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## **Head Start: A Push for Quality in Early Education Reform**

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### **Abstract**

Head Start is a comprehensive child development program designed to serve low-income children, from birth to age five, and their families. With President Obama's recent commitment to early childhood education, Head Start has jumped into the forefront of the nation's early childhood education discussion. This article will give an overview of the history and goals of the Head Start program, and will discuss some of the research regarding its effectiveness. In addition, the article will highlight the most recent changes to the Head Start Act, designed to raise the quality of services. Several additions to the 2007 Head Start Act, particularly the new system of "recompetition" for grants, illustrate this recent push for quality. The article will give an overview of the new system of recompetition and discuss legal challenges to the system and the potential practical effect it will have on the children and families served.

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## I. Introduction: A History and Overview of Head Start

In 1965, President Lyndon Johnson started Head Start as part of his greater war on poverty.<sup>1</sup> The program began as an eight-week summer session designed to prepare low-income students for kindergarten.<sup>2</sup> Over the years, Head Start has expanded into a comprehensive child development program, with Early Head Start serving pregnant mothers and children from birth to age three, and Head Start serving children from three to five years old.<sup>3</sup> Today, Head Start serves over a million children, including children in every state and in American Indian and Alaskan Native communities.<sup>4</sup> Families who are below the poverty line may qualify for Head Start and all of the included services free of cost. Head Start's mission is to "promote the school readiness of children ages birth to five from low-income families by enhancing their cognitive, social and emotional development."<sup>5</sup>

The Head Start Act mandates that the United States Department of Health and Human Services provide federal financial assistance to local public, private not-for-profit, and private for-profit organizations to serve as "Head Start Agencies."<sup>6</sup> Head Start offers a variety of services, including half-day and full-day preschool with options for center-based and home-based learning.<sup>7</sup> There are several options for Early Head Start services as well, including weekly home-based services and more extensive center-based care.<sup>8</sup> To qualify for funding, an agency must demonstrate that it can provide high quality, comprehensive services in the areas of education, health, nutrition, and social services, serve children with special needs, serve children and families whose primary language is not English, involve parents in a meaningful fashion, and ensure that children enter school by the compulsory school age.<sup>9</sup> The Yolo County Office of Education's Head Start Program, for example, promotes social

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<sup>1</sup> Head Start Act, 42 U.S.C. § 9831-9852 (2012).

<sup>2</sup> *History of Head Start*, OFFICE OF HEAD START, <http://www.acf.hhs.gov/programs/ohs/about/history-of-head-start> (last visited Mar. 26, 2013).

<sup>3</sup> *Head Start Service*, OFFICE OF HEAD START, <http://www.acf.hhs.gov/programs/ohs/about/head-start> (last visited Mar. 26, 2013).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> 42 U.S.C. § 9836(a)(1).

<sup>7</sup> *About Head Start*, OFFICE OF HEAD START, <http://eclkc.ohs.acf.hhs.gov/hslc/hs/about> (last visited Mar. 26, 2013).

<sup>8</sup> *Id.*

<sup>9</sup> 42 U.S.C. § 9836(d)(2).

and emotional development through a curriculum focused on art, block building, reading and other areas.<sup>10</sup>

## II. Head Start Today

### A. *Effects of the Sequester*

Head Start has historically garnered bi-partisan support. However, now that the sequester budgetary cuts have begun, programs across the nation are facing an estimated 5% funding cut for the 2013 fiscal year, with potentially deeper cuts for the 2013-2014 program year.<sup>11</sup> Specifically, The White House has predicted 70,000 fewer children will benefit from Head Start due to the sequester.<sup>12</sup> The cuts have led various programs to end the school year early,<sup>13</sup> furlough teachers and staff, and cut existing space for children.<sup>14</sup> The budget negotiations and the practical impact of cuts will continue to present a problem as long as Democrats and Republicans struggle to find common ground on acceptable cuts. The budgetary questions are further complicated by President Obama's recent commitment to early childhood education and his detailed plans to implement Universal Preschool. Together, these issues bring the question of Head Start's effectiveness and quality into the forefront of the discussion for national policy-makers.<sup>15</sup>

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<sup>10</sup> *Educational Services Creative Curriculum Overview*, YOLO COUNTY OFFICE OF EDUCATION, [http://www.ycoe.org/cms/page\\_view?d=x&piid=&vpid=1295706485767](http://www.ycoe.org/cms/page_view?d=x&piid=&vpid=1295706485767) (last visited April 13, 2013).

