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HEAD START REAUTHORIZATION

THE GOVERNING BOARD

On December 12, 2007, President Bush signed into law the “Improving Head Start for School Readiness Act”, thus reauthorizing the Head Start Program. The *Reauthorization* or *New Head Start Act*, as it is more commonly known, addressed several key issues, which resulted in new requirements for Head Start Agencies. Perhaps one of the most significant revisions involves changes to the Head Start governance structure. More specifically, the roles and responsibilities of the Governing Board and Policy Council have now changed. Head Start agencies must now familiarize themselves with these revisions, and strive to bring their agency into compliance as soon as possible.

Composition Requirements

The New Head Start Act has put into place certain requirements involving the composition of the Governing Board. Under the new Act, at least one member of the Governing Board must:

- Have a background and expertise in fiscal management or accounting
- Have a background and expertise in early childhood education and development; and
- Be a licensed attorney familiar with issues that come before the Governing Body.

If the Head Start Agency cannot recruit members that meet the above mentioned criteria, the Board is permitted to use consultants with relevant experience to work in an advisory capacity with the Board.

The remainder of the Board members must reflect the community and include:

- Parents of children who currently, *or were formerly*, enrolled in Head Start programs; and
- Individuals with expertise in education, business administration, or community affairs.

Note: The new Board composition requirements do not apply to members that oversee public entities and are elected to their positions by public election or are politically appointed.

New Conflict of Interest Regulations

Not only does the new Act set in place regulations concerning Board composition, it also sets forth new conflict of interest regulations. Basically, Board members must operate as an entity, independent of staff employed at the Head Start agency. They are prohibited from having a financial conflict of interest with the agency, cannot receive compensation for serving on the board, and cannot be employed by the agency. Also, Board members’ immediate family members cannot be employed by the Head Start agency.

A key exception exists for the rules concerning conflict of interest, as they do not apply to publicly elected or politically appointed individuals who are required to sit on the Board of the local Head Start program as part of their job duties. If this situation exists, the Head Start agency must keep careful documentation and report this to the U.S. Department of Health and Human Services, Administration for Children and Families.

Expanded Responsibilities of the Governing Board

Under the New Head Start Act, the responsibilities of the Governing Board have been expanded. The Board must now:

- Assume legal and fiscal responsibilities for administering and overseeing all programs under its authority, including the safeguarding of Federal funds;
- Adopt practices that assure active, independent, and informed governance of the corporation, including the resolution of internal disputes and the facilitation of meaningful consultation and collaboration about decisions of the Board of Directors and Policy Council, and fully participate in the development, planning, and evaluation of the Head Start program;
- Ensure compliance with applicable Federal, State and local laws and regulations; and
- Select delegate agencies and their service area as appropriate;
- Establish procedures and criteria for recruitment, selection and enrollment of children;
- Review all applications for Head Start funding and amendments to such application;
- Establish procedures and guidelines for accessing and collecting accurate and regular information for use by the Board of Directors and the Policy Council about program planning, policies and Head Start agency operation;
- Review and approve all major policies of the agency, including (but not limited to) the annual self-assessment; financial audit, progress in carrying out the programmatic and fiscal provisions in the corporation's Head Start applications, including implementing any corrective actions, as applicable; and personnel policies regarding hiring, evaluation, termination and compensation;
- Develop procedures for how members of the Policy Council are selected
- Approve financial management, accounting, and reporting policies and compliance with laws and regulations relating to financial statements, including the approval of all major financial expenditures of the agency; annual approval of the agency's operating budget; selection of independent financial auditors who shall report all critical accounting policies and practices to the Board of Directors; and monitoring the corporation's actions to correct any audit findings and of other action necessary to comply with applicable laws and regulations governing financial statement and accounting practices;
- Review results from monitoring conducted under section 641c of the Head Start Act, including appropriate follow up activities;
- Approve personnel policies and procedures, including those regarding the hiring, evaluation, compensation and termination of the Executive Director, Head Start Director, Director of Human Resources, Chief Financial Officer; and any other person in an equivalent position within the agency;
- Establish, adopt and periodically update written standards of conduct that establish standards and formal procedures for disclosing, addressing and resolving any conflicts of interest or appearance of conflicts of interest by Directors, Officers and employees of the corporation, and consultants and agents who provide services or furnish goods to the corporation; and complaints, including investigations, as appropriate; and
- As practicable and appropriate, establish advisory committees to oversee key responsibilities related to Head Start program governance and improvement.

Suggestions: Review your agency structure as well as your Board composition to make sure you are complying with the new regulations. In addition, you should review and revise your governance documents, including your agency by-laws and other related policies to ensure compliance with the new Act.

For more information regarding Head Start Reauthorization visit:

<http://www.nhsa.org/download/announcemnts/HS%20Reauthorization%20Summary.pdf>

