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Information Memorandum

TO: All Head Start Grant Recipients

SUBJECT: Reporting Child Health and Safety Incidents

INFORMATION:

The Head Start Program Performance Standards (the Performance Standards) at [45 CFR §1302.102\(d\)\(1\)\(ii\)](#), updated on August 21, 2024, require programs to submit reports, as appropriate, to the responsible U.S. Department of Health and Human Services (HHS) official immediately, but no later than seven calendar days, following an incident. This includes reports of any significant incident that affects the health or safety of a child.

This Information Memorandum (IM) clarifies reporting requirements of 45 CFR §1302.102(d)(1)(ii–iii), including:

- The responsible HHS official to whom programs must report
- The reporting timeframe
- Consequences for failure to report during the given timeframe
- Circumstances under which the obligation to submit a report for significant incidents regarding the health and safety of children applies
- Examples of significant child health and safety incidents that must be reported to HHS and the Office of Head Start (OHS)

This IM supersedes ACF-IM-HS-22-07.

Reportable Incidents That Affect the Health and Safety of Children

Grant recipients are required to report all significant incidents that affect the health and safety of a child that occur in a Head Start setting where services are provided (e.g., playground, program-approved transportation, learning setting, bathroom, program-approved excursion, facility

parking lot), **and** involve either 1) a child who participates in a setting that receives Head Start funds **or** 2) a staff, contractor, or volunteer who participates in a setting that receives Head Start funds.

As illustrated in the table below, a reportable incident must meet the “Where” condition in the left column and at least one of the “Who” conditions in the right column.

WHERE		WHO
<p>Any setting where Head Start services are provided.</p> <p>Examples include a learning setting, bathroom, playground, facility parking lot, and program-approved transportation and excursions.</p>	AND	<p>A child that receives services fully or partially funded by a Head Start grant, or a child that participates in a classroom at least partially funded by a Head Start grant.</p>
		OR
		<p>A staff member, contractor, or volunteer that participates in either a Head Start program or classroom at least partially funded by a Head Start grant, regardless of whether the child involved receives Head Start services.</p>

The two examples below further illustrate the kinds of child health and safety incidents that must be reported.

Incident Example 1: An incident occurs on an elementary school playground that is used by a Head Start classroom on site. The incident involved a third-grade teacher using inappropriate discipline with a third-grade student, resulting in the student’s hospitalization. The third-grade teacher involved is not a Head Start volunteer and does not participate in the classroom in any way, nor is the teacher’s position funded by Head Start resources.

Determination: This incident does not require an incident report to OHS. The incident is considered significant, as it required the student to be hospitalized. The incident also met the conditions of the “Where” column, as it occurred in a setting where Head Start services are provided (i.e., the playground used by the Head Start program). However, it did not meet the conditions of the “Who” column, as neither the child nor the teacher involved participated in a program or classroom at least partially funded by a Head Start grant.

Incident Example 2: An incident occurs in a mixed-funded classroom where Head Start services are provided. The incident involved the assistant teacher using inappropriate discipline with a student in the classroom, resulting in the student’s hospitalization. The individual student involved is not funded by a Head Start grant.

Determination: This incident does require an incident report to OHS. The incident is considered significant, as it required the student to be hospitalized. The incident also met the conditions of the “Where” column, as it occurred in a setting where Head Start services are provided (i.e., a mixed-funded Head Start classroom). While the individual child involved is not funded by a Head Start grant, they participate in a classroom at least partially funded by a Head Start grant. Because the child participates in a classroom supported by Head Start resources, that is sufficient to meet the conditions of the “Who” column and would require an incident report to OHS

regardless of the funding source that provides the salary for the adult involved. Furthermore, in this case, the condition of the “Who” column is also met by the adult, as the assistant teacher is a staff member that participates in a classroom at least partially funded by a Head Start grant.

