition on publishing rules that were not included. Both rules are slated for Spring 2005, but the Administration is not bound by that timeline. The Fall 2025 Regulatory Agenda has not yet been published.

Ways you can support Tribal Leadership and prepare for Tribal Consultations:

Understand the Purpose of the Consultation. Annual consultations can cover a broad range of topics affecting programs, but some are targeting feedback on a specific item.

Identify Priority Issues. Help Tribal leaders focus on 2–5 high-priority topics and encourage leaders to link each priority to concrete examples from their community or program.

Review Key Materials. Gather data from annual reports/PIR data, reference relevant policies or legislation, and review previous consultation reports to follow up on ongoing concerns.

Prepare Clear Talking Points. Draft brief, bulleted talking points that include data or stories that illustrate the impact.

Leverage NIHSDA and Other Partners. NIHSDA often provides briefing materials, resources, and policy guidance that you can personalize for your program.