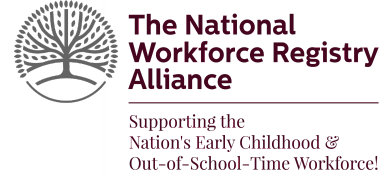




A Stronger Louisiana Starts with Successful Children



NBCDI National Black Child Development Institute



To: Office of Head Start, Administration for Children and Families, United States Department of Health and Human Services

From: Southern Education Foundation

Date: January 19, 2024

Re: Docket ID Number: ACF-2023-0011-0001

The Southern Education Foundation (SEF)¹ and the undersigned organizations appreciate the opportunity to provide comments to the Administration for Children and Families (ACF) regarding the proposed rule changes to the Head Start Program Performance Standards (HSPPS) as posted in the Federal Register.

The undersigned organizations are diverse in nature, working throughout the southern region to support early care educators, early learning centers, and more than two million children across the early care and education (ECE) system. We all prioritize and support the development of affordable, high-quality ECE programs and racially just early learning policies at the state and federal levels to help young children and their families, especially the historically underserved, thrive.

We thank you for soliciting public feedback on the proposed Head Start standards put forth in the notice of proposed rulemaking (NPRM) released in November 2023. Our organizations are concerned these changes would require local Head Start centers to increase educator pay and benefits without the necessary technical assistance, time, and financial support. While we appreciate the offering of a seven-year timeframe and other flexible options to help providers fully implement the agency's proposed pay and benefit changes, we fundamentally believe this policy would lead to fewer high-need children and families served without additional funding from Congress. We oppose any such policy that would directly serve fewer children and families whom we know need more, not less, support. That said, we

¹ SEF has launched the Southern Early Childhood Education Justice (SECEJ) network, an initiative operated by SEF featuring more than 30 state policy organizations and advocates focused on improving and expanding early learning opportunities for young children, especially Black and Brown children, across the South.

acknowledge there are other vital components of this NPRM, such as guidance to reduce suspension and expulsion rates, an issue that disproportionately impacts Black children.² Below, however, we outline our most pressing concerns, specifically regarding the proposed pay parity and benefit requirements.

Background & Context

Since its inception in 1965, Head Start has been instrumental in delivering comprehensive services to young children living in poverty, including a large percentage of Black and Hispanic children.³ Decades of research uphold the effectiveness of this early learning program, with positive outcomes noted across the developmental continuum and into adulthood. Children who attend Head Start programs demonstrate increased social-emotional learning, fewer instances of chronic absenteeism in elementary school, and improved measures of school readiness compared to non-Head Start participants.⁴ Additionally, African American Head Start participants have lower incarceration rates compared to their siblings who did not attend a program.⁵

Despite ample evidence of its effectiveness and return on public investment, early childhood education in the United States is chronically underfunded, and Head Start is no exception. At their current funding levels, Head Start and Early Head Start only serve an average of 27% and 12% of the eligible population, respectively.⁶ Additionally, the decades-old Head Start funding formula has created inequities in the number of children served and the per-child funding allotment both within and across states. Twelve of the 17 states in the southern region⁷ are funded at levels that only allow them to serve less than 20% of children under 6 living in poverty in their state.⁸ Adjusted for cost of living, the per-child funding for southern states is an average of \$1,400 less than the average for other states and the District of Columbia.⁹ Before the federal Office of Head Start requires any substantive financial changes, inconsistencies in the funding formula should be addressed to create more fair and equitable resource allocation across states.

We understand the critical role of high-quality educators in the success and academic growth of children in Head Start programs. Unfortunately, similar to many other early learning programs, Head Start educators remain substantially underpaid, which can lead to burnout and retention issues. As noted in the NPRM, even though 71% of Head Start educators hold a bachelor's degree, their average salary is more than \$20,000 lower than the average salary of a kindergarten educator. Adjusting for inflation, salaries for Head Start educators have actually *decreased* in the last decade despite a notable increase in their degree

² U.S. Department of Education, Office for Civil Rights. (2021). *Discipline Practices in Preschool*.

<https://civilrightsdata.ed.gov/assets/downloads/crdc-DOE-Discipline-Practices-in-Preschool-part1.pdf>

³ Office of Head Start Early Childhood Learning and Knowledge Center. (n.d). *Head Start Program Facts: Fiscal Year 2022*. <https://eclkc.ohs.acf.hhs.gov/data-ongoing-monitoring/article/head-start-program-facts-fiscal-year-2022>

⁴ National Head Start Association. (n.d.). *Facts and Impacts*. <https://nhsa.org/resource/facts-and-impacts/>; U.S. Department of Health and Human Services, Administration for Children and Families. (2018). *Head Start Impact Study. Final Report*. https://www.acf.hhs.gov/sites/default/files/documents/opre/executive_summary_final_508.pdf

⁵ Ibid.

⁶ First Five Years Fund. (2023). *Child Care and Early Education in the U.S.*

https://www.ffyf.org/wp-content/uploads/2023/08/FFYF_2023StateFactSheet_Digital_US-pdf.pdf

⁷ SEF defines the southern region as: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

⁸ These findings are from an unpublished SEF report that will be released later this year. The report analyzes data from the Head Start Program Information Report (PIR) for the years 2015-2019.

