

## National Indian Head Start Directors Association

### 2015 Advocacy Head Start/Early Head Start Issues and Concerns

Updated: May 18, 2015

#### Department of Health and Human Services, Administration for Children and Youth Tribal Consultation Policy of 2011 – Final Rule, Federal Register, Vol. 76, No. 174, September 8, 2011

*“Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinions among parties, which leads to mutual understanding and comprehension. Consultation is integral to a deliberative process that results in effective collaboration and informed decision-making with the ultimate goal of reaching consensus on issues. ACF will consult, as defined in this document and as practicable and permitted by law, with Indian tribes before taking action that will significantly affect Indian tribes. The ACF policy is to conduct timely, respectful, meaningful, and effective two-way communication and consultation with tribes wherein elected officials and other authorized 10 representatives of the tribal governments provide input prior to any action that either ACF or one or more tribes determines has or may have significantly affected one or more Indian tribes, and before any such action or further action is taken. An action that triggers consultation is any legislative proposal, new rule adoption, or other policy change that either ACF or a tribe determines may significantly affect Indian tribes.”*

#### ISSUES AND CONCERNS TO BE EXPLORED

##### **ACF and OHS Head Start Tribal Consultations Process:**

AIAN grantees appreciate the opportunity tribal consultations potentially offer for expressing issues and concerns affecting the delivery of HS/EHS services for “better meeting the needs of Indian, including Alaska Native, children and their families (Head Start Act, 2007).” Tribes see Head Start, inclusive of Early Head Start, as the foundation for building future leaders within tribal communities through its preparation of young children and their families in life-long learning, growth and development.

Since the inception of the formal Tribal Consultation in 2008, the consultation sessions have not been productive, have been inconsistent in their facilitation, and have been less than effective in producing outcome results directed at improved early childhood services within Tribal Communities.

The Secretary of DHHS is charged with implementing the Head Start and Early Head Start Tribal Consultation process. We request that the Secretary ensure federal employees with policy-making authority attend the consultations so that the “government-to-government” relationship with federally recognized Tribal Governments is recognized and maintained. When consulting with Tribal leadership is delegated to non-policy responsible individuals it is disrespectful to leaders of Tribal Nations.

Tribal grantees are seeking continued improvement in the tribal consultation process where funding allocations, distribution formulas and other issues affecting the delivery of Head Start and Early Head Start services are openly discussed and resolved within a timely manner. We appreciate the effort of the Region XI Manager to the process of Tribal Consultation; however, Tribal Leadership expect a stronger consultation process that includes policy makers.

##### **Suggested OHS Action:**

- Assign federal employees with policy-making authority to attend and dialogue with Tribal leadership within ACF and OHS. Sending subordinates alone will only serve to further weaken the consultation process.
- Have an open discussion with Tribal leadership to evaluate how the consultation process can be more effective to ensure satisfaction and true government to government relationships. (Add as an agenda item during the tribal consultation)
- Sufficient notice (at least 60 days) of scheduled consultations needs to be given to Tribal leadership to plan their attendance. When consultations are announced one at a time throughout the year it is difficult to determine which location would be most convenient.
- Issue timely reports (within 3-6 months) of the consultations with clarifications and intended action steps.

### **Cultural Teacher Qualifications**

Imperative to the survival of tribal languages and culture is engaging traditional speakers and cultural transmitters within HS/EHS programs as teachers and teacher assistants. The current regulations for meeting the qualification requirements for education coordinators, teachers and teacher assistants will produce burdensome challenges for tribal programs. For example many of the language speakers are elders and are not interested and are unlikely to seek a degree for meeting the teacher/teacher aid qualifications. Many tribes do not have the resources to employ a third person in the classroom as a language and culture teacher.

Tribes should determine the proficiency of staff or tribal members to work with infants/toddlers and preschoolers.

- The initial work with young children is critical in the teaching of belonging. Entry level teachers on reservations who are the carriers of the community and family culture should be waived from the requirements of possessing an infant/toddler CDA &/or ECE AA at date of hire. Tribes need to nurture their own members and community members to be teachers of their children.
- Programs are concerned about how to utilize their tribal language speakers in full immersion classrooms given the requirements for certified or credentialed teachers.

### **Suggested OHS Action:**

- Since the teacher qualification requirements are a nationwide target, OHS should consider waiving the teacher qualifications for teaching staff so that Tribes can employ qualified (as determined by Tribes), and sometimes certified, language speakers in their Head Start and Early Head Start programs.
- If tribes and states have established a program for certifying American Indian and Alaska Native speakers as qualified teachers, OHS should accept such individuals as meeting the teacher qualification requirements (Arizona, California, Oregon and Washington).

