

**HEAD START  
TRIBAL CONSULTATION**

**May 4, 2012  
Oklahoma City, Oklahoma  
Regions I, II, IV, VI, and VII**

**DETAILED FINAL REPORT**

Presented by:  
Yvette Sanchez Fuentes, Director  
Office of Head Start

## **Introduction**

Pursuant to the Department of Health and Human Services Tribal Consultation Policy and Section 640 (l)(4) of the Head Start Act, in 2012 the Office of Head Start (OHS) is convening six Tribal Consultation sessions for the purpose of better meeting the needs of American Indian/Alaska Native (AI/AN) children and families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations.

OHS is committed to meaningful consultation with Tribes through which elected officials and other authorized representatives of the tribal governments have the opportunity to provide meaningful and timely input prior to the development of policies or regulations, the interpretation of existing regulations, or other policies or procedures that affect Indian Tribes. OHS is committed to seeking input from AI/AN governing bodies, leaders, and individuals designated by tribal leaders and incorporating such input into its decision-making process related to all matters that significantly affect Tribes and AI/AN children and families.

The 2012 schedule is as follows:

February 15, 2012	Petoskey, Michigan
March 22, 2012	Phoenix, Arizona
April 3, 2012	Billings, Montana
May 4, 2012	Oklahoma City, Oklahoma
October 15, 2012	Portland, Oregon
October 17, 2012	Anchorage, Alaska

By Notice in the Federal Register, dated March 29, 2012, OHS notified AI/AN leaders of a Tribal Consultation for Tribes in Regions I, II, IV, VI, and VII on May 4, 2012, in Oklahoma City, Oklahoma, immediately following the U.S. Department of Health and Human Services (HHS) consultation on May 2–3, 2012. The following Report reflects comments and recommendations raised by AI/AN leaders and representatives; comments and responses from OHS; and areas identified as requiring additional follow-up as discussed at the Tribal Consultation. (Separate reports for each Tribal Consultation will be issued following each of the dates listed above.)

## **Participants**

*Office of Head Start:* Ross Weaver, Director, Quality Assurance Division; Camille Loya, Acting Regional Program Manager, Region XI; Phyllis Henderson, Program Analyst, Region XI; and Tracie Little, Program Analyst, Region XI. Also in attendance was Carolyn Meier, Associate Regional Administrator, Region VI, Administration for Children and Families. Additional OHS staff participated via conference call. (See Appendix for detailed listing.)

*Tribal leaders and Tribal representatives:* (See Appendix for detailed listing.)

## **Introductory Remarks**

Ross Weaver, Director, Quality Assurance Division, OHS, and Camille Loya, Acting Regional Program Manager, Region XI, OHS, opened the session with introductions of all participants. A video greeting from Director Yvette Sanchez Fuentes was shown.

## **Discussion/Comments of AI/AN and OHS Participants**

Mr. Weaver and Ms. Loya extended Director Sanchez Fuentes' regrets for being unable to attend in person. They also affirmed the Director's goal that Tribal Consultations will improve communication and relationships with AI/AN grantees and support programs in providing improved services to Native children and families. In addition to participant comments at the Tribal Consultation, written testimony was submitted by the Chickasaw Nation, Oglala Lakota College, and Ohkay Owingeh.

### **A. Tribal Consultations – AI/AN Participant Comments**

- Consultation means listen and confer, but it does not include collaboration. It does not encourage parties to discuss/decide/concur. Proposed actions are implemented regardless of what Tribes say. Many comments are not addressed. This is not limited to OHS.
- Issues discussed in previous years have not been addressed.
- Tribal leaders are spending their resources and energy to meet with Federal agencies. Issues discussed at the Tribal Consultation must be presented to OHS decision-makers because these issues are particular to Tribes.
- Without OHS decision-makers and leaders at the Consultation, everything discussed is simply documented and passed on as hearsay.
- The format for Consultations does not allow Tribes to resolve issues. When both sides meet just once a year, it is not possible to resolve systemic issues. Tribes can only inform OHS of problems and vent their frustrations. It feels more like committee work than government-to-government consultation.
- Indian country is very good at solving problems, but not very good at solving the right problems.
- Many Federal agencies have created Tribal Advisory Councils to understand how Tribes work and what impact regulations may have on tribal language and culture. Tribes do not want the Federal government to mandate how they operate. Tribal Advisory Councils give advice on how the Federal government can serve Native communities.
- Tribes want a plan to protect the interest of their children and families. Tribal sovereignty is always under attack.
- Tribal Consultations have improved since the first year when OHS staff presented PowerPoint presentations.

### **Tribal Consultations – AI/AN Recommendations to OHS**

- Expand the definition of consultation to include “collaboration.”
- Develop an OHS Tribal Consultation Policy.

- Ensure that OHS leaders and Federal fiscal staff are present at each Tribal Consultation. Federal staff in attendance should have expertise in all areas where Tribes may have issues/concerns.
- Develop a new format for Tribal Consultations that allows for examination of symptoms and root causes to identify priorities and commonalities.
- Convene a Tribal Advisory Council to inform OHS about its impact on Native communities.