<sup>11</sup> *Head Start Sequestration Frequently Asked Questions (FAQs)*, OFFICE OF HEAD START, <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/operations/mgmt-admin/planning/grant/faq.html#.UUyYVNDm2k4.twitter> (last visited April 13, 2013).

<sup>12</sup> Sam Stein, *Head Start Programs Guttled By Sequestration Cuts*, THE HUFFINGTON POST (Mar. 21, 2013), [http://www.huffingtonpost.com/2013/03/21/head-start-sequestration\\_n\\_2925014.html](http://www.huffingtonpost.com/2013/03/21/head-start-sequestration_n_2925014.html).

<sup>13</sup> Jim Hand, *Local Head Start Programs Closing Early Due To Budget Cuts*, THE SUN CHRONICLE (Mar. 26, 2013), [http://www.thesunchronicle.com/devices/news/local\\_news/local-head-start-programs-closing-early-due-to-budget-cuts/article\\_0888be9e-9593-11e2-b624-001a4bcf887a.html#.UVH\\_ATmSwyc.twitter](http://www.thesunchronicle.com/devices/news/local_news/local-head-start-programs-closing-early-due-to-budget-cuts/article_0888be9e-9593-11e2-b624-001a4bcf887a.html#.UVH_ATmSwyc.twitter).

<sup>14</sup> Kristina Iodice, *Local Preschool Programs Lose Out in Sequester*, COLORADO SPRINGS GAZETTE (Mar. 8, 2013), <http://www.gazette.com/articles/programs-152001-preschool-chopped.html>; Elle Moxley, *Indiana Head Start Programs Beginning to Drop Students from Rosters*, STATEIMPACT (Mar. 25, 2013), <http://stateimpact.npr.org/indiana/2013/03/25/indiana-head-start-programs-beginning-to-drop-students-from-rosters/>.

<sup>15</sup> Press Release, Office of the Press Secretary, The White House, Fact Sheet President Obama's Plan for Early Education for all Americans (Feb. 13, 2013), <http://www.whitehouse.gov/the-press-office/2013/02/13/fact-sheet-president-obama-s-plan-early-education-all-americans>.

### B. *Head Start Literature*

The Head Start Impact Study,<sup>16</sup> mandated by the Head Start reauthorization in 1998, found Head Start to have a positive impact on children's preschool experiences, including increased outcomes in school readiness and language and literacy indicators.<sup>17</sup> The study illustrated positive health outcomes, with Head Start children visiting a dentist more often than their control group peers, and parents reporting better overall health for their families.<sup>18</sup> The study also found a positive impact on parenting, which was consistent over time.<sup>19</sup> However, the study found little statistical differences between Head Start children and their control-group peers through kindergarten and first grade, indicating that Head Start's positive results fade out over time.<sup>20</sup>

Additional studies have examined the fade-out problem discussed in the Head Start Impact Study. A joint study out of the University of Chicago and the University of California, Davis, hypothesizes that previous fade-out studies' findings may in fact be illustrating "catch-up" of students in the control group.<sup>21</sup> Rather than Head Start children's progress "fading out" over time, their peers are merely catching up to the high levels Head Start children attained at an earlier age.<sup>22</sup> In addition, the study indicates that social-emotional gains may be the more important benefit of the programs, yet prior studies fail to address those gains.<sup>23</sup> Additional research demonstrates that dollar investments in Head Start actually yield a profit, showing overwhelming personal and societal gains.<sup>24</sup> A 2010 study out of the University of California, Berkeley found that Head Start improves future educational attainment and reduces the

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<sup>16</sup> ADMINISTRATION FOR CHILDREN AND FAMILIES, U.S. DEP'T OF HEALTH AND HUMAN SERVS., HEAD START IMPACT STUDY FINAL REPORT (2010) *available at* [http://www.acf.hhs.gov/sites/default/files/opre/executive\\_summary\\_final.pdf](http://www.acf.hhs.gov/sites/default/files/opre/executive_summary_final.pdf).

<sup>17</sup> *Id.* at xi.

<sup>18</sup> *Id.* at xviii.

<sup>19</sup> *Id.* at xx – xxi.

<sup>20</sup> *Id.* at x – xxvii.

