

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
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	4. Key Words: Enrollment of Children with Disabilities	

PROGRAM INSTRUCTION:

TO: All Head Start agencies and delegate agencies

SUBJECT: Enrollment of Children with Disabilities

INSTRUCTION:

Current Head Start regulations found at 45 CFR §1305.6(c) have been superseded by the Head Start Act, 42 U.S.C. § 9837, Section 640(d)(1), which requires that “the Secretary shall establish policies and procedures to assure that for fiscal year 2009 and thereafter, not less than 10 percent of the total number of children actually enrolled by each Head Start agency and each delegate agency will be children with disabilities who are determined to be eligible for special education and related services, or early intervention services, as appropriate, as determined under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), by the State or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act (IDEA).”

Head Start programs should note that to be counted toward the 10% actual enrollment requirement, the children with disabilities they serve must, under Section 640(d)(1), have been determined eligible for special services under IDEA by the agency providing IDEA services in their community. Therefore, Head Start programs should not count, for purposes of meeting this requirement, those children who have an individualized education program (IEP) developed solely by the Head Start program, as described under 45 CFR §1308.19(d).

Head Start programs typically meet the 10% enrollment level by enrolling some children with previously identified disabilities and identifying other children’s disabilities after they enroll in the Head Start program. The 2007-2008 Head Start Program Information Report indicates that 6% of enrolled Head Start children had disabilities that were identified before that program year began; an additional 6% of enrolled children had their disabilities identified during that program year. This pattern in Head Start enrollment is expected to continue, since Head Start often provides the first opportunity for a comprehensive assessment of a child’s development and special needs.

Head Start programs are encouraged to conduct their recruitment, enrollment, and identification of children with disabilities in close collaboration with its IDEA partners so that they will attain the enrollment level of at least 10% for children with disabilities as early in the program year as is possible. Recognizing that the initial identification of children’s disabilities requires time for the necessary collaboration with families and local IDEA service agencies to evaluate a child’s needs and develop individualized services plans, the Office of Head Start believes the 10% actual enrollment requirement should be met no later than by the mid-point of an agency’s program year. It is also recognized that new “Response to Intervention (RTI)” approaches being proposed by some IDEA

partners may impact child identification schedules. Head Start programs should work with their IDEA agency partners to promptly identify children's needs so they will receive any needed special services for most of their Head Start program year. Each grantee and delegate agency should document that, from the midpoint of their program year to its end, it maintained an enrollment of children with disabilities that was at least 10 percent of its total funded enrollment.

Waiver Requirement

The Head Start Act requires HHS to provide Head Start agencies, in appropriate circumstances, with waivers of this 10 percent enrollment requirement. To request a waiver, a Head Start agency should provide its Regional Office with:

- A written description of specific steps the agency has taken to attempt to meet the requirement in the current program year, and an explanation of why, despite these steps, it was unable to meet the 10% level. This statement should document how the agency is collaborating with the local agencies providing services under Section 619 or Part C of the Individuals with Disabilities Education Act (IDEA) in their service area to recruit and identify children with disabilities.
- Written confirmation of the Head Start agency's efforts to actively collaborate with the local IDEA agency(ies) to promote the enrollment of children with disabilities in the Head Start program, and of the Head Start agency's willingness and specific efforts to recruit and enroll eligible children with disabilities when Head Start could serve as an appropriate placement. One form of documentation that would be persuasive would be written documentation from the local IDEA agency(ies) that the Head Start agency is making specific efforts to collaborate with them to encourage children with disabilities to enroll in the Head Start program when Head Start could serve as an appropriate placement. (If the local IDEA agency(ies) were unable or unwilling to collaborate with the Head Start agency in serving children with disabilities, there should be documentation that the Head Start program had informed the Regional Office of this problem when it occurred.)
- A written description of the Head Start agency's proposed approach to improve the enrollment of children with disabilities to reach the 10% level in the next program year. Such descriptions should describe how the IDEA agencies in their community(ies) will work with the Head Start program to implement the approach.

Upon reviewing the above information, and any other information needed to clarify the grantee's request, the Regional Office may, consistent with the requirements of the statute, grant a waiver for a period of up to three years, but in the absence of unusual circumstances waivers will not be granted for more than a year. The grantee should provide the Regional Office with an update, as requested by the Regional Office, of its progress in improving its enrollment rate during the balance of the program year. If, in the following year the program has not met the 10% enrollment rate by the midpoint of its program year, it may submit another waiver request.

Please direct any questions on this Instruction to your OHS Regional Office.

/ Patricia E. Brown /

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