### **Tribal Consultations – OHS Responses**

- Decisions are not made at Tribal Consultations. A detailed report of the issues raised at each Consultation will be issued within approximately 45 days. The report is intended to hold OHS accountable and not just to document the Consultation. The report is a working document. OHS and Region XI are committed to addressing issues whenever possible. Other issues, especially those regarding funding, must be dealt with in another branch of government.
- Tribal Consultations are not designed to result in resolution of every issue.
- OHS is open to hearing suggestions for a different Consultation format or frequency of communication.
- Region XI has had discussions about forming a Tribal Advisory Committee. OHS has convened a Head Start AI/AN Technical Workgroup in the past.
- Those individuals interested in participating in an advisory committee are encouraged to forward their names to Camille Loya.

### **B. Collaboration – AI/AN Participant Comments**

- One program is in the first year of collaboration with the public school system. OHS helped the program get assistance from Cherokee Nation Head Start and the Nebraska Department of Education. The program had been in the process of being terminated.
- One program counts 70 percent of its Head Start enrollment as public school collaborations. But if the school superintendent leaves, the program will need to start over to explain the benefits of Head Start to a new superintendent.
- New Mexico’s Indian Education Act allows Tribes and the State to develop collaboration efforts. Head Start should be part of this effort. Collaboration cannot be limited to Head Start and another Federal agency. Efforts should include public and charter schools.
- State Departments of Education know little about Head Start mandates to collaborate with Local Education Agencies (LEAs). School superintendents often have full plates and are not looking to expand their workload beyond state mandates. These superintendents are reluctant to work with Head Start.
- Head Start Directors realize the importance of collaboration with LEAs, especially in communities where public pre-kindergarten often siphons off preschoolers who are initially recruited by Head Start.
- Some Tribes work very well with states. In other states, the Tribes are invisible.
- Early Head Start (EHS) has difficulty collaborating with LEAs because the school systems do not see the connection between EHS serving birth to three and public schools.

### **Collaboration – AI/AN Recommendations to OHS**

- Promote collaboration with the U.S. Department of Education and LEAs.
- Establish a workgroup/task force from both the Department of Education and OHS to focus on collaboration.
- Encourage Head Start-State Collaboration Offices (HSSCOs) to lead the collaboration effort between Head Start and LEAs.
- Require states to collaborate with tribal Head Start.
- Clarify how EHS can collaborate with LEAs.

### **Collaboration – OHS Responses**

- State Advisory Councils, comprised of HSSCO Directors, Head Start Directors, and representatives from Head Start Associations and tribal communities, are tasked with collaboration efforts.
- OHS has been working with the Department of Education to improve collaboration. One example is Race to the Top, which in the initial year did not include early childhood but did include it in the second year.
- Some LEAs do not understand why it is important to partner with EHS programs; they think only about partnerships with preschool programs. LEAs need to be helped to understand that school readiness starts with infants and toddlers and their families. The foundation for learning and development is being laid down, and in a few years, these young children will become kindergartners. When LEAs and EHS collaborate, they are helping to prepare children for success in school.

### **C. Communication – AI/AN Participant Comments**

- Often communication from OHS to tribal leaders does not reach program staff in a timely manner. Tribes need to improve their internal processes.
- If a message from OHS is addressed to the Head Start Director, the Director receives it immediately. A communication addressed to the Governor could take several weeks to reach Head Start staff.
- One program now requires staff to make copies of all financial reports before submitting it to the Federal government because Federal staff can lose track of the reports and claim they were never submitted.
- Communication between the Federal government and Tribes has gotten better, but there is still room for improvement.

### **Communication – OHS Responses**

- OHS messages about program operations are always addressed to the Head Start Director. Messages about other issues often must be addressed to tribal leaders, in addition to Head Start Directors. When there is a communication breakdown, whether the breakdown is within the Tribe or with the Program Specialist, programs are encouraged to notify Camille Loya.

**D. Quarterly Data Collection Sessions – AI/AN Participant Comments**

- There is a concern and apprehension among AI/AN regarding the purpose of Quarterly Data Collection calls. Some programs received clear explanations, others received very little information. OHS would have gathered more useful information if programs had been better informed.

**Quarterly Data Collection Sessions – AI/AN Recommendations to OHS**

- Inform programs of the intent of data-gathering before soliciting input.

**Quarterly Data Collection Sessions – OHS Responses**

- As part of 360 Oversight, Quarterly Data Collection calls are part of the reinvigorated initiative around school readiness. Program Specialists asked specific questions of grantees to determine baseline information for where grantees are in relation to establishing school readiness goals. The purpose of these calls was to understand where additional support would be needed, such as materials from the National Centers. The information gathered will not be used for any other reason.
- The calls were initiated in advance of Director Sanchez Fuentes’s explanation to grantees [See Attachment 1]. It is OHS’s responsibility to improve communication with grantees.

