



January 19, 2024

Office of Head Start
Attention: Director of Policy and Planning
330 C Street S.W.
4th Floor
Washington, DC 20201

RE: RIN0970-AD01—Supporting the Head Start Workforce and Consistent Quality Programming

To whom it may concern:

On behalf of the 1.7 million members of the American Federation of Teachers, including early childhood education professionals, many of whom work in stand-alone and district-based Head Start and Early Head Start programs, we welcome the opportunity to comment on the proposed changes to the Head Start Program Performance Standards that would support the Head Start workforce and address quality program improvements.

On April 18, 2023, we proudly supported President Biden as he signed the executive order covering the most comprehensive approach to improving caretaking for families and for the workers providing the essential care to families in child care, home healthcare, long-term care, and even family caregivers. The executive order tasked nearly every government agency to make progress in expanding access to affordable, safe, high-quality care that families need to care for a child, aging parent or sick family member. It also called on the agencies to provide support for the workers providing the care, including the Department of Health and Human Services (HHS) to “take steps to increase the pay and benefits for Head Start teachers and staff.” The AFT is glad to see that initiative move forward in this proposed rulemaking. It is another demonstration of the promise and dedication to American families and workers from this administration. That day was also a shining moment for one of our members from the Oregon School Employees Association (OSEA), AFT Local 6732, Sherry Beach, who is a Head Start teacher at Lane County Head Start in Eugene, Ore., and was able to join President Biden as he signed the executive order. As president of OSEA Chapter 600, Ms. Beach knows what it means to fight for increased wages for Head Start workers: She helped negotiate a union contract that took seven months to settle; but she was able to negotiate a minimum of a 10 percent pay increase, including back pay.

The conversations with our locals that represent Head Start and Early Head Start professionals make clear that the proposed changes are welcomed and long overdue. While we wish every Head Start program was able to have a win like Sherry Beach and OSEA Chapter 600, we know this is not the case. Head Start is the beacon of what an early education program is to look like with strong program standards, wraparound services, and family engagement programs. These proposals, along with sufficient funding from Congress,

The **American Federation of Teachers** is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

American Federation
of Teachers, AFL-CIO

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will ensure that the Head Start program remains a gold standard in early education and a real solution for kids and communities. Here are our specific suggestions and comments:

Improvements to Program Quality and Access

Family Engagement

Family engagement is a crucial component of success in education. We support the proposed improvements on how Head Start programs engage with families in more accessible forms of communication, including considering the language spoken by the current and prospective families as well as any other components that could impact clear communication. Our Head Start members regularly reach out and meet with families, including home visits, and can see the difference engagement makes. Home visits lead to increased parent involvement, reduced disciplinary problems, improved attendance and increased student achievement. Additionally, the visits have led to trusting, respectful relationships between parents, teachers and staff, creating the foundation for understanding and cooperation between home and Head Start that is crucial to every child's success. This is also why we support the proposal to cap caseloads for family service workers to 40 families. High caseloads do not allow workers to do their jobs effectively and do not help families and children receive the attention they deserve.

Enrollment and Access

We support the numerous proposed changes to relieve the burden and hurdles for families applying and enrolling in Head Start, including streamlining the enrollment processes; revising the definition of income and housing costs for eligibility; and expanding access to transportation services so children can easily attend and so that programs improve attendance. These proposed changes will open access for more children and families who will greatly benefit from Head Start programs.

Lead in Pipes and Paint

In the wealthiest country on the planet, no child should be taken care of or go to school where the water is unsafe to drink. Lead in pipes is particularly harmful to all children, but the impact is compounded in young children: It can stunt growth, impact IQ, and even lead to behavioral challenges. We strongly support the proposal for addressing lead abatement and replacing lead pipes. It also builds on the administration's broader mission and action plan working with unions with funding from the Infrastructure Investment and Jobs Act aimed at improving water quality across the nation—including a set aside for addressing lead in schools.

Safety, Mental Health and Well-Being

Well-Being

We strongly support the proposal acknowledging that classroom staff should be required to have access to five-minute wellness breaks. In many programs, wellness initiatives like breaks were established due to the collaboration between the Head Start program and the union representing staff. Child safety remains the top priority, and most programs will be

able to manage this wellness break without putting children at risk. We encourage the Office of Head Start (OHS) to have a reporting mechanism in place to assist any obstacles programs may face in achieving this requirement and then provide access to best practices to those programs.

Adult-sized furniture does not address all the wellness needs of classroom staff, but it does contribute to healthy posture, wellness, safer working conditions, and is a simple recognition of the dignity and respect that classroom staff deserve. Prekindergarten, kindergarten, and early elementary education teachers and paraprofessionals use adult-sized furniture in their classrooms without any issues. Having access to appropriately sized furniture for adults should not be a controversial request, and we appreciate the OHS for acknowledging this simple need in the proposed rule.

We understand the need for programs to have time to implement the new rules. Three years to implement the new wellness rules is doable, and we suggest that the OHS implement a reporting mechanism for transparency. Programs should be making progress during the three-year implementation period, and the OHS should be able to provide best practices and technical assistance.