<sup>21</sup> Chloe Gibbs, Jens Ludwig & Douglas L. Miller, *Does Head Start Do Any Lasting Good?* (Nat'l Bureau of Econ. Research, Working Paper No. w17452, 2011), *available at* [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1932582##](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1932582##).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> RUCKER C. JOHNSON, SCHOOL QUALITY AND THE LONG-RUN EFFECTS OF HEAD START (2010), *available at* [http://socrates.berkeley.edu/~ruckerj/RJabstract\\_LRHeadStartSchoolQuality.pdf](http://socrates.berkeley.edu/~ruckerj/RJabstract_LRHeadStartSchoolQuality.pdf). See also JENS LUDWIG & DEBORAH PHILLIPS, LONG-TERM EFFECTS OF HEAD START ON LOW-INCOME CHILDREN (2008), *available at* <http://home.uchicago.edu/~ludwigj/papers/NYAS-LudwigPhillips-HeadStart-2008.pdf>.

likelihood of grade repetition.<sup>25</sup> The results also indicate that Head Start participation reduces the annual incidence of incarceration by 5% for black males between the ages of 18-29, and shows increases in men's earnings and wages.<sup>26</sup>

### III. A Recent Push for Quality Improvement

While the vast majority of Head Start program research points to positive academic, social-emotional, and long-term effects when programs are high-quality,<sup>27</sup> the Head Start Impact Study's findings incited debate regarding Head Start's long-term effectiveness. Although federal funding of Head Start continues to be a sound policy investment, policy-makers recently have initiated efforts to ensure and increase program quality. This push for quality is evident in the most recent reissuance of the Head Start Act, signed by President Bush in 2007. The Act carries Head Start through the 2013 program year.<sup>28</sup>

#### A. An Overview of Recompetition for Head Start Grants

One of the most notable changes in the 2007 Act is an amendment regarding applications for renewal of funding known as "recompetition."<sup>29</sup> In order for programs to continue to qualify for funding, the Office of Health and Human Services reviews agencies periodically (usually every three years) to determine if a program is complying with federal regulations codified in the Act.<sup>30</sup> Prior to the 2007 reissuance of the Head Start Act, if the review found any deficiencies, agencies had a set period of time in which they could correct the deficiency, or they were put on a quality improvement plan.<sup>31</sup> If the agency corrected the problem in a timely manner, programs would continue to receive federal funding for an indefinite period.

Under the 2007 amendment, the Head Start Act now awards grants for five-year periods, and programs may be required to apply to renew their grants on a competitive basis.<sup>32</sup> The new system of recompetition, called the "system for designation renewal,"<sup>33</sup> is a complicated process

<sup>25</sup> JOHNSON, *supra* note 24.

<sup>26</sup> *Id.*

<sup>27</sup> Gibbs, Ludwig, & Miller, *supra* note 21. *See also* JOHNSON, *supra* note 24; LUDWIG & PHILLIPS, *supra* note 24 at 21-22.

<sup>28</sup> 42 U.S.C. § 9836.

<sup>29</sup> 42 U.S.C. § 9836(c).

<sup>30</sup> *Id.*

<sup>31</sup> 42 U.S.C. § 9836(a)(e)(1)(B).

<sup>32</sup> 42 U.S.C. § 9836.

<sup>33</sup> 42 U.S.C. § 9836(c).

designed to weed out poorly performing Head Start programs. The Act mandates that a neutral expert panel make recommendations “to determine if a Head Start agency is delivering a high-quality and comprehensive Head Start program that meets the educational, health, nutritional, and social needs of the children and families it serves, and meets program and financial management requirements and standards...”<sup>34</sup> The Act lays out seven indicators of poor quality, and if an agency demonstrates just one of the seven indicators, it may trigger recompetition.<sup>35</sup> The seven indicators take into account information from annual budget and fiscal management, program reviews, annual audits, classroom quality as measured by the Classroom Assessment Scoring System (CLASS), program information reports, and ineffective school readiness plans or goals.<sup>36</sup> In the first round of evaluations, just five of the seven indicators are taken into account, with CLASS and school readiness added as considerations for all subsequent evaluations.<sup>37</sup> Once a program is determined to be up for recompetition, it must enter into competition for funding with new programs that demonstrate a capacity to effectively serve low-income children and families.<sup>38</sup>

### 1. Legal Challenges to Recompetition

The idea of having low-quality programs compete for grant renewals seems like an effective way to ensure quality. In theory, the lowest performing Head Start programs will be shut down and replaced with high-quality, enthusiastic programs. But recompetition has been met with resistance from agencies across the country. In December 2011, Head Start released the first list of 132 programs that would be competing for grants for the 2014–2018 program years.<sup>39</sup> In response, the Ohio Head Start Association, along with the Massachusetts Association for Community Action, sued the Department of Health and Human Services asking for an injunction on the new system.<sup>40</sup> They challenged the single

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<sup>34</sup> 42 U.S.C. § 9836(c)(1).