**E. Disabilities – AI/AN Participant Comments**

- Despite a Memorandum of Understanding (MOU), an LEA did not perform disabilities screenings as requested. The AI/AN program was forced to apply for a disabilities waiver to avoid noncompliance because without the screenings, the program could not demonstrate that it was meeting the 10 percent disabilities requirement. This is a disservice to children.
- Even accounting for all Head Start eligible children, a rural community with a small population may not have enough disabled children to meet the 10 percent requirement. Despite allowances for waivers, the mandate could result in some programs overstating the number of disabled children in their community.
- In Oklahoma, by law Head Start programs can no longer develop Individual Education Plans (IEPs); this can be done only by the LEAs. But once parents work with the LEAs to develop the IEPs, they often decide to send their child to public pre-k. This is problematic for Head Start programs that start the process but lose the children who transfer to public school.

**Disabilities – OHS Responses**

- The 10 percent disabilities requirement is at the grantee level. It is a result of a finding in the early 1970s that few programs were serving children with disabilities. Those children who were served were often isolated. Typically, the disability is speech or language.
- OHS recognizes the difficulty of identifying 10 percent disabilities in rural communities and Alaska. For the disabilities waiver, programs should demonstrate that, with their population, it is not possible to reach the 10 percent. The Community Needs Assessment is a good resource for demonstrating this.

- Since Head Start programs do not make the disabilities diagnosis, OHS is not concerned about over-identifying children to meet the mandate.

**F. Fiscal Issues – AI/AN Participant Comments**

- Federal funding cuts and regulations should reflect Indian country. Some Tribes have gaming and do not need Federal funds. Other Tribes must rely on Federal resources that are spread across Indian country.
- In-kind match is difficult for tribal communities where the majority of programs serving the community are other Federally funded programs and cannot be counted toward in-kind.
- Approval of carryover funds is taking much too long. One Tribe submitted a request for carryover funds in September and was told by the Fiscal Specialist that funds would be available in January. Now in May, the Tribe is still waiting. Another program was told that there is a “hold” on carryover funds.

**Fiscal Issues – OHS Responses**

- The process for carryover funds remains unchanged. Typically after the grant year ends, the Regional Office must wait for the final report to determine the exact amount available for carryover. This takes place 120 days after the grant year ends.
- There is no “hold” on carryover funds. OHS will follow up with Grants Management regarding this delay.

**G. Language and Culture – AI/AN Participant Comments**

- Non-Native agencies should not have control over tribal language and culture when it comes to proposing regulations. OHS should not take the lead on language and culture when Tribes must spend their own money to fight other Federal agencies over sovereignty issues.
- For AI/AN programs that are terminated or lose their grant through Designation Renewal, it is a disservice to the children who are receiving care. They face the loss of language, culture, and tradition.
- In Indian country, loyalties lie with the people and the culture. If the Tribes did not care about culture, they would not have AI/AN Head Start and would send children to public preschool.

**H. Monitoring – AI/AN Participant Comments**

- Tribes are in danger of losing their Head Start programs if OHS monitoring reviews do not take into account the unique design of Tribes. Tribal leaders consider it their sovereign right to work with their own laws. OHS has more control in this area than it should.
- Reviewers have told programs that they will send a list of issues to the Central Office where the final decision of findings will be determined. AI/AN programs are not afforded an opportunity to challenge findings during the onsite review.
- Simply being Native does not qualify an individual to be a culturally sensitive review team member.

- At one recent review, the reviewers were immediately introduced to the Tribal Council to learn about the Tribe and its culture before the review began.

### **Monitoring – AI/AN Recommendations to OHS**

- Clarify process for programs to challenge monitoring findings onsite.
- Develop an accreditation process for culturally sensitive reviewers.
- Collaborate with the National Indian Head Start Directors Association (NIHSDA) and state Head Start Associations to identify tribal leaders who could serve as cultural liaisons during reviews.

### **Monitoring – OHS Responses**

- Programs that cannot find training and technical assistance (T/TA) to address a noncompliance may request an extension beyond the 120 days of the noncompliance correction period.
- The Review Team Leader conducts briefings with the program staff during the onsite monitoring week to discuss areas of concern. This is the first opportunity for programs to address any findings that they consider incorrect. If a program still feels that the reviewers missed something critical, the program is encouraged to quickly notify OHS.
- It is ideal to include a Native individual on a review of an AI/AN program, but it is not a requirement. OHS is recruiting Native reviewers. There is specific training for reviewers of AI/AN programs. There is work to be done in this area.
- The review process is intended to validate what a program is doing and to identify where the program needs support. The review typically takes five days. This is not enough time to really get to know a program's day-to-day operations. As Head Start moves into five-year project periods, OHS is committed to seeing that Federal oversight and communication occur effectively and efficiently throughout those five years.

### **I. Designation Renewal System (DRS) – AI/AN Participant Comments**

- The process for determining DRS is flawed and has resulted in Oglala Lakota College (OLC) Head Start being put into re-competition. The College does not accept this decision. Seven years ago, the College took over a struggling program from the Tribe. Since then, the College has received praise for its service to the reservation. Many OHS officials have told OLC Head Start that it is a good program. At the NIHSDA conference, an OHS official explained that DRS was intended to identify weak programs. OLC Head Start is not a weak program; it is a strong capable program. The DRS decision was based on only one deficiency – a porch with a small protruding nail and some peeled paint. This is not the way to determine that a program is weak. The College is challenging this decision because OHS has violated its charge from Congress to identify weak programs and has violated the trust and relationship it has with grantees. The College intends to send a letter to HHS Secretary Kathleen Sebelius.
- American Indian Institute Early Head Start, operated by the University of Oklahoma, has received tribal funds for at least 10 years and was recently notified that it is up for re-competition as a regional Head Start program, not AI/AN Head



Start. How can a program that has received funds for 10 years to serve tribal children now no longer be an AI/AN program when it comes to DRS?

