



National Indian Head Start Directors Association

*Standing Strong and preserving the identity
of AIAN children and families*

www.nihsda.org 405-360-2919 info@nihsda.org

October 27, 2025

Tala Hooban
Acting Director, Office of Head Start
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street S.W.
Washington, D.C. 20201

Submitted via reginfo.gov

Dear Acting Director Hooban:

On behalf of the National Indian Head Start Directors Association (NIHSDA), I am writing to submit the following comments in response to the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Head Start's (OHS) Request for Comment on the proposed survey instrument for the American Indian and Alaska Native (AIAN) Facility Condition, Location, and Ownership Survey (AIAN Facility Survey) published in the Federal Register on September 26, 2025 (90 Fed. Reg. 46409). NIHSDA represents the interests of more than 150 Tribal Head Start and Early Head Start programs serving children and families across Indian Country, Alaska, and Native Hawaiian communities.

We strongly support OHS's effort provide Congress with an updated report on the condition, location, and ownership of AIAN Head Start facilities as required under Section 650(b) of the Head Start Act, 42 U.S.C. § 9831, *et. seq.* However, NIHSDA remains concerned that the proposed survey and implementation plan are not yet sufficient to produce a comprehensive, accurate, and actionable report as required by Congress. **Specifically, the survey's reliance on self-reporting places an undue burden on AIAN program directors and risks incomplete and biased results. As discussed below, we strongly recommend OHS include an on-site technical assistance component for the survey, staffed by federal personnel familiar with Tribal and federal properties.**

The 2025 survey must also distinguish between facility ownership status and land ownership status, as these differences determine how Indian Country facilities are managed and improved. Finally, robust Tribal consultation and data validation are essential to ensure the survey is accurate and OHS upholds its federal trust responsibilities. With the improvements identified below, NIHSDA is confident that OHS can produce a comprehensive, reliable, and actionable report to Congress that reflects the true infrastructure needs of AIAN Head Start programs.



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The Need for Pre-Collection Training and On-Site Agency Support

The most recent AIAN Facility Survey in 2020 achieved a response rate of only 55% (295 of approximately 530 AIAN facilities). For the 2020 survey, the agency distributed an optional questionnaire to AIAN Head Start directors, who were not provided with technical training or on-site agency support to assist with data collection. For the 2025 survey, if OHS again utilizes this same voluntary approach, it will inevitably once again yield a low response rate among AIAN facilities. Not only will participation rates likely be low with an optional questionnaire to directors, but the data itself will also likely be incomplete and potentially biased.

To ensure the 2025 AIAN Facility Survey accurately represents the condition of Tribal facilities nationwide, NIHSDA recommends that OHS **(1) provide pre-collection training to AIAN Head Start directors and (2) provide on-site agency support from facilities staff and extend timelines for completion.**

Pre-Collection Training

Self-reporting alone is unduly burdensome for AIAN Head Start directors, who already face significant administrative demands in operating their facilities. Requiring directors to independently assess facility conditions without training or technical support risks biased and incomplete data. To strengthen participation and data reliability, we recommend that for the 2025 AIAN Facility Survey, OHS conduct a national webinar or training *before data is collected* to explain to AIAN grantees and directors why this data collection effort is important, how it will be used, and how accurate reporting directly influences future funding, repairs, and safety improvements at their facilities.

On-Site Technical Support and Extended Timelines

To improve response rates and data quality for the 2025 survey, we strongly recommend OHS incorporate an on-site component for data verification and accuracy at AIAN facilities. On-site technical assistance by a knowledgeable federal representative—such as a facilities staff member from the Indian Health Service (IHS)—would provide crucial technical expertise and ensure that AIAN facility conditions are documented accurately and consistently. We strongly recommend OHS utilize intra-agency resources and partnerships with IHS to identify staff with existing Indian country facilities knowledge to provide on-site support. In addition to on-site technical assistance for survey completion, we recommend OHS:

- Have AIAN Regional Program Specialists schedule meetings with each grantee to complete the survey together; and
- Provide technical assistance and extended timelines for programs with limited administrative or facilities capacity.



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Alignment with Statutory Requirements under Section 650(b)

The Head Start Act, Section 650(b) directs the HHS Secretary to report on the “condition, location, and ownership” of facilities used by AIAN and Native Hawaiian Head Start agencies. While the existing survey and the agency’s proposed amendments for the 2025 cycle capture “condition” and “ownership,” further revisions are needed to fully address the agency’s statutory requirement to report on “location.”

We recommend the agency incorporate the following elements into the 2025 AIAN Facility Survey:

- Program name;
- Geographic type (on-reservation, off-reservation, Alaska Native village, or urban Indian area); and
- Facility address.

