

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

**SUBJECT:** INTERIM FINAL RULE ON FLEXIBILITY FOR HEAD START DESIGNATION RENEWALS IN CERTAIN EMERGENCIES

**TO:** Head Start and Early Head Start Grantees and Delegate Agencies

**INSTRUCTION:**

The Office of Head Start (OHS) [announced in the Federal Register](#) an interim final rule (IFR) 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) 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 2020–2021 program year for two primary reasons. First, OHS aims to protect the health and safety of Head Start children and staff by limiting their exposure to outside individuals, whenever possible. Sending CLASS® observers into Head Start classrooms during the PHE would violate this principle. Second, OHS anticipates that interactions between teachers and children during the 2020–2021 program year will look very different than is typical, due to health and safety measures implemented in response to the PHE. This may include smaller class sizes, more distancing between children, use of masks by staff and children, and other measures. For these reasons, CLASS® may not capture a representative

picture of the grantee's teacher-child interactions across the five-year project period during this PHE.

In advance of grants ending, OHS must make determinations regarding whether grantees are subject to an open competition or can be renewed noncompetitively under the DRS. Except in very limited circumstances with special authority from Congress, OHS does not have authority to extend grants beyond five years to allow more time to collect data. To ensure the continuity of services for the vulnerable children and families Head Start serves, OHS must establish 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 or emergency or PHE.

### **Effective Date**

The new standard described at 45 CFR §1304.17 is effective December 7, 2020. Ensuring the health and safety of Head Start staff, children, and families is of utmost importance. This IFR 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 or PHEs. It is critical that OHS implement this IFR as quickly as possible. Due to the ongoing PHE, we find good cause to waive the traditional notice and comment process because it would delay providing OHS the flexibility to make DRS determinations with the available data and potentially cause a gap in the availability of critical Head Start services in impacted communities.

### **Next Steps**

Although this IFR is effective immediately, it is important for OHS to hear comments from the Head Start community about the addition of the new standard at 45 CFR §1304.17. Comments must be submitted between December 7, 2020, and February 5, 2021. The IFR, as well as the link to submit comments, are available on the Early Childhood Learning and Knowledge Center (ECLKC). OHS prefers to receive comments electronically via the Federal Register. However, if you cannot submit your comments electronically, you may send them by mail to:

Office of Head Start  
Attention: Director of Policy and Planning  
330 C Street SW, 4<sup>th</sup> Floor  
Washington, DC 20201

All comments will be posted without change to [www.regulations.gov](http://www.regulations.gov), so please do not include any personal or sensitive information. If necessary, OHS will issue a revised final rule after considering public comments and making any needed adjustments to 45 CFR §1304.17.

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

/ Dr. Deborah Bergeron /

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Office of Early Childhood Development