- If the intent of DRS is to identify weak programs, OHS should spend more money to help those programs rather than punish them with re-competition. The Head Start mission is to provide the best quality services to children in need. OHS is going against President Obama's wishes for government-to-government collaboration and is leaving children behind. Closing a program and replacing it with another grantee is not a solution.
- Head Start cannot stand alone. The Bureau of Indian Affairs and the Department of Education have a Memorandum of Agreement (MOA) for Indian education. This is not the case with OHS, which is under HHS but is tied to the country's education system.
- Tribal programs should not be subjected to a one-size-fits-all model. DRS does not work for tribal programs regardless of T/TA. DRS is in opposition to Tribes' belief of how Head Start should be operated. Head Start is one of the most overregulated Federal programs.

#### **Designation Renewal System (DRS) – AI/AN Recommendations to OHS**

- Develop a new DRS based on a different set of criteria.
- Simplify regulations to allow tribal programs to operate according to their unique circumstances.
- Clarify the intent of a Quality Improvement Plan (QIP) for programs that had deficiency findings dating back to 2009 and have since corrected the deficiencies.

#### **Designation Renewal System (DRS) – OHS Responses**

- New regulations at 45 CFR 1307 establish rules implementing the OHS Designation Renewal System. 45 CFR 1307.3 describes seven DRS conditions that make a Head Start/EHS agency ineligible for an automatic five-year grant:
  - One or more deficiencies on a single monitoring review from June 12, 2009.
  - Average scores falling below established thresholds on any of the three CLASS pre-k domains OR score on any of the three CLASS pre-k domains is in the lowest 10 percent nationally. Related to the latter, the lowest 10 percent will not be identified until all the CLASS reviews are completed by end of May or early June.
  - Lack of established School Readiness goals as demonstrated by the requirements at 45 CFR 1307.3 (b)(1).
  - Revocation of license to operate by a State or local licensing agency from June 12, 2009, where the revocation has not been overturned or withdrawn prior to issuance of a relevant FOA.
  - A final determination of suspension by OHS since June 12, 2009.
  - Debarment by other Federal/State agency or disqualification from Child and Adult Care Food Program (CACFP).
  - Determination by the responsible HHS Official that the agency is at risk of failing to continue functioning as a going concern based on reviews of agency audits.

- Director Sanchez Fuentes notified tribal grantees via letter that due to the lack of a permanent T/TA contract, DRS for tribal programs is on hold. Tribes are encouraged to notify the Regional Office if they would like a copy of this letter.
- DRS is not an adverse action. It is a process. DRS does not include those grantees that OHS determines are no longer capable of operating a Head Start program and must relinquish their grant or face termination.
- The Final Rule for DRS for tribal programs includes a six-month government-to-government consultation to develop a Quality Improvement Plan (QIP), followed by a reevaluation after another six months. An OHS representative will sanction the QIP. Camille Loya will oversee DRS for AI/AN grantees. This process is on hold until the T/TA contract is in place. There is no timeframe for when DRS will begin once the T/TA contract is implemented.
- For a program that has corrected deficiencies dating back to 2009 and still finds itself in DRS, the QIP is designed to ensure that upon reevaluation, the program will not meet any of the seven conditions for DRS.
- If after the government-to-government consultation, QIP, and six-month reevaluation, a grantee still meets one of the conditions, the grantee will need to respond to the funding opportunity (re-competition).
- As sovereign nations, Tribes are entitled to give authorization for anyone else to apply for the grant. Due to long-established principles of sovereignty, no alternate agency or organization may provide Head Start/EHS services on tribal or Alaska Native land without express authority from AI/AN leadership.
- With regard to Oglala Lakota College, OHS cannot respond to questions about DRS criteria due to an ongoing lawsuit. OHS understands that grantees are frustrated that Federal staff are unable to engage in this conversation. OHS has a strong process for monitoring reviews/reports to determine when there is sufficient evidence of a noncompliance whether it should rise to the level of a deficiency. This process has been in place for several years.
- The Improving Head Start for School Readiness Act of 2007 is clear in its definition of “Indian Tribe” with regard to DRS. In the case of American Indian Institute Early Head Start, the University of Oklahoma is not by definition an Indian Tribe, and thus its program is not an AI /AN Head Start agency. The special rules for AI/AN in DRS do not apply. The University receives funding out of the Head Start appropriations to operate an EHS program, not an AI/AN program. DRS calls for government-to-government consultation with an Indian Head Start agency. The University is not a Tribe, thus there is no tribal government with whom OHS can consult.
- When the University of Oklahoma was identified as a replacement agency, the administration of the grant perhaps should have been transitioned to Region VI. Instead it has remained in Region XI. However that lack of action does not turn the University into an Indian Head Start agency as defined in the Act. There are two other programs managed out of Region XI that are not Tribes. The distinction is among agencies. There non-AI/AN programs that serve AI/AN children.
- Guidance has yet to be released for five-year continuation grants. Those grantees that, due to past performance, can automatically receive a five-year grant, will

have plenty of time to respond to the guidance. In the meantime, grantees will respond to their refunding dates as they always have.