### **CLASS and Designation Renewal System**

The Head Start Act of 2007 does not specifically require the use of the CLASS (Classroom Assessment Scoring System). *Sec 641A (c) (2)(F) include as part of the reviews, a valid and reliable research-based observational instrument, implemented by qualified individuals with demonstrated reliability, that assesses classroom quality, including assessing multiple dimensions of teacher-child interactions that are linked to positive child development and later achievement.* AIAN Tribal grantees are concerned and hold issue with the use of CLASS generally, and more specifically, as a measurement for determining if a grantee goes into the Designation Renewal process.

We are concerned that “principles of scientific research” for supporting the assessment approach have not been tested with American Indian and Alaska Native 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 AIAN zero to five populations. Teachstone, the developers of CLASS, cannot provide research data on Native American Alaskan Native 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.

Of particular concern is the reliability of CLASS reviewers in observing child and teacher interaction and instructional support in native communities. Currently there is inadequate training for reliable CLASS reviewers to consider cultural differences during the review process, and the system does not allow time for the program to make reviewers aware of cultural differences they may observe.

The expectation of achieving reliability and recertification on an annual basis continues to be a challenge for many of our grantees. The cost of certification appears to be unnecessary and prohibitive to grantees. Good teachers and teaching practices are not the result of reliability, and the money used annually for recertification takes away from the training budget of the program. Continued professional development, college coursework, TTA, and mentoring produce quality early learning environments.

CLASS continues to be problematic for AIAN grantees as a trigger for DRS. Programs who are otherwise in FULL compliance, find themselves in DRS because of the lowest 10% trigger which is determined after the monitoring year has been completed even if they met the minimum threshold score. Programs must wait to see where they stand for several months, making this an impractical use of the tool and a waste of a year in seeking professional development for teachers who may benefit from focused and intentional strategies to improve their efforts.

The initial need to utilize a system to identify the bottom 10% is no longer present. As each monitoring season goes by, the CLASS scores continue to rise, resulting in unrealistic levels of competency. Programs who are scoring in the bottom 10% are now scoring at or above the OHS thresholds and CLASS standards.

**Suggested OHS Action:**

- Eliminate the arbitrary 10% criteria of the CLASS evaluation system and its tie to the OHS self-imposed 25% goal in 1307 of the Head Start Performance Standards.
- Low CLASS threshold scores should be treated as non-compliance rather than a deficiency. OHS should then implement a follow-up review of CLASS.
- Identify and use proficient reviewers that demonstrate knowledge, expertise and experience in working with AIAN populations and have demonstrated abilities to work with diverse cultural and ethnic populations.
- Provide additional resources and supports for bringing the AIAN grantees up-to-speed on implementing and using CLASS. Additional funds to support the purchasing of CLASS materials, attending training programs, and added additional funding to the CLASS contract for the logistics and facilitation of training events.
- Establish a formal grievance process for challenging CLASS evaluations not conducted appropriately.

**AIAN Specific Research:**

The Department of Health and Human Services, Administration of Children and Families and the Office of Head Start have demonstrated over a good number of years (20-30) that it was remiss in meeting the administrative requirements stipulated in numerous (7) Head Start Acts as Amended relating to the

research/development for AIAN specific research. The U.S. Congress's intent in placing Indian specific research requirements in the Acts was to assist DHHS and its agencies in making informed decisions regarding the targeted Indian population, funding formulas, condition and lack of appropriate facilities, effects of rural and remote service delivery areas, learning and development styles of young diverse Indian children, effects of services, etc. There has been limited or no production on the research items as required by the 2007 Act let alone previous Head Start Acts.

### **Suggested OHS Action:**

- A research status report be developed by OHS and distributed widely to Tribal grantees, Tribally Controlled Colleges/Institutions, NIHSDA and the National Indian Collaboration Office.
- Sufficient research dollars be allocated by OHS for actualizing its required charge to conduct specific research affecting Tribal Grantees prior to other areas in the Act or OHS internal priorities.

For example:

- **Funding allocations** and distribution formulas, including cost of providing services with the rural, isolated and remote locations of American Indian and Alaska Native populations
- Determine the **eligible Indian population** throughout the United States including populations served by current Indian Head Start Agencies including the need for services
- **Identification of culturally appropriate and relevant curricula, assessment,** and screening tools and provide guidance on selecting curricula based upon price, adaptability and their research grounding
- **Overall study of Indian Head Start, Sec. 649(k).** The Act requires a study or studies, undertaken in collaboration with tribes, the collaboration director and the National Indian Head Start Directors Association, addressing a wide range of issues.
- **Delivery Study. Sec. 650(a)(14).** The Act also requires a study of the delivery of Head Start programs to Indian children living on and near Indian reservations and to children of Alaska Natives.
- **Facilities Study, Sec. 650(b).** Finding, financing and otherwise securing adequate facilities is a major issue in Native American communities. The Act provides for a facilities study every five years that includes information on the condition, location, and ownership of the facilities used or available to be used by Indian Head Start agencies including Alaska Native Head Start and Native Hawaiian Head Start agencies. OHS is currently conducting a national facilities study that is estimated to be completed by the end of 2015. NIHSDA requests that the report include a specific section for AIAN facilities.