A Note on Mandated Reporting: Both example incidents above may require a mandated report to the state, local, or tribal child protective agency if the inappropriate discipline meets the definitions under the [Federal Child Abuse Prevention and Treatment Act](#). Programs should refer to their state, local, or tribal laws about mandated reporting of child abuse and neglect, including what their definition of abuse is, and use the more stringent definition to determine if a mandated report is warranted. Example 2 requires an incident report to OHS regardless of whether a mandated report is required. Example 1 does not require an incident report to OHS, even if a mandated report is required.

It is important for OHS to receive the appropriate incident reports as the incidents may have broader implications for all children served in the classroom or program. The IM appendix includes a graphic to help clarify the settings and participants that may result in a recipient submitting an incident report.

OHS outlines minimum expectations for reportable incidents that affect the health or safety of a child in 45 CFR §1302.102(d)(1)(iii). These examples are provided to support programs in understanding what OHS considers a “significant incident” that rises to the level of requiring an incident report.

It is not possible to provide an exhaustive list of significant incidents that affect children’s health and safety because OHS cannot predict all incidents that may occur in Head Start settings. However, OHS considers the following types of incidents to require submission of a report. These illustrative examples are designed to provide Head Start grant recipients with an understanding of the types of incidents that require reporting:

- **Any mandated reports regarding agency staff or volunteer compliance with federal, state, tribal, or local laws addressing child abuse and neglect or laws governing sex offenders.** OHS requires an incident report if a program becomes aware of a report of suspected child abuse and neglect to child protective services or law enforcement agencies that identified agency staff or volunteers as a potential perpetrator. Mandated reporting of confirmed or suspected child abuse and neglect in other cases, such as by a parent or caregiver not funded by a Head Start grant in the child’s home, does not need to be reported to OHS.
- **Suspected or known maltreatment or endangerment of a child by staff, consultants, contractors, and volunteers.** Definitions and examples of what OHS considers behaviors that have potential to maltreat or endanger a child are provided under 45 CFR §1302.90(c)(1)(ii).
 - *Corporal punishment or physically abusive behavior* is defined as intentional use of physical force that results in, or has the potential to result in, physical injury. Examples may include, but are not limited to, hitting, kicking, shaking, biting, pushing, restraining, force feeding, or dragging.

- *Sexually abusive behavior* is defined as any completed or attempted sexual act, sexual contact, or exploitation. Examples may include, but are not limited to, behaviors such as inappropriate touching, inappropriate filming, or exposing a child to other sexual activities.
 - *Emotionally harmful or abusive behavior* is defined as behaviors that harm a child's self-worth or emotional well-being. Examples may include, but are not limited to, using seclusion, exposing a child to public or private humiliation, or name calling, shaming, intimidating, or threatening a child.
 - *Neglectful behavior* is defined as the failure to meet a child's basic physical and emotional needs, including access to food, education, medical care, appropriate supervision by an adequate caregiver, and safe physical and emotional environments. Examples may include, but are not limited to, leaving a child unattended on a bus, withholding food as punishment, or refusing to change soiled diapers as punishment.
- **Serious harm or injury of a child resulting from lack of preventative maintenance** of a Head Start facility (e.g., in a classroom, bathroom, on a playground), bus, or other approved program transportation.

Serious injuries require immediate professional medical attention, such as hospitalization, including for example:

- Broken bones
 - Severe sprains
 - Chipped or cracked teeth
 - Head trauma
 - Deep cuts
 - Contusions or lacerations
 - Animal bites
- **Serious harm, injury, or endangerment of a child resulting from lack of supervision** while in the care or under the supervision of program staff. Lack of supervision includes leaving a child alone and unattended anywhere on the grounds of a Head Start facility (e.g., in a classroom, bathroom, on a playground), as well as outside the facility in a parking lot, on a nearby street, or on a bus or another program-approved transportation or excursion while under the care of the Head Start program.

As stated above, serious injuries require immediate professional medical attention. This update to the Performance Standards represents a change from the prior policy of reporting all instances when a child has been unsupervised for any length of time. Instead, the requirement is that programs report any incident in which there has been serious harm, injury, or endangerment resulting from the lack of supervision.