#### **J. CLASS – AI/AN Participant Comments**

- CLASS can be detrimental to tribal programs if it is used as an indicator for re-competition. There has been inadequate T/TA to train staff.
- CLASS is not culturally appropriate because Tribes teach children to listen to their elders and not answer back, whereas CLASS requires back and forth dialog.
- Due to high staff turnover, CLASS scores can be high one year and low the next.
- When CLASS was introduced, it was not mandatory. Then CLASS became part of the review process and now it is part of DRS. What was once optional is now being used for extremely vital purposes. CLASS is a very good teacher-child evaluation tool. But it is not an adequate tool, and it was never intended to be used for DRS or monitoring.
- CLASS does not address cultural differences among Tribes. A Tribe that is non-reservation may be more “Americanized” and have customs that are less stringent than a Tribe that is on a reservation. For some tribal programs, CLASS is not as much of a stretch as it is for others.

#### **CLASS – AI/AN Recommendations to OHS**

- Allow CLASS to be used for professional development, not for DRS.
- Clarify why the CLASS review was conducted separately from the triennial monitoring review for some AI/AN programs.

#### **CLASS – OHS Responses**

- Typically the CLASS review is done during the triennial monitoring review. Last fall when OHS was preparing to publish the new regulations for DRS, which includes a condition for CLASS, OHS decided to move forward with scheduled triennial monitoring reviews without the CLASS review. A total of 138 triennial reviews were conducted between October 1 and December 9, 2011. For those grantees, a separate CLASS review was conducted at a later date. OHS is once again conducting the triennial monitoring review with the CLASS review.
- At other Tribal Consultations this year, OHS has also heard that CLASS is not culturally appropriate but that programs are using it and finding it helpful.
- CLASS was included as a condition for DRS in the Notice of Proposed Rulemaking (NPRM). OHS received more than 16,000 comments during the 90-day comment period.
- A recent Region XI newsletter focused on CLASS as a measure of teacher-child interaction and the kinds of practices that make for richer learning environments. From that perspective, all programs would do well in CLASS. OHS recognizes that learning environments look different in tribal programs. That is not a disadvantage. CLASS is not designed to make all Head Start classrooms look the same.
- OHS believes that CLASS is a valid tool. Studies have suggested that children benefit from those high-quality teacher interactions that are measured by CLASS.

#### **K. School Readiness – OHS Comments**

- Head Start’s approach to school readiness includes a section for infants and toddlers. The field of early childhood spans birth to age eight. School readiness for infants and toddlers is different than school readiness for preschoolers. For example, if a child enters Head Start without ever visiting a doctor, this could impact his/her ability to be ready for school. This is an example of how EHS is valuable to school readiness.

#### **School Readiness – AI/AN Participant Comments**

- One of EHS’s primary focuses is relationship-building with parents and infants/toddlers. It is difficult to quantify this for a report to adequately demonstrate that the EHS program is meeting requirements.

#### **School Readiness – AI/AN Recommendations to OHS**

- Develop a separate set of standards for EHS.

#### **L. Training and Technical Assistance (T/TA) – AI/AN Participant Comments**

- AI/AN has been without T/TA since August 2011. The tribal community appreciates that OHS has suspended DRS during this time.
- In the past, T/TA providers have not been knowledgeable about tribal programs.
- AI/AN programs often lack expertise in fiscal. Programs depend on T/TA to provide this support.
- Due to lack of a permanent T/TA contract, AI/AN programs that face high staff turnover are unable to bring new staff up to speed with rules and regulations in a timely manner.

#### **Training and Technical Assistance (T/TA) – AI/AN Recommendations to OHS**

- Provide additional direct funding to AI/AN programs for T/TA during the absence of a permanent T/TA contractor.
- Release funds set aside for the T/TA contract and provide these funds directly to AI/AN grantees.
- Once a permanent T/TA contract is awarded, allow extra time for AI/AN programs to benefit from T/TA to catch up to regional Head Start grantees.
- Encourage the T/TA contractor to hire staff who are Native or who have experience with and are knowledgeable about AI/AN.

#### **Training and Technical Assistance (T/TA) –OHS Responses**

- The T/TA contract has been awarded twice. Each time, a protest was filed by an entity that was not awarded the contract [See Attachments 2 and 3]. Due to this legal action, those T/TA funds are frozen and will be made available only for this contract. Once the contract is awarded, the contractor will receive the full amount of the contract. The grant year may begin when that process has been authorized.
- OHS understands the frustration for AI/AN programs that have been without T/TA for more than 200 days.
- Early in this fiscal year, supplemental funds were made available to AI/AN due to the lack of a permanent T/TA contract. No other funds are available at this time.