⁹ Ibid.

attainment level. Additionally, an October 2023 study found that inadequate compensation is the reason for 51% of staff vacancies in Head Start centers.¹⁰ The insufficient allocation of federal resources that could allow for salary increases in Head Start centers creates an untenable situation that negatively impacts many early learning educators, young children, and families.

Our Concerns

We commend the administration for recognizing the need to better support the Head Start workforce through wage parity and benefits such as vacation, sick pay, and retirement. While we support the intent behind the proposed changes to §1302.90 of the HSPPS, which outline policies to reach pay parity between Head Start and public K-3 educators, we have profound concerns about the impact of these proposed rules on Head Start programs across the nation if they must be implemented without additional federal funding. The proposal explicitly states that without more funding from Congress, Head Start will be forced to serve even fewer children for these suggested changes to be implemented. In a program already funded at levels that allow grantees to serve only a fraction of children living in poverty,¹¹ the provided impact analysis suggests that these proposed new requirements would further decrease enrollment by more than 100,000 children. We question whether this analysis accounts for the disproportionate impact on small, often rural programs with higher operating costs and enrollment fluctuation,¹² that may be forced to close permanently rather than serve fewer children and families.

In contrast to the comparison drawn by ACF, it is essential to outline the differences between how Head Start and the public K-12 education systems are funded. The K-12 system relies significantly on funding from states and localities, with just 10% of funding coming from federal contributions, while Head Start is almost exclusively funded by the federal government. Therefore, with the exception of a few states, Head Start does not generate additional revenue through state appropriations or local tax levies, distinguishing it from the K-12 education system. Instead, Head Start funding viability hinges on the level of federal funding allocated by Congress. The proposed rules push for pay parity with the K-12 system despite these drastic differences in revenue generation.

We are also deeply concerned about the population of children and families the proposed rule changes would impact the most. It is unclear if the proposed rule changes would have a disparate impact on children of color, rural students, or families living in extreme poverty. As referenced above, rural Head Start centers often have higher operating costs and enrollment fluctuations, meaning that even small enrollment decreases could mean the difference between remaining open or closed. Without a clear understanding of how the rule changes would impact historically underserved populations, we urge the administration to pause the pay-parity regulatory standards until there are dramatic additional investments from Congress. ACF should also conduct a disparate impact analysis that identifies which demographics of children would no longer have access to Head Start programming due to the pay parity changes.

¹⁰ National Head Start Association. (2023). *An Update on Head Start's Ongoing Workforce Crisis*. <https://nhsa.org/wp-content/uploads/2023/11/2023.10-Workforce-Brief.pdf>

¹¹ Friedman-Krauss, A. H., Barnett, W. S., & Duer, J. K. (2022). *The State(s) of Head Start and Early Head Start: Looking at Equity*. <https://nieer.org/states-of-head-start-early-head-start-looking-at-equity>

¹² Bipartisan Policy Center. (2023). *Rural Child Care Policy Framework*. https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2023/10/BPC_ECI-Rural-Child-Care-Framework_R05.pdf

It is also worth noting that the NPRM includes valuable suggestions to improve program quality, such as clarifying the function of the community impact survey, expanding transportation for participants, and lowering the educator-to-child ratio for infant classrooms. However, these measures require funding, and we cannot expect Head Start programs to implement these suggestions in good faith when the aforementioned quality improvements would likely be among the first items cut to comply with the pay-parity requirements.

Finally, we are concerned that the proposed rule changes outlined in the NPRM would establish an unfunded mandate, potentially causing more harm than good for Head Start programs and the broader early childhood education sector. As mentioned above, we are particularly concerned about the ability of smaller grantees with limited budget and staffing flexibility to implement measures such as vacation, sick pay, and family leave. Additionally, mandating complex requirements without clear guidance would place an undue administrative burden on individual programs, forcing them to navigate compliance challenges within their existing funding and capacity constraints. To be clear, Head Start educators should be paid a living wage, and the public needs to support this effort, but attempting to mandate pay parity with K-3 teachers without the necessary federal investments will decrease families' ability to access high-quality early learning programs.

Conclusion

The current ECE system in the United States is unsustainable. Head Start is already experiencing a decline in the number of children served, and these proposed rules could lead to fewer children and families able to access affordable early learning experiences. To avoid exacerbating the challenges within an already fractured ECE system, we insist any regulatory changes to meet pay parity standards be accompanied by adequate funding from Congress. We simply cannot rely on administrative regulations to address these issues without a significant increase in funding, such as the \$16 billion in stabilization funding that child advocates are currently fighting to obtain or the \$13.1 billion suggested in the president's 2024 budget request for Head Start. We strongly urge you to consider halting any new requirements for Head Start programs to establish pay parity until there is dramatically more funding and the existing funding formula inequities are addressed by Congress.

Thank you again for the opportunity to respond to this proposal. If you have any questions about the content of this response, please contact Fred Jones, SEF's Senior Director of Public Policy and Advocacy, at fjones@southerneducation.org, or Allison Boyle, SEF's ECE Research and Policy Specialist, at aboyle@southerneducation.org. We look forward to your review.

Sincerely,

Southern Education Foundation
For Providers By Providers of Louisiana
GEEARS: Georgia Early Education Alliance for
Ready Students
Kids Win Missouri
Louisiana Policy Institute for Children

Mississippi Early Learning Alliance
National Black Child Development Institute
National Center for Families Learning
Power Coalition for Equity and Justice
Southern Echo
The National Workforce Registry Alliance