Mental Health

We are grateful that the proposed rule highlights and focuses on the need for incorporating mental health services for children, families and staff. The elevation and normalization of mental health and wellness is a big step. The proposal acknowledges many opportunities for programs to provide culturally informed wellness and mental health activities, screenings and support services. Across the education system, staff have indicated that better mental health support is also one way to improve staff recruitment and retention. When staff feel supported and have access to assistance, the children are more supported, and programs excel. We do need to acknowledge that just like there are staffing shortages in Head Start and our public schools, there are also staffing shortages for mental health professionals. There has been a surge in recognizing the need for mental health and wellness services. This is a positive movement in overall health, but access is limited and much of the need is unmet by traditional methods like in-person meetings and telephone calls. It would be useful for the OHS to consider other access points to mental health and wellness, such as apps when programs begin to roll out the requirement with the expectation that the OHS is tracking progress to full implementation.

Suspension and Expulsion

The AFT applauds the department for retaining a prohibition on expulsion and severe limitations on the use of suspensions. The proposal for a “multidisciplinary team” seems appropriate as it will allow a team of specialists to help coordinate and facilitate support. It is important that the multidisciplinary teams use their expertise to provide best practices, but it is also important that the program implements what the multidisciplinary team suggests. If those services cannot be implemented immediately, there should be a plan in place explaining how and when services will be implemented. We support the proposed language that if the Head Start program is unable to provide the additional support that is needed for

the child to be safe and learning, then a new placement should be found. We realize that finding a new placement can be challenging for many reasons, such as an open slot or location. We would suggest that the final regulation provides guidance for programs if another placement isn't possible.

Mandated Reporting

Families should have the confidence to know their children are safe, and staff should have systems in place to report any incidents that are putting children in unsafe situations. We strongly support the inclusion of mandated reporting in the proposal. While many programs already provide mandated reporting training, when available, we would encourage the programs to work with organizations that represent staff or organizations that focus on children's safety to ensure that training is appropriate. Some examples of training for mandatory reporters should cover: the state's definitions of abuse, neglect and maltreatment, as well as nonexamples; the role of professional code(s) of conduct in guiding ethical decision-making about reporting; the role of implicit biases in observations of children and families and in assessing the necessity of a report; as well as the best ways educators can connect families and caregivers to supportive services. The latter emphasis on supporting families is significant because many times families are reported without making thorough assessments and what may be an issue that could easily be resolved (e.g., food insecurity) could escalate to consequences that cause harm (e.g., family separation). In addition to the training, the final rule should require that programs have a reporting structure in place so there is a clear chain of command on how the reporting should move ahead.

Investments in Head Start Professionals

Competitive Wages

All children deserve to have qualified, caring teachers and staff—people who are excited to work with them every day and dedicated to giving them a rich, joyful education—throughout their entire education experience. We strongly support the proposal to require programs to compensate all Head Start staff with competitive wages that meet the basic cost of living in the area and establish a minimum pay floor. Due to the chronic underfunding and underinvesting in teachers and staff, we are now experiencing record staffing shortages in Early Head Start, Head Start, prekindergarten and through K-12. The data is clear that salary increases with livable pay based on geographical area will attract and retain professionals. Too many Head Start teachers and staff must work multiple jobs just to make ends meet. More and more Head Start teachers and staff are leaving the profession because they will receive higher pay and benefits working in other industries, such as retail. We will never successfully recruit and retain enough diverse, qualified Head Start professionals if we continue to pay poverty wages.

The proposal explains that for programs to increase compensation, a reduction in slots for families may occur. While we never want to limit access, the reality is due to the understaffing of Head Start professionals; programs are currently cutting slots, and some

programs are closing. We cannot pit quality and access against each other. Staff is one of the strongest quality indicators of programs.

We support the proposal that responsibilities, qualifications and experience can be applied when developing compensation increases and wage scales. Salary information from public schools is public information, and it should be available for Head Start programs to review to assist in creating comparable salaries. The salary information will make calculating the pay parity for Head Start classroom teachers and staff compared to prekindergarten or kindergarten teachers in public schools easier. We will point out that in some public school districts, there can be thousands of different titles for school staff. While it may be complicated at first for Head Start programs, it will not be impossible to determine the wage comparability for different positions as well as if the program has some unionized employees and non-unionized contract employees.

We are proud to represent teachers who teach military-connected children overseas. The Department of Defense Education Activity (DODEA) runs a program in its schools known as Sure Start, built off the best practices of Head Start. All teachers in DODEA, including Sure Start teachers, are paid “at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population.” While this does not address paraprofessionals and other essential education workers involved in making Head Start effective, it provides an example of a fair pay formula that can apply to many different job classifications as well as for areas that do not have a prekindergarten comparison. We encourage the OHS to provide best practices and technical support as some programs make this transition, especially those programs that need additional guidance and reassurance as they take on these new tasks. It needs to be clear that the continuation of allowing Head Start professionals to be paid poverty wages will no longer be tolerable.