- OHS expects grantees to use their T/TA allocation for the purpose of obtaining T/TA. Some tribal grantees share T/TA resources with others in their states.
- In the absence of a permanent T/TA contractor, OHS is identifying resources outside of a T/TA contract mechanism to provide onsite T/TA to as many Tribes as possible. OHS has supplemented T/TA through additional staff in Region XI, as well as through the National Centers. Program Specialists can provide T/TA related to requirements. The T/TA contractor will offer expertise in areas that Region XI does not have.
- The T/TA contract requires demonstrated experience with AI/AN. This is a priority for OHS. The contractor is required to hire qualified individuals. There are checks and balances, but once the contract is awarded, OHS is not involved in the hiring process.

**M. Teacher Qualifications – AI/AN Participant Comments**

- AI/AN grantees do not have funding to pay teachers the salaries they deserve after earning their degrees/credentials. Programs are forced to choose between finding funding elsewhere or reducing enrollment.

**Teacher Qualifications – AI/AN Recommendations to OHS**

- Provide additional funding for salaries after teachers have earned degrees/credentials.

**Teacher Qualifications – OHS Responses**

- OHS recognizes that for some tribal and rural programs, there is often a lack of qualified applicants. As long as a program has a professional development plan in place for the teaching staff to work toward earning their degrees – actively pursuing qualification; demonstrating consistent progress – OHS will consider this for the sake of monitoring.

**N. 2012 Budget – OHS Comments**

- The Federal budget is appropriated by Congress. Head Start understands that additional funding is needed to support salaries and quality programs. OHS received a slight increase last year that included a less than 1 percent Cost of Living Adjustment (COLA). President Obama has requested additional funding this year that also includes a less than 1 percent COLA. There are very few national programs in 2012 and 2013 that received any increases. Many were level-funded or received reduced funding.

## APPENDIX

### Tribal Consultation Participants

#### Federal Staff

First Name	Last Name	Position	Organization
Linda	Brooker	Program Specialist	Office of Head Start (Contractor)
Phyllis	Henderson	Program Analyst	Office of Head Start
Walter	Jourdain	Program Analyst	Office of Head Start
Tracie	Little	Program Analyst	Office of Head Start
Camille	Loya	Acting Regional Program Manager, Region XI	Office of Head Start
Carolyn	Meier	Associate Regional Administrator, Region VI	Administration for Children and Families
Michele	Plutro	Education Specialist	Office of Head Start
Vikki	Pretlow	Program Specialist	Office of Head Start
WJ	Strickland	Senior Program Specialist	Office of Head Start
Ross	Weaver	Director, Quality Assurance Division	Office of Head Start
Donald	Wyatt	Senior Program Specialist	Office of Head Start

#### Tribal Leaders and Representatives

First Name	Last Name	Position	Organization
Joline	Abeyta	Health/Mental Health/Nutrition Coordinator	Ohkay Owingeh Head Start
Susanna	Barnett	Partnership Specialist	Muscogee (Creek) Nation Head Start
Colette	Berg	Director	Cheyenne and Arapaho Tribes Head Start
Belinda	Biscoe	Associate Vice President	University of Oklahoma
Charlotte	Bointy	Secretary	Kiowa Tribe of Oklahoma
Raymond	Campbell	Attorney	Hobbs, Straus, Dean & Walker, LLP
Cora	Camren	Education Specialist	Muscogee (Creek) Nation Head Start
Joe	Garcia	Head Councilman	Ohkay Owingeh
Richard	Getchell	Tribal Chief	Aroostook Band of Micmac Indians
Doah Do	Hainta	Program Assistant	Kiowa Tribe of Oklahoma
Rebecca	Hawkins	Director	Choctaw Nation Head Start
Kathryn	Helsel	Senior Manager	Three Feathers Associates
Misty	Horne	Director	Iowa Tribe of Oklahoma Early Head Start
Ricky	Horse	Member, Kiowa Business Committee	Kiowa Tribe of Oklahoma
Shirley	Jewell	Director	Aroostook Band of Micmacs - Little Feathers Head Start
Denise	Keene	Director	Osage Nation Head Start
Dennis	Koepassah	Acting Executive Director	Kiowa Tribe of Oklahoma