<sup>35</sup> 42 U.S.C. § 9836(d)(2)(A-H).

<sup>36</sup> U.S. DEP’T OF HEALTH AND HUMAN SERVS., REPORT TO CONGRESS ON THE FINAL HEAD START PROGRAM DESIGNATION RENEWAL SYSTEM 38-39 (2007).

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> 45 C.F.R. § 1307 (2011); GRANTEES REQUIRED TO COMPETE FOR CONTINUED FUNDING, available at <http://eclkc.ohs.acf.hhs.gov/hslc/hs/dr/pdf/Grantees-notified-of-requirement-to-compete-for-continued-funding.pdf>.

<sup>40</sup> Maggie Severns, *Federal Judge Dismisses Law Suit Against Head Start Recompetition*, NEW AMERICA’S EARLY ED WATCH (July 10, 2012), [http://earlyed.newamerica.net/blogposts/2012/federal\\_judge\\_dismisses\\_lawsuit\\_against\\_head\\_start\\_recompetition-69390](http://earlyed.newamerica.net/blogposts/2012/federal_judge_dismisses_lawsuit_against_head_start_recompetition-69390).

deficiency trigger that places a program up for recompetition when the program meets just one of the seven indicators of poor quality.<sup>41</sup> The plaintiffs' key arguments were that the system for designation removal is retroactive, as it punishes agencies for past mistakes that have since been corrected, that it lacks due process, and that it is arbitrary and capricious.<sup>42</sup> A federal judge in Washington, D.C. dismissed the case in full, sending a clear message to Head Start agencies that they would be participating in the new "system for designation renewal."<sup>43</sup>

Although the legal arguments failed, they were not entirely without merit. The Act mandates that an expert panel of seven members make recommendations to the Secretary of the Department of Health and Human Services (HHS) to develop a "transparent, reliable, and valid system for designation renewal."<sup>44</sup> HHS rejected several key recommendations made by the expert panel, including the recommendation that there be a distinction between "automatic indicators" and "key quality indicators" to trigger recompetition.<sup>45</sup> The panel wanted to categorize "automatic indicators" as more serious problems including losing a federal grant, bankruptcy, revocation of a license, or a high number of deficiencies.<sup>46</sup> These more serious "automatic indicators" would trigger automatic recompetition.<sup>47</sup> However, HHS did not follow this recommendation and instead created a system in which any deficiency served as an "automatic indicator."<sup>48</sup> In addition, the expert panel recommended that the evaluations should not take into account deficiencies that are more than a year old or had since been corrected.<sup>49</sup> Again, HHS ignored this recommendation, and evaluators took into account both present and past deficiencies.<sup>50</sup> Ohio's brief cited an example of a program that provided Wal-Mart gift cards to employees for a "morale boost" at the end of the year in violation of the agency's financial policy. The agency later corrected the problem and paid all of the money back, but this deficiency triggered automatic recompetition for the program.<sup>51</sup> This example highlights the possibility of losing a grant for a

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<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> 42 U.S.C. § 9836(c)(8).

<sup>45</sup> U.S. DEP'T OF HEALTH AND HUMAN SERVS., *supra* note 36, at 6-8.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Severns, *supra* note 40.



reason that has little or nothing to do with the agency's ability to provide high quality services to children and families. It also gives merit to both the argument that the system is retroactive and that it may be arbitrary and capricious.

However, the argument that the new system is a violation of due process is not as strong. As the new system was clearly defined in the 2007 Act, agencies had adequate notice of the change in policy.<sup>52</sup> The Act also explicitly stated the parameters under which centers would be evaluated, and created an expert panel to ensure that the evaluations were as objective and reliable as possible.<sup>53</sup> Furthermore, the notice of recompetition does not automatically end federal funding. Instead, it gives the agency an opportunity to compete and prove that they are providing a high quality service. For example, it is unlikely that the center that must re compete for a grant because of the Wal-Mart gift card incentives will lose funding if they can actually demonstrate that they are providing high quality services to children and families.