It is important that OHS collect data indicating whether AIAN facilities are located on-reservation, off-reservation, or elsewhere, so that the report can identify nationwide patterns in facility disparities in Indian country. Similarly, a facility address data field will enable the agency, and organizations such as NIHSDA, to accurately display data collected in useful presentation tools, such as maps. These fields will allow Congress and OHS to understand the geographic distribution of infrastructure disparities and disaster-related risks affecting AIAN Head Start programs.

Land and Ownership Status of AIAN Facilities

OHS’s proposed ownership question (Q4) does not distinguish between the ownership status of an AIAN facility and the ownership status of the underlying land on which it sits. In Indian Country, this distinction is not a mere technical formality—it directly affects an AIAN program’s ability to renovate or replace its facility and determines which laws and administrative procedures apply.

Facilities in Indian Country are located on several different types of land, each governed by distinct legal and regulatory frameworks:

- Federal land (e.g., HHS or Bureau of Indian Affairs (BIA) property, or multi-agency ownership) – facilities situated on federal land are likely subject to federal property management and leasing rules, including the federal construction approval process for major construction and renovation.
- Tribal trust land – facilities located on land held in trust by the United States for a Tribe may require Secretarial approval and be subject to federal and/or Tribal land management and environmental laws for facilities improvement.



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- Tribal fee land – facilities located on land owned by a Tribe in fee simple may permit greater flexibility in renovation, construction, and financing for facility improvement, but a Tribe may still voluntarily subject itself to federal environmental/cultural resources review for facilities improvement and construction.

We therefore recommend the 2025 AIAN Facility Survey separately identify facility ownership and land ownership and **collect information on whether land ownership status** is:

- Owned by grantee on federally owned (BIA/IHS or multi-agency) land;
- Owned by grantee on Tribal trust land;
- Owned by grantee on Tribal fee land; and
- Other (with description).

Including these distinctions is critical because different laws, permitting, and funding authorities may apply depending on the land status of the facility. Without this level of detail, the report to Congress will not capture true barriers to facility improvement in Indian Country, nor will it provide the data necessary for OHS and other federal components to design effective funding and technical assistance mechanisms tailored to AIAN facilities.

Facility Condition and Environmental Context

While OHS's proposed condition ratings in the 2025 survey amendments provide helpful definitions, the survey still relies solely on subjective self-assessment. We recommend including quantifiable indicators such as:

- Year of last major renovation;
- Estimated remaining useful life (if known); and
- Estimated cost of needed renovation or full replacement.

Including cost estimates will enable Congress and OHS to understand the scale of investment required to ensure safe, modern, and energy-efficient learning environments for AIAN children.

The facility issues checklist (Q6) should also be expanded to include:

- Mold and indoor air quality concerns;
- Water quality and access issues;
- Sewage and septic infrastructure limitations; and
- Disaster resilience concerns (e.g., permafrost damage, flooding, wildfires).



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Outdoor Learning Environments and Transportation Facilities

The current definition of “facility” in the survey excludes outdoor spaces and transportation assets such as playgrounds, modular classrooms, and bus barns. These elements are essential to the safety and operation of AIAN Head Start programs. Some AIAN Head Start programs operate their entire program out of modular facilities due to facilities constraints; therefore, the exclusion of this data from the survey will inaccurately skew results. OHS should either:

- Include an optional section for programs to **report outdoor and transportation-related** facility conditions; or
- Acknowledge this limitation explicitly in the report to Congress to prevent underreporting of need.

Data Validation and Tribal Consultation

For the 2025 survey to meet both its statutory purpose and the federal government’s trust and treaty responsibilities in Indian Country, NIHSDA urges OHS to build in **data validation and Tribal consultation at every phase—from survey design to final reporting**. NIHSDA recommends OHS adopt a collaborative approach to data validation and consultation that recognizes Tribes as sovereign partners in improving Tribal programs, not merely survey respondents. Consultation should not be limited to notice and comment opportunities but should involve substantive dialogue regarding how the survey data will be collected, shared, validated, and used. NIHSDA recommends that OHS:

- Conduct **government-to-government consultation** with Tribes prior to finalizing the survey and data collection plan, consistent with the HHS Tribal Consultation Policy;
- Engage Tribal facility and property management experts in **survey testing and validation**; and
- Ensure that **final data interpretations are reviewed collaboratively** with Tribal partners before reporting to Congress.

Conclusion

NIHSDA appreciates OHS’s commitment to fulfilling Section 650(b) of the Head Start Act and to improving the quality and safety of AIAN Head Start facilities. With the addition of pre-collection training, an on-site verification component, and more precise land and ownership data, this study can provide Congress with an accurate and actionable assessment of facility needs across Indian Country.



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We look forward to continuing our collaboration with OHS to ensure that this study fully reflects the trust responsibility and advances the health, safety, and educational success of AIAN children and families.

Sincerely,

Andrea Pesina

President

National Indian Head Start Directors Association