**Tribal Leaders and Representatives Continued**

<b>First Name</b>	<b>Last Name</b>	<b>Position</b>	<b>Organization</b>
Barbara	Littledave	Senior Program Specialist	Cherokee Nation Early Childhood Unit
Charlene	Marcotte	Director	Ohkay Owingeh Head Start
Aggie	Mendez	Family/Community/Disabilities Coordinator	Ohkay Owingeh Head Start
Jeffrey	Miller	Tribal Council Member	Omaha Tribe Head Start
Lavette	Miller	Manager, Administration and Operations	University of Oklahoma
Norma	Neely	Director	University of Oklahoma
Tamika	O'Neal	Director	Central Tribes of the Shawnee Area, Inc. Head Start/Early Head Start
Euel	Pitman	Consultant	Pitman Consulting
Gail	Ripley	Director	University of Oklahoma American Indian Institute Early Head Start
Cleta	Rooks	Health/Disabilities Manager	Kickapoo Head Start
Amalia	Sanchez	Executive Director	Isleta Head Start and Child Care Center
Calene	Sheridan	Parent Policy Member	Omaha Tribe Head Start
Neal	Sheridan	Parent Policy Member	Omaha Tribe Head Start
Linda	Sheridan	Chief of Tribal Operations	Omaha Tribe of Nebraska
Thomas	Shortbull	President	Oglala Lakota College
Stephen	Smith	Member, Kiowa Business Committee	Kiowa Tribe of Oklahoma
Betty	Smith	Manager	Muscogee (Creek) Nation Head Start
Brittnie	Snyder	Family Services Coordinator	Omaha Tribe Head Start
Dannetta	Tate	Health Coordinator	Muscogee (Creek) Nation Head Start
Verna	Thompson	Director	Cherokee Nation Early Childhood Unit
Amber	Toppah	Vice-Chairperson	Kiowa Tribe of Oklahoma
Jeannie	Toppah	Director	Kiowa Tribe of Oklahoma Head Start
Jayme	Trevino	Education Director	Kickapoo Tribe of Oklahoma
Roger	Trudell	Tribal Chairman	Santee Sioux Tribe of Nebraska
Alva	Tsoodle	Member, Kiowa Business Committee	Kiowa Tribe of Oklahoma
Valerie	Valdez	Director	Kickapoo Head Start
Noah	Wahquahboshkuk	Treasurer	Prairie Nation Potawatomi Nation
Lehna	Walker		Omaha Tribe Head Start
Danny	Wells	Director	The Chickasaw Nation Head Start
Mike	Williamson	Director	Otoe-Missouria Head Start



DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
Office of Head Start  
1250 Maryland Avenue, SW  
8th Floor  
Washington, DC 20024

Dear Grantee Director and Program Staff:

It is hard to believe that another program year is half over. By now, you have probably had one or two conference calls with your Program Specialist to discuss your goals for children's school readiness. At the beginning of this program year, I asked every Regional Office to make it a priority to begin an ongoing dialogue with each grantee to learn about your school readiness goals and to hear about the progress your children are making throughout the year.

My goal is to ensure that Regional staff maintain an ongoing dialogue with grantees to better understand how each program is supporting children's learning, and in this process, to identify existing strengths and gain an understanding of the data grantees gather to inform program improvements as well as enhance professional development and to provide ongoing direction of training and technical assistance. These conversations provide you and your staff an opportunity to tell your story about the progress your children are making. This process also provides OHS with valuable information for understanding differences or trends in school readiness efforts within states, across states and nationally. As a result of these conversations, we expect Regional staff to work closely with our TTA partners to assist programs in getting support as needed.

Head Start's authorizing purpose is to promote school readiness. The 2007 Head Start Act specified that programs are to establish goals for children's school readiness. The Designation Renewal regulation that became effective on December 9, 2011 provided additional requirements related to child assessment, individualization, data aggregation and analysis and responsive program improvement. The Office of Head Start anticipates that the regular system of individualized calls will support grantees' efforts to institute systems and practices that yield the best possible child progress.

We also want to make sure that we are fully aware of the challenges you face, the innovations you implement and the successes you achieve.

If you have any questions, please contact your Program Specialist.

As always, I look to our Head Start programs to lead the nation in providing high quality early childhood education and also to our continued mutual efforts on behalf of children and families.

Sincerely,

/ Yvette Sanchez Fuentes /

Yvette Sanchez Fuentes, Director  
Office of Head Start





**ECLKC**  
Early Childhood Learning & Knowledge Center  
A Service of The Office of Head Start  
Toll-Free: 1-866-763-6481

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### **Award of Regions XI and XII T/TA and Collaboration Center**

The Office of Head Start announces the award of a contract to FHI Development 360, LLC to operate a Training and Technical Assistance (T/TA) and Collaboration Center for Region XI, serving American Indian and Alaska Native children and families, and Region XII, serving Migrant and Seasonal children and families.

The Center will operate under the leadership of a Project Director. Within the Center, each Region will be staffed by a Collaboration Director, a T/TA Manager, Early Childhood Education (ECE) Specialists, and Grantee Specialists. The ECE specialists will support local programs in work related to school readiness, including positive child outcomes; parent, family and community engagement; career development needs of staff; and, collaboration with others at the national, tribal, state and local levels. Grantee Specialists will work with grantees with findings identified through the federal monitoring process and other areas of concern.

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DEPARTMENT OF HEALTH & HUMAN SERVICES

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ADMINISTRATION FOR CHILDREN AND FAMILIES  
Office of Head Start  
1250 Maryland Avenue, SW  
8th Floor  
Washington, DC 20024

Hello,

The purpose of this email is to provide you with an update regarding the Region XI and Region XII T/TA and Collaboration Office contract recently awarded to FHI Development 360, LLC. This contract is to provide TTA services for Regions XI and XII and to support the Head Start State Collaboration Offices (HSSCO) for Migrant and Seasonal Head Start and American Indian/Alaska Native. ICFi has since filed a protest with the Government Accountability Office (GAO) regarding this award. A stop work order has been issued and therefore at this time and until the matter is resolved, FHI360 will not be providing any TTA and HSSCO services. Public information regarding this protest is posted on GAO's website at <http://www.gao.gov/search?q=B-406062>.

