

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Office of Head Start	
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PROGRAM INSTRUCTION

TO: All Head Start and Early Head Start Grantees

SUBJECT: Program Governance

INSTRUCTION:

The purpose of this Program Instruction is to provide Head Start grantees with guidance about how the Office of Head Start (OHS) is interpreting the requirement of section 642(c)(1) and (2) of the Head Start Act (the Act) on the relationship between grantee governing bodies and policy councils; to provide grantees, particularly multi-function grantees, such as hospitals, universities, and local governments, with general guidance about the use of advisory committees in assisting governing bodies to meet their responsibilities under section 642(c)(1)(E) of the Act; and guidance about the training of governing body and policy council members.

Section 642(c) and the Relationship Between Governing Bodies and Policy Councils

Section 642(c) of the Head Start Act, as amended in 2007, provides that Head Start agencies must “establish and maintain a formal structure for program governance, for the oversight of quality services for Head Start children and families and for making decisions related to program design and implementation.”

The governing body and the policy council have distinct but interrelated functions in program governance. Governing bodies “have legal and fiscal responsibility for administering and overseeing [Head Start programs] . . . including the safeguarding of Federal funds.” Section 642(c)(1)(E)(i). The function of policy councils, (consistent with section 642(c)(1)(E)) is to be “responsible for the direction of the Head Start program, including program design and operation, and long- and short-term planning goals and objectives, taking into account the annual community wide strategic planning and needs assessment and self-assessment.” Section 642(c)(2)(A). The policy council is to “approve and submit to the governing body decisions about” the activities listed in section 642(c)(2)(D). Congress intends that there be “meaningful consultation and collaboration” between governing bodies and policy councils. Section 642(d)(1)(B).

In a case where a governing body that has received a decision from its policy council that conflicts with the governing body's legal and fiscal responsibilities for administering and overseeing Head Start programs, OHS believes it is consistent with the requirements of the Act for the governing body to respond by raising its fiscal or legal concerns with the policy council. After learning the governing body's concerns, the policy council would have to decide whether to revise the decision and resubmit it to the governing body. If differences about the policy council decision cannot be resolved, then the grantee would implement the Head Start agency's impasse procedures required under 45 C.F.R. § 1304.50(h).

OHS also believes that, in accordance with section 642(c)(1)(E)(iv)(IX) of the Act, the governing body is responsible for the hiring and termination of the grantee senior staff: the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other persons in comparable positions in the agency. We also believe the policy council's role in approving and submitting decisions to the governing body concerning program personnel policies and decisions regarding the employment of program staff, consistent with section 642(c)(1)(E)(iv)(IX), includes decisions about the hiring and termination of the grantee senior staff: the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other program staff in the agency. Section 642 (c)(2)(D)(vi).

Use of Advisory Committees in Meeting Grantee Responsibilities under Section 642(c)(1)(E) of the Act.

Some Head Start grantees, such as universities, hospitals, and local governments, have a governing body that oversees an organization with diverse functions. In such cases, the Head Start program may be one of many programs operated by the organization.

Section 642(c)(1)(E)(iv)(XI) of the Act provides for "to the extent practicable and appropriate, at the discretion of the governing body, establishing advisory committees to oversee key responsibilities related to program governance and improvement of the Head Start program involved."

This provision authorizes governing bodies to enlist non-governing body members in activities related to governance of the Head Start program administered by the organization. The Act does not authorize a governing body to delegate its entire authority to the advisory committee. The governing body must retain and exercise the authority to make final decisions about all matters pertaining to the grantee's legal responsibilities under the program and must also have sufficient control over the Head Start program's fiscal affairs to ensure compliance with fiscal requirements. Nonetheless, we believe that use of an advisory committee can assist grantees, particularly those that have governing bodies charged with overseeing diverse functions to meet their responsibilities related to the Head Start program in a more efficient manner.

Training for Governing Body and Policy Council Members

The changes to the Act in the area of program governance have substantially increased the responsibilities of both governing body and policy council members. To carry out these responsibilities, it will be necessary for Head Start agencies to evaluate the training needs of the members of both entities in order to develop and carry out training to prepare members to perform their duties, in accordance with section 642(d)(3) of the Act. At a minimum, training for both policy council and governing body members should be designed to ensure that both bodies

regularly communicate and exchange information necessary to provide effective oversight of program operations and develop impasse policies and procedures to resolve internal disputes between the policy council and the governing body. OHS is committed to enhancing training and technical assistance resources in the area of program governance in the months and years ahead to support local initiatives in this vital area.

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

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