Endangerment involves conduct that puts children at reasonable risk of harm and can be considered similar to [supervisory neglect](#) or failure to supervise. Examples of endangerment can include, but are not limited to:

- Leaving children in situations where they have access to dangerous chemicals or toxins, choking hazards, or life-threatening substances
- Unsupervised or unrestricted exposure to vehicular traffic, extreme temperatures, risk of drowning, or risk of leaving the facility alone
- Leaving children alone with access to unknown or unauthorized adults
- Leaving a child unsupervised such that their basic needs are not met
- Knowingly failing to protect a child from maltreatment perpetrated by another caregiver in the program

When determining whether lack of supervision resulted in endangerment, programs should examine each situation on a case-by-case basis and consider factors such as:

- The child's age and developmental needs
- Length of time the child was left unsupervised
- Inherent dangers of the child's unsupervised environment

This policy requires programs to conduct thorough assessments of risk based on the potential harm to children. Programs should be able to demonstrate how they made their determination considering all relevant factors including those described above.

- **Unauthorized release of a child** from a Head Start facility, bus, or other approved program transportation to a person without the permission or authorization of a parent or legal guardian and whose identity had not been verified by photo identification.

“Responsible HHS Official” to Whom Programs Submit Incident Reports

For reporting significant incidents regarding the health and safety of children in settings where Head Start services are provided, the responsible HHS official is the program specialist assigned to the grant or any OHS regional leadership official. OHS regional leadership officials include supervisory program specialists, regional program managers, and regional program directors.

This individual or individuals are referred to as “the responsible HHS official” throughout this IM for ease of reference. It may also be necessary for programs to report these occurrences to other local, state, or tribal entities as required by applicable laws, such as child protective services, law enforcement, or child care licensing agencies.

Incident Reporting Timeframe and Compliance

Programs are required to submit all incident reports, as appropriate, to the responsible HHS official immediately, but no later than seven calendar days following the incident (45 CFR §1302.102(d)(1)(ii)). This timeline must be met regardless of investigations by other entities

such as relevant local, state, tribal, or federal law enforcement. The Appendix includes an illustration of the required reporting timeline.

OHS notes that state, local, and tribal reporting requirements to child welfare agencies are not a substitute for reporting to OHS and programs should not wait to learn the outcome of reports to state, local, or tribal entities before reporting to OHS. Generally, these entities are investigating whether a violation of state or local law occurred, whereas OHS's responsibility is to provide oversight with regard to the Head Start Program Performance Standards. However, programs are encouraged to indicate that an investigation or adjudication is underway when they submit an incident report to OHS.

The required reporting timeframe begins when someone in a program — including any program staff, contractors, or volunteers, including those at a delegate agency of a Head Start grant recipient — learns that an incident occurred or learns of an allegation that an incident occurred. To ensure consistency in implementing this requirement, OHS recognizes the day a program (agency, delegate agency, or partner of a Head Start grant recipient) learns of an incident as “Day 0,” with reporting to the responsible HHS official required no later than seven calendar days following the incident. If a program reports an incident to OHS on or after “Day 8,” the program will not be in compliance with this requirement.

To ensure programs report significant incidents regarding the health and safety of children to their assigned program specialist or OHS regional leadership official, OHS reviews publicly available information and reports from the grant period. If OHS discovers that a program failed to report a significant incident for which a report was required within the required timeframe, the program is subject to receiving a monitoring finding, which may include a deficiency determination.

Information Required in Incident Reports

OHS understands that, in some circumstances, a program may not have all the information at the time an incident is reported. Even still, the priority is to inform OHS of what is known in accordance with the reporting timeframe. Programs are encouraged to update the responsible HHS official with additional information as it becomes available. For example, in the case of ongoing investigations or pending adjudication by other authorities such as local, state, tribal, or federal law enforcement, programs should deliver status changes or determinations related to the incident as permitted.

Programs should not provide OHS with information that could interfere with their compliance with other legal requirements pertaining to confidential or sensitive information, such as requirements pertaining protected health information or direct indicators of personally identifiable information of children.

Next Steps

OHS and Head Start programs share the goal of providing a safe environment where children learn and grow. Promoting health and safety and preventing significant incidents in Head Start programs is everyone's responsibility.