Please continue to submit your TTA requests directly to your program specialists. The OHS will be providing services on a limited basis through the use of federal staff and the TTA National Centers. Please submit any questions that you may have via email directly to your respective Regional Program Manager:

Camille Loya, Acting RPM Region XI

[Camille.Loya@acf.hhs.gov](mailto:Camille.Loya@acf.hhs.gov)

Sandra Carton, RPM Region XII

[Sandra.Carton@acf.hhs.gov](mailto:Sandra.Carton@acf.hhs.gov)

During this unique and unusual time, the OHS is here to support you and we will do our very best to ensure that your needs are met so that you can continue to provide quality Head Start services to your children and families.

Thank you for the work that you do every day.

Yvette Sanchez Fuentes

Director, Office of Head Start

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### Protest Q & A

The following frequently asked questions are from the Government Accountability Office (GAO) website and are intended for a general audience. Readers should be aware that many of the rules for filing and pursuing protests, as well as the substantive matters of bid protest law, are complex, and these FAQs are not intended to address all possible issues and situations. Additional information is available at GAO's website: <http://www.gao.gov/legal/bids/bidfaqs.html#2>

#### **Q: How do I get more information about a protest that has been filed?**

You may [search our bid protest docket](#) by B-number, protester name, agency name, and solicitation number. The docket provides information concerning the filing date, decision deadline, the GAO attorney assigned to the protest, and the current status of the protest. When a decision is publicly available, a link to that decision is included in the docket search results.

#### **Q: Can I get a copy of the actual protest, pleadings, or other documents provided by the protestor or the agency?**

We don't release documents while a protest is pending. After a protest is decided, you may request access to information, including redacted protests. You can request this information [through our Freedom of Information Act process](#).

**Q: What happens after a protest has been filed?**

If the protest is not dismissed for procedural reasons, the agency must, within 30 days of the filing of a protest, provide a report addressing the protest arguments. The protester must file comments responding to the agency report within 10 days of receiving the report (failure to file comments will result in dismissal of the protest). After the comment period, GAO may request additional filings from the parties, conduct alternative dispute resolution, or hold a hearing. For more information, see our [Bid Protest Regulations](#) (4 C.F.R. § 21.3) and [Bid Protests at GAO: a Descriptive Guide](#), and this timeline of a bid protest.

**Q: What is “corrective action”?**

Corrective action is an agency’s voluntary decision to address an issue in response to a protest. Corrective action can occur at any time during a protest. An agency’s corrective action may involve a re-evaluation of proposals, a new award decision, an amendment to a solicitation, or other actions. We will typically dismiss a protest if an agency takes corrective action that resolves protest arguments or provides the relief sought by the protester.

**Q: What are the possible outcomes for a GAO protest?**

A protest is concluded when it is

- "withdrawn" by the protester,
- "dismissed" by GAO because the protest had a technical or procedural flaw (such as lack of timeliness or jurisdiction) or because the agency takes corrective action that addresses the protest,
- "denied" by GAO because we found no merit to the protest, or
- "sustained" by GAO because we agree with the protest arguments.

**Q: What happens when GAO sustains a protest?**

If we agree with a protester that the agency violated a procurement law or regulation in a prejudicial manner, we will issue a decision sustaining the protest and recommend that the agency address the violation through appropriate corrective action. The agency must then advise us whether it will comply with the recommendation.

**Q: How long does GAO take to decide a protest?**

We must decide a protest within 100 calendar days. We always seek to issue a decision as far in advance of the 100-day deadline as possible.

**Q: Does GAO make its decisions publicly available?**

It depends on what the decision was:

- We make public decisions that deny or sustain a protest and dismissals that address a significant issue.
- We do not make public routine dismissals of protests.

**Q: When does GAO make its protest decisions publicly available?**

It depends on whether the decision is subject to a protective order or not:

- If a decision is not subject to a protective order, it will usually be available on this Web site within 1-2 days.
- If a decision is subject to a protective order, the parties must agree to the release of a public version that redacts proprietary or source-selection-sensitive information. The preparation of a public version of a protected decision may take between a few days and a few weeks; however, occasionally, a decision may not be made public for months if other events, such as corrective action, would be affected by the release of the decision.

**Q: What kinds of redactions does GAO make to a decision?**

We seek to issue decisions that provide meaningful and transparent explanations for our rulings. Even if a protective order is issued for a protest, information in the public version of a protected decision will be redacted only where it is proprietary or is source-selection-sensitive. For example, evaluation point scores and adjectival ratings, unfavorable or adverse past performance information, and total cost or price generally will not be redacted from a decision.

**Q: Where can I find a protest decision?**

[You can browse our recent decisions.](#)

Or

[Search for new or older decisions.](#)

You can also find our decisions through outside commercial services such as Westlaw and Lexis.

**Q: I know a protest has been decided, why I can't find the decision?**

It depends on what the outcome was:

- If a protest is dismissed, we will not make the decision publicly available, unless it addresses a significant issue.
- If a protest is sustained or denied, you should find the decision on this Web site within 1-2 days after the decision date. If you don't find it, then we are preparing a redacted version which will be made public when available. (See When does GAO make its decisions publicly available?)