The proposal requires that wage requirements must be implemented by Aug. 1, 2031. We understand the need to provide ample time for programs to make these additional investments but as the proposal outlines very clearly, slots are being cut and programs are closing because there is not enough staff. Head Start staffing is at crisis levels and we need to address it as such. We strongly suggest that the OHS considers shortening the implementation timeline. We also suggest that progress reports be made public for full transparency as the programs make progress in fulfilling pay parity and increasing compensation for all staff.

Benefits

The proposal to add regulatory language requiring Head Start grantees to provide or facilitate access to health insurance for all staff; paid sick leave; and paid family leave for full-time staff for free or minimal cost to them; and facilitate access to the Public Service Loan Forgiveness (PSLF) and child care subsidies for eligible staff is a profoundly positive development that should absolutely be pursued. Wherever possible, we would urge the OHS to err on the side of requiring the provision of benefits rather than facilitating access to

benefits because of the limited resources early educators have to purchase benefits, take unpaid leave or save for retirement.

We praise the specification that “full time” means 30 hours per week. One note of a potential unintended consequence is that the proposed 1,250 hours per year requirement, which reflects the Family and Medical Leave Act (FMLA), may be a hurdle for Head Start workers. Many paraprofessionals in the public school systems who work all available hours and are seen as full-time employees, cannot meet the 1,250 annual hours requirement, and as a result, do not qualify for FMLA. The problem is so common that federal legislation has been proposed to eliminate the 1250-hour requirement for paraprofessionals and school staff. We also praise the OHS’s intent to require that Head Start workers receive FMLA coverage regardless of the grantee’s size.

We would also encourage the OHS to release guidance that requires Head Start programs that operate year-round to develop paid vacation or personal leave benefits. This would put these programs more in line with private sector employers and help with staff recruitment and retention. To truly help with recruitment, we would encourage annual disbursement rather than an accrual system based on hours worked. We would also urge the OHS to require programs to offer at least eight days of paid sick leave because this is standard in school districts where AFT represents educators and school staff. Throughout the notice of proposed rulemaking, the OHS speaks about the need to make Head Start employment competitive and, where possible, consistent with public schools; this is one area where that can be achieved. We would caution that available research shows that low-wage workers are unlikely to take unpaid leave because they simply cannot afford it. Wherever possible, we urge the OHS to require the provision of paid benefits and strongly support the addition of regulations clarifying that Head Start grantees must comply with state or local paid family leave laws.

We strongly encourage the OHS to add retirement benefits to the list of required benefits for full-time Head Start employees. We would encourage the OHS to require Head Start grantees to provide a retirement savings contribution that does not necessitate an employee contribution. With low wages, very few Head Start workers can contribute to employer-matching retirement savings accounts; if Head Start employers offered this benefit, we suspect that the uptake would be very low and that retirement security for Head Start workers would see little, if any, improvement. It would also be helpful for Head Start grantees to be required to provide employees with information explaining that taking Social Security benefits at 62 years of age (current initial Social Security eligibility) versus 65-67 years old depending on when they were born (current Social Security eligibility for full benefits) has a dramatic impact on the amount of Social Security benefits they are eligible for.

Another positive aspect of the proposal for increased benefits is that it directs Head Start programs to facilitate access to Public Service Loan Forgiveness for those who work at Head Start. AFT members are among the millions who struggle with student debt. The AFT became the first member organization to create a comprehensive student debt campaign to provide

direct services to members and to effectuate systemic change through advocacy and litigation. Our multipronged approach has been life-changing for hundreds of thousands of working people, while also highlighting the importance of making the process of PSLF as automatic as possible. Since we have seen firsthand the impact PSLF has on the lives of Americans, we already know the positive impact it will have for Head Start staff, and we strongly urge HHS to work with the Department of Education to explore how to automate as much as possible the process of enrolling in PSLF for Head Start staff.

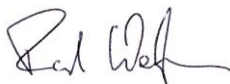
We also want to flag a possible issue for the OHS regarding the requirement that once every five years the program must assess and determine if their benefits package for full-time staff is at least comparable to the benefits provided to elementary school staff in the same area as the program. Public school district benefits are not usually public information like salaries and wages. There may be additional ways for Head Start and school districts to share information through memorandums of understanding along with collaboration with labor unions.

Funding

It is very clear that for the proposals to be successful, Congress needs to prioritize additional funding for Head Start. Without investing in the quality of the program—the people who work at the program and policies to keep children safe—there won't be Head Start programs for families to send their children to. We urge the OHS to move forward with a final rule, and we will continue to press Congress to invest in Head Start.

Thank you for taking our comments into consideration. We look forward to working with you to ensure that all eligible children have access to Early Head Start and Head Start programming that meets the needs of the whole child and family and is of the highest quality with stabilized staff who are compensated fairly.

Sincerely,

A handwritten signature in black ink, appearing to read "Randi Weingarten". The signature is fluid and cursive, with a large initial "R" and "W".

Randi Weingarten
President, American Federation of Teachers