

# Correspondence



ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
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## PROGRAM INSTRUCTION

**TO:** Head Start and Early Head Start Grant Recipients and Delegate Agencies

**SUBJECT:** Final Rule on Flexibility for Head Start Designation Renewals in Certain Emergencies

### INSTRUCTION:

The Office of Head Start (OHS) announced in the [Federal Register](#) a Final Rule that adds a new section to the Head Start Program Performance Standards under [1304 Subpart B – Designation Renewal](#). This new section, [45 CFR §1304.17](#), establishes parameters by which OHS may make designation renewal determinations when certain federally declared disasters or emergencies prevent collection of all data normally required for making such determinations.

The Head Start Act (the Act) requires OHS to implement a Designation Renewal System (DRS) to determine which grants may be renewed noncompetitively and which grants will be subject to an open competition for the next five-year period. The Act stipulates the types of data OHS must consider as part of these designation renewal determinations, including the use of a valid and reliable research-based observational tool that examines the quality of teacher-child interactions. OHS uses the Classroom Assessment Scoring System (CLASS®), which was determined with input from experts to be the only tool that meets this statutory requirement. OHS typically uses CLASS® to conduct on-site reviews of the quality of teacher-child interactions in Head Start programs.

Due to the ongoing [federally declared public health emergency \(PHE\)](#), section 319 of the Public Health Service Act, initially issued on January 31, 2020, and renewed on October 18, 2021, associated with the novel coronavirus disease 2019 (COVID-19), OHS has not been able to send observers on-site to conduct CLASS® reviews of Head Start grants since March 2020. OHS has also determined it cannot conduct CLASS® reviews during the 2021–2022 program year due to multiple factors that would prevent OHS from obtaining valid and reliable scores. New variables associated with the PHE may create barriers to successfully obtaining CLASS® scores that reflect the classroom environments and the quality of teaching practices. These factors include mask wearing by teachers and children, short-term closing of centers and classrooms, teacher illnesses and absenteeism, staffing issues, reviewer illness, and other health

and safety issues. For these reasons, CLASS® may not capture a representative picture of the program's teacher-child interactions across the five-year project period during this PHE.

In advance of grants ending, OHS must make determinations regarding whether a grant is subject to an open competition or can be renewed noncompetitively under the DRS. Except in very limited circumstances with special authority from Congress, OHS is unable to extend grants beyond five years to allow more time to collect data. To ensure the continuity of services for Head Start children and families, OHS established a process for making DRS determinations in the absence of all normally required data when the absence of such data is due to a federally declared disaster, emergency, or PHE.

### **Effective Date**

The new standard described at [45 CFR §1304.17](#) was effective on December 7, 2020, through publication of an Interim Final Rule (IFR). At that time, OHS found good cause to waive the traditional notice and comment process because it would have delayed providing OHS the flexibility to make DRS determinations for certain grants. However, OHS still accepted public comments on the IFR. No changes were made to the regulatory text in this Final Rule based on the public comments that were received.

Ensuring the health and safety of Head Start staff, children, and families is of utmost importance. This Final Rule directly supports that goal while establishing a process for OHS to meet the requirements of the Act to make designation renewal determinations during the COVID-19 pandemic and certain other federally declared disasters or emergencies, including PHEs.

### **Next Steps**

Programs are urged to read the [Final Rule](#) in its entirety. OHS will continue to provide direction, guidance, and resources that support our mission to prepare Head Start children and families for school and beyond.

Thank you for the work you do on behalf of children and families.

/ Dr. Bernadine Futrell /

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