## *2. Potential Practical Ramifications of Recompensation*

Although the Ohio Head Start Association and others competing for renewal may not have convinced a federal judge of any legal problems with the new system, it remains unclear what the practical ramifications of recompetition will be. Recompensation presents a heightened risk that program evaluations will be arbitrary, political, biased or inaccurate. If a program unnecessarily loses funding, the potential ramifications are severe and could devastate a program and the community it serves.

Instead of closing existing programs, HHS should focus on promoting quality through program stability and continuity. It is evident from my experience teaching at San Francisco State University Head Start that when Head Start programs remain in communities over time, they build strong relationships and earn trust throughout the community. This in turn promotes greater community outreach and partnerships, and allows the program to serve more eligible children. Additionally, program stability fosters recruitment and retention of high quality teachers. When teachers stay in programs, professional development becomes more cost effective and leaves a lasting benefit on the children being served.

Additionally, the seven indicators that federal evaluators use to determine quality leave no room for agencies to demonstrate improvement. A program that has struggled in the past or has corrected

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<sup>52</sup> 42 U.S.C. § 9836(c).

<sup>53</sup> 42 U.S.C. § 9836(c)(2-3).

past deficiencies will be in danger of losing funding and in the same precarious situation as a program that is failing to provide high quality services. The new system will also force programs to divert precious resources to applying for reissuance of their grant.

Another danger in reallocating funds to new, not—established programs is that the children and families who are currently served may not keep their spot in the program. While they will theoretically be offered the same spot, for many families, moving locations, changing teachers, administrators and perhaps neighborhoods may simply not be practical. Thus, stability is not only important to program quality, but it is important to the community and families served.

For example, many families served by the local, community Head Start in the Bayview/Hunters Point neighborhood of San Francisco have had all of their children go through the same program, in the same classroom, and with the same teacher. If San Francisco Head Start lost funding during my time teaching, many families would have lost access to services altogether. One practical reality many families face living in a low-income community is a lack of flexibility. Many families rely on public transportation, have strict work schedules, and have several children who all need to get to school in the morning. Head Start has always provided a stable, consistent and trustworthy place to serve the needs of the community. When this stability is stripped away, the families and children served often end up losing out.

#### *B. One Potential Alternative to Recompetition*

In order to improve program quality and keep programs accountable, there must be a system of review and consequences for programs that fall below set standards. The seven indicators identified in the system of designation renewal and the use of a neutral, expert panel to evaluate quality is an effective way to identify low-performing programs. However, once those programs are identified, they should not be forced to compete for reissuance of a grant. Instead, the expert panel should work to put programs on detailed quality improvement plans based on the program's specific needs. This approach would combine the previous way programs were reviewed with the new system of designation renewal by keeping the seven indicators and expert panel, but reverting back to a system in which programs are provided with targeted support for improvement.

Under this potential alternative, funding that would be used to apply for recompetition could be diverted and used to make tailored

improvements to elevate the quality of services. For example, if a center scores low on the CLASS assessment, it indicates poor teacher-child relationships, poor classroom organization and management, and poor instructional supports.<sup>54</sup> To meet these needs and ensure improvement, the quality improvement plan would include tailored goals such as adding relevant teacher trainings, providing teachers with educational coaches, and implementing evidence based practices into the curriculum. If after a year of targeted support, the program demonstrates minimal or no improvement, the program could then be required to compete for a grant for the following fiscal year. A system such as this would still make quality a priority while reducing the risk of closing high-quality programs.

### **Conclusion**

While quality improvement needs to be a central goal of Head Start, awarding a grant to a new, untested program may not prove to be the best way to achieve that goal. With conflicting research regarding the effectiveness of Head Start, diverting precious federal funding is a bold and potentially risky policy move. Head Start is a program with deep historic roots and a long-standing commitment to serving children and families. Along with the practical impact on children, communities, and families, these recent changes are likely to significantly affect the future of the Head Start program and early childhood education policy in the United States. Both the new system of recompetition and the sequester budgetary cuts will greatly influence future funding and the amount of services Head Start can provide in the coming years. It is clear that the sequester and recompetition are likely to have a huge impact on the ones who matter most: the children and families in low-income communities that Head Start serves.

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<sup>54</sup> Yvette S. Fuentes, *Using CLASS to Improve Head Start Quality*, HEAD START (Mar. 25, 2013), <http://eclkc.ohs.acf.hhs.gov/hslc/hs/director/blog/class.html>.

