

First Five Years Fund

September 15, 2015

Dr. Blanca Enriquez
United States Department of Health and Human Services
Administration for Children and Families
Office of Head Start

Dear Dr. Enriquez:

I am writing in response to your request for comment about the Notice of Proposed Rulemaking (NPRM) regarding Head Start performance standards. The First Five Years Fund (FFYF) is committed to improving the lives of children living in poverty by spurring greater investment in high quality early childhood programs that improve their education, health, and economic outcomes. FFYF thanks the Office of Head Start for making important, and difficult, choices to improve the quality of Head Start programs in this NPRM. As your office begins to receive stakeholder comments and draft a final rule, I would like to highlight several improvements made to Head Start performance standards in this proposed rule and discuss potential areas for further thought. Like your NPRM, the comments below build on decades of early learning research aimed at the development and success of children and their families.

POSITIVE CHANGES TO HEAD START PERFORMANCE STANDARDS

Full-day, Full-year (Section 1302.21)

The proposal to shift to full-day, full-year offerings for Head Start attendees is one of the most significant changes in the NPRM. Research shows, and Educare early learning centers across the nation confirm, that the time children attend high-quality, early learning programs is one of the most important factors contributing to successful outcomes. FFYF strongly supports this proposal, which would more than double the amount of learning time for some children and still allow local providers the flexibility to offer half-day programs if they meet local needs.

Examination of high-performing early learning providers show that the most positive outcomes are generated by programs that are full-day, full-year. This standard would increase the return-on-investment already seen in Head Start. Additionally, this provision has the opportunity to increase efficiencies amongst Head Start providers that have high vacancy rates or the potential for additional capacity.

These benefits should be weighed carefully against reasonable efforts to ease the transition for those programs that aren't currently meeting the requirement. These may include approval of locally designed program options; a reasonable phase-in period; or other potential approaches that lead to the desired intent of the proposal.

Outcomes-based Standards

The NPRM presents a shift from the current, process-based standards to a more flexible, more effective outcomes-based set of standards that is grounded in the most up-to-date early childhood research. The proposed standards reduce the number of duplicative requirements and written plans for Head Start providers. Instead, the focus shifts to practices in areas such as family partnership, classroom standards, child attendance, and positive learning environments, that have grounding in scientific, peer-reviewed early learning studies as meaningful contributors to positive child outcomes.

Additionally, by stating the outcomes providers are expected to achieve, instead of prescribing a process that providers must follow, the NPRM allows for flexibility and innovation to meet objectives. For example, the proposed standards would allow Head Start programs to waive some structural and operational requirements – such as class size, meal provisions, and parent committees – so long as the goals of each – quality learning environments, fulfillment of child nutrition requirements, and parent engagement respectively – are fulfilled.

Reduction of Burdensome Requirements

The NPRM reduces redundancies in compliance and review requirements so providers can focus more on delivery of early childhood education and care than on filling out unnecessary forms. For example, the process of background checks is brought more in line with requirements laid out in the legislation reauthorizing the Child Care Development Block Grant (CCDBG); privacy protections are made consistent with the Family Educational Rights and Privacy Act (FERPA) so that there is increased consistency between early childhood education and K-12; and several Head Start specific audit requirements are eliminated so providers need follow only the audit requirements placed on all federal grantees. The cost savings of these reforms are estimated to be nearly \$105 million, an amount that can be reinvested back into children attending Head Start programs.

Consideration of Other Early Learning Programs

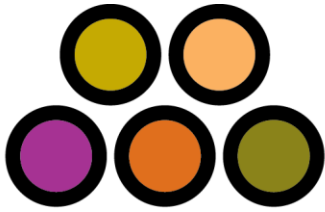
These proposed standards work to increase alignment and coordination between Head Start and other local, state, and federal early learning programs. The NPRM includes a requirement for communities to assess the availability of preschool slots by age and income level. The requirement will help Head Start providers make informed decisions about which age group can be served best, and inform conversion of slots from Head Start to Early Head Start.