We encourage program leadership and staff to complete freely available online training and professional development courses on the Office of Head Start's [Individualized Professional Development \(iPD\) Portfolio](#). Although these courses are not necessarily specific to OHS incident reporting requirements, they support programs in promoting child safety and preventing significant incidents:

- The [iLookOut for Child Abuse: A Mandated Reporter Training for Head Start Staff](#) course focuses on protecting child safety and preventing and identifying child abuse and neglect in accordance with federal requirements for reporting to child protective services or law enforcement agencies. The course is available in English and Spanish.
- [Preventing Injuries in Early Childhood Programs](#) is a two-part course that will help you make your early childhood program a safe place for children to grow, learn, and explore.
- [Active Supervision in Early Childhood Programs](#) is a two-part course that will help you learn and implement the six strategies of active supervision.

OHS is committed to continuous quality improvement and will continue to provide support and guidance in preventing incidents that jeopardize children's health and safety. If you have any questions regarding this IM, please contact your Regional Office.

By working together to prevent, swiftly identify, report, and correct health and safety incidents, we can better support child health and well-being in Head Start programs. Thank you for your work on behalf of children and families.

/ Khari M. Garvin /

Khari M. Garvin
Director
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Appendix

Figure 1. Incidents Reporting (The Where and the Who)

Figure 1 illustrates the conditions that determine whether a significant incident that affects the health or safety of a child is required to be reported to OHS.



Figure 2. Significant Health and Safety Incidents

Figure 2 illustrates a decision tree that can be used when determining whether an incident requires an incident report to OHS.

SIGNIFICANT HEALTH AND SAFETY INCIDENTS

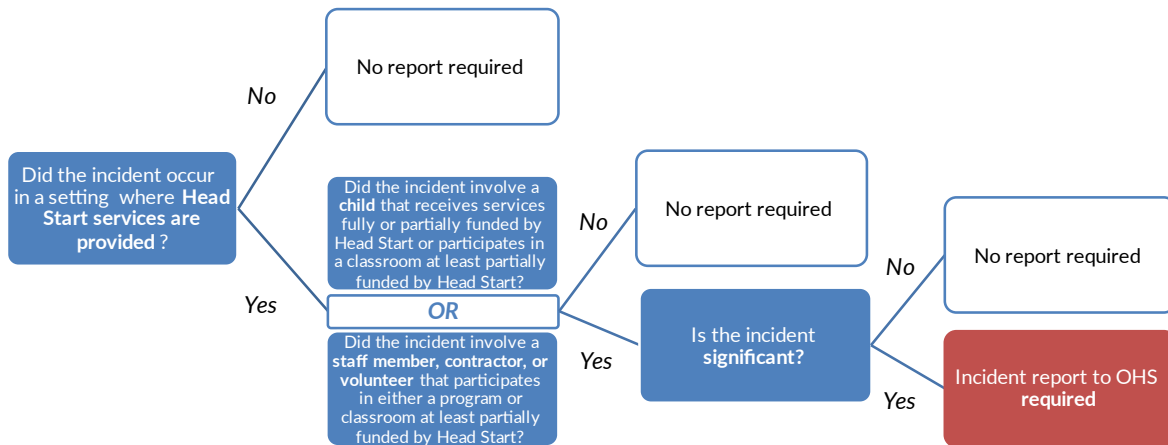


Figure 3. Reporting Timeline Requirements

Figure 3 illustrates the OHS incident reporting timeline requirements. Programs should report incidents to OHS immediately, but no later than seven calendar days following a health or safety incident.

The example illustration shows that the reporting timeline begins on Day 0, or the day of the incident, which is Tuesday the 12th. The last day to report the incident to OHS is on Day 7, which is Tuesday the 19th. On Wednesday the 20th, the report would be considered overdue.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10	11	12	13	14	15	16
		Day 0 Reporting timeline begins	●	●	●	●
17	18	19	20	21	22	23
●	●	Day 7 Last day to report to OHS	Report Overdue			