### **Staff Qualifications - Professional Development:**

Indian Head Start programs have great difficulty in recruiting and retaining teachers and teacher aides.

- **Difficulty in recruiting qualified applicants with an existing CDA, AA or BA in Early Childhood Education.**
  - **CDA Challenges:** Potential employees are not aware of the CDA credential prior to seeking employment with Head Start. To expect that programs can recruit and hire someone with an existing CDA is not possible. It is very rare that a job applicant already has a CDA. It is only after the program hires the employee that the CDA process can begin. Finding mentors and other support staff that are easily accessible to Tribal communities as part of the CDA process is a difficult task for many programs.
  - **AA/BA Challenges:** On many of the reservations there are not institutions of Higher Learning where potential employees can obtain an A.A or B.A. in Early Childhood Education. Many reservations are located in extreme rural areas making distance learning institutions inaccessible for rurally located tribal communities.

- **Teachers earn required degrees and then are able to take higher paying positions.** Head Start employees who obtain a degree are able to seek employment with the local school system or other early childhood programs for a higher paying wage. Due to inadequate funding levels, Tribal Head Start Programs are unable to compete with the wages that other schools and ECE programs can offer to employees. They are able to earn a higher wage with fewer requirements creating perpetual vacancies within the Head Start program.
- **Funding to maintain qualified teaching staff.** The Head Start Act continues to increase the educational requirements for teaching staff but does not provide adequate funding levels to tribal programs that would allow programs to increase current wages to be competitive and to improve starting wages/wage scales of the program.

**Suggested OHS Action:**

- Continue to grant waivers for staff that do not meet the degree requirements until funding levels can be increased to allow for competitive pay of qualified staff

**Indian Head Start Facilities:**

Tribal Head Start grantees 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 grantees to spend significant portions of their budget to maintain environmentally safe facilities. The Office of Head Start is conducting a study of facilities among tribal head start programs. This data will further support the need for the improvement of facilities, new constructions and an increased number of tribal head start facilities.

**Suggested OHS Action:**

- Create opportunities for grantees to apply for funding for renovation or construction of facilities.
- Inform grantees of other funding sources for facility improvements or construction such as private foundations or other federal or state programs.
- Provide a separate space for facility topics regarding construction and renovation requirements, resources including how to prepare an application for facilities funding, training and funding opportunities on the ECLKC

**Federal Monitoring:**

There needs to be a continued effort to assure cultural competence for federal reviews and monitoring activities. Since the inception of the Federal On-Site Review Process, Tribal grantees have consistently voiced concerns over the lack of knowledgeable and skilled federal on-site teams, the lack of professionalism of team leaders and reviewers, and the lack of cultural sensitivity of teams. Many reviewers lack an understanding of Tribal governments and the unique relationship they have with the federal government, let alone have the expertise inclusive of cultural awareness and responsiveness of diverse cultures. More effort should be made to recruit culturally competent reviewers from the Native community.

**Suggested OHS Action:**

- Ensure the federal monitoring contractor provides cultural competence training regarding the uniqueness of Tribal governments and cultures.
- Increase recruitment from the Native community

**Policy Council Term Limits:**

According to current performance standards (45 CFR 1304.50(b)(5)) policy council terms are limited to a combined total of three one-year terms. This is extremely restrictive to parents with more than one child in the program, to parents whose child attends both EHS and then HS, or grandparents (with previous HS children) now raising grandchildren. If HS/EHS is to be considered a 0-5 program then Policy Council terms should reflect this. To be able to conduct meaningful long-term planning for the program, Policy Council term limits should be increased or eliminated.

**Suggested OHS Action:**

- Update the Head Start Program Performance Standards to allow Policy Council terms of at least 5 one-year terms.

**Continuous Eligibility from EHS to HS:**

Some of the main points in the Office of Head Start’s birth to 5 priorities are continuity for children and families as well as supporting family progress. The current system of re-determining income eligibility when transferring from Early Head Start to Head Start undermines both of these priorities. When programs work with families in EHS to become self-sufficient and support them gaining employment, it often means the family is over-income and won’t qualify for Head Start. The loss of services is punishing the family for achieving goals encouraged by the program, and could cause the parent to lose employment if they are unable to secure affordable child care. Often, increasing income is only one area where families need support, and they continue to have the same issues and barriers even though they are employed. For programs to truly sustain family progress and child school readiness, continuity of services must be preserved from birth to 5.

**Suggested OHS Action:**

- Recognize EHS and HS grants as one continuous 0-5 grant so that re-determining income eligibility is not required

**Office of Head Start Training Materials**

Materials often created by the National Centers do not take into consideration the different requirements for Native Head Start programs. The materials are often revised as an afterthought. This can result in confusion and miss information to programs, especially those new or struggling directors who rely on these materials to support their programs.

**Suggested OHS Action:**

- To address this issue, we propose that the National Centers employee staff who have knowledge and experience to develop appropriate materials for Native Head Start programs