The proposed performance standards require Head Start to meet state early learning standards as appropriate, work to align state quality ratings improvement systems (QRIS) with Head Start systems, and integrate state longitudinal data systems with Head Start data collection requirements

Standards, Professional Development, and Continuous Improvement (Section 1302.91, 1302.92)

The NPRM proposes requiring teacher and leader licensing and professional development, as well as age-appropriate curriculum. These updates are extremely important to ensure that all children are able to attend high-quality Head Start programs. The proposed performance standards go even further by shifting to real-time coaching using practices discussed in workshops and data collected during student instruction. This research-based approach to professional development has been demonstrated to be the most effective.

The needs of teachers are further addressed through this NPRM by providing opportunities for teachers to address job stress and mental health needs. These changes are intended to enhance classroom management,



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address challenging behaviors, promote positive teacher-child interactions, and increase the longevity and sustainability of a career in early learning.

Professional Development (Section 1302.92)

Traditional teacher professional development usually consists of either off-site training conferences or on site, sit-down, lecture style sessions. The master instructor method of professional development is a much more effective approach, backed by peer-reviewed research. The new performance standards should emphasize that coaching can include group coaching and utilizing coaches internal to the Head Start program, as well as encouraging organizations to hire outside coaches. FFYF strongly supports real-time coaching and data analysis for continuous quality improvement.

PLACES FOR FURTHER THOUGHT

Some proposals in the NPRM, like the ones below, are novel and experimental. OHS should follow the effects of these new proposals closely, and FFYF looks forward to learning more about the impacts of these policy changes as they are implemented.

Mixed-income Programs (Section 1302.11, 1302.15)

Children of all races and income groups learn and develop best when interacting with peers across all socioeconomic groups. As a result, mixed-income programs typically generate better results for low-income children than programs that solely target low-income families. We are interested to see how the NPRM proposal for a private pay option in Head Start will be implemented, and the effects it might have. Such a policy has promising potential, but also carries risks of decreased access for economically disadvantaged children who benefit the most from early learning programs.

Data Privacy (Section 1303 Subpart C)

The NPRM relies on FERPA as a model for how providers should handle student data and personal information. The proposed changes would supplement, rather than replace, existing privacy protections at the local, state, and federal level. This approach potentially establishes multiple levels of privacy protections for providers, most of whom do not have a deep understanding of FERPA and other privacy rules, to navigate, and may create implementation challenges. Most Head Start staff do not have a deep understanding of FERPA and other privacy rules. Specifically, we urge you to consider:

- Offering additional OHS supports, similar to the U.S. Department of Education's Privacy and Technical Assistance Center, to ensure the requirements do not inadvertently hinder data sharing for legitimate educational purposes. For many years, misinformation about FERPA has caused many school districts to avoid data sharing that would benefit students and their families. Absent effective technical assistance, or an investment in Head Start program staff's capacity to fully understand the law, the new regulations could prevent sound data practices including needed data sharing with the community services and schools that Head Start programs collaborate with to serve young children.

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- Requiring record keeping for granted disclosures of personally identifiable information (PII) rather than requiring grantees to keep a record of each request. Memorializing each data request is administratively burdensome and does not provide an additional layer of protection to children.
 - Permitting school-based Head Start programs that are subject to FERPA to be regulated only by FERPA and the Department of Education's related regulations. Subjecting FERPA-covered entities to new requirements will not enhance a child's privacy and it is not sufficient to defer to FERPA when the two regulatory regimes conflict. This approach will be administratively burdensome, without providing a tangible privacy benefit.

The First Five Years Fund supports the proposed changes to the Head Start performance standards laid out in this NPRM. We look forward to working with you as your work to finalize these standards and we thank you for the opportunity to comment on this promising NPRM.

Sincerely,

A handwritten signature in black ink that reads "Kris Perry". The signature is written in a cursive, flowing style.

Kris Perry
Executive Director
First Five Years Fund