

(1) Demonstrate that the governing body considers proposed decisions from the policy council and that the policy council considers proposed decisions from the governing body;

(2) If there is a disagreement, require the governing body and the policy council to notify the other in writing why it does not accept a decision; and,

(3) Describe a decision-making process and a timeline to resolve disputes and reach decisions that are not arbitrary, capricious, or illegal.

(b) If the agency's decision-making process does not result in a resolution and an impasse continues, the governing body and policy council must select a mutually agreeable third party mediator and participate in a formal process of mediation that leads to a resolution of the dispute.

(c) For all programs except American Indian and Alaska Native programs, if no resolution is reached with a mediator, the governing body and policy council must select a mutually agreeable arbitrator whose decision is final.

PART 1302—PROGRAM OPERATIONS

Sec.

1302.1 Overview.

Subpart A—Eligibility, Recruitment, Selection, Enrollment, and Attendance

1302.10 Purpose.

1302.11 Determining community strengths, needs, and resources.

1302.12 Determining, verifying, and documenting eligibility.

1302.13 Recruitment of children.

1302.14 Selection process.

1302.15 Enrollment.

1302.16 Attendance.

1302.17 Suspension and expulsion.

1302.18 Fees.

Subpart B—Program Structure

1302.20 Determining program structure.

1302.21 Center-based option.

1302.22 Home-based option.

1302.23 Family child care option.

1302.24 Locally-designed program option variations.

Subpart C—Education and Child Development Program Services

1302.30 Purpose.

1302.31 Teaching and the learning environment.

1302.32 Curricula.

1302.33 Child screenings and assessments.

1302.34 Parent and family engagement in education and child development services.

1302.35 Education in home-based programs.

1302.36 Tribal language preservation and revitalization.

Subpart D—Health and Mental Health Program Services

1302.40 Purpose.

1302.41 Collaboration and communication with parents.

1302.42 Child health status and care.

1302.43 Oral health practices.

1302.44 Child nutrition.

1302.45 Supports for mental health and well-being.

1302.46 Family support services for health, nutrition, and mental health.

1302.47 Safety practices.

Subpart E—Family and Community Engagement Program Services

1302.50 Family engagement.

1302.51 Parent activities to promote child learning and development.

1302.52 Family partnership services.

1302.53 Community partnerships and coordination with other early childhood and education programs.

Subpart F—Additional Services for Children With Disabilities

1302.60 Full participation in program services and activities.

1302.61 Additional services for children.

1302.62 Additional services for parents.

1302.63 Coordination and collaboration with the local agency responsible for implementing IDEA.

Subpart G—Transition Services

1302.70 Transitions from Early Head Start.

1302.71 Transitions from Head Start Preschool to kindergarten.

1302.72 Transitions between programs.

Subpart H—Services to Enrolled Pregnant Women

1302.80 Enrolled pregnant women.

1302.81 Prenatal and postpartum information, education, and services.

1302.82 Family partnership services for enrolled pregnant women.

Subpart I—Human Resources Management

1302.90 Personnel policies.

§ 1302.1

- 1302.91 Staff qualification and competency requirements.
- 1302.92 Training and professional development.
- 1302.93 Staff health and wellness.
- 1302.94 Volunteers.

Subpart J—Program Management and Quality Improvement

- 1302.100 Purpose.
- 1302.101 Management system.
- 1302.102 Program goals, continuous improvement, and reporting.

AUTHORITY: 42 U.S.C. 9801 *et seq.*

SOURCE: 81 FR 61412, Sept. 6, 2016, unless otherwise noted.

§ 1302.1 Overview.

This part implements the statutory requirements in sections 641A, 645, 645A, and 648A of the Act by describing all of the program performance standards that are required to operate Head Start Preschool, Early Head Start, American Indian and Alaska Native and Migrant or Seasonal Head Start programs. This part covers the full range of operations from enrolling eligible children and providing program services to those children and their families, to managing programs to ensure staff are qualified and supported to effectively provide services. This part also focuses on using data through ongoing program improvement to ensure high-quality service. As required in the Act, the provisions in this part do not narrow the scope or quality of services covered in previous regulations. Instead, the regulations in this part raise the quality standard to reflect science and best practices, and streamline and simplify requirements so programs can better understand what is required for quality services.

[89 FR 67806, Aug. 21, 2024]

Subpart A—Eligibility, Recruitment, Selection, Enrollment, and Attendance

§ 1302.10 Purpose.

This subpart describes requirements of grant recipients for determining community strengths, needs and resources as well as recruitment areas. It contains requirements and procedures for the eligibility determination, re-

45 CFR Ch. XIII (10–1–24 Edition)

cruitment, selection, enrollment and attendance of children and explains the policy concerning the charging of fees.

[81 FR 61412, Sept. 6, 2016, as amended at 89 FR 67806, Aug. 21, 2024]

§ 1302.11 Determining community strengths, needs, and resources.

(a) *Service area.* (1) A program must propose a service area in the grant application and define the area by county or sub-county area, such as a municipality, town or census tract or jurisdiction of a federally recognized Indian reservation.

(i) A tribal program may propose a service area that includes areas where members of Indian tribes or those eligible for such membership reside, including but not limited to Indian reservation land, areas designated as near-reservation by the Bureau of Indian Affairs (BIA) provided that the service area is approved by the tribe's governing council, Alaska Native Villages, Alaska Native Regional Corporations with land-based authorities, Oklahoma Tribal Statistical Areas, and Tribal Designated Statistical Areas where federally recognized Indian tribes do not have a federally established reservation.

(ii) If the tribe's service area includes any area specified in paragraph (a)(1)(i) of this section, and that area is also served by another program, the tribe may serve children from families who are members of or eligible to be members of such tribe and who reside in such areas as well as children from families who are not members of the tribe, but who reside within the tribe's established service area.

(2) If a program decides to change the service area after ACF has approved its grant application, the program must submit to ACF a new service area proposal for approval.

(b) *Community wide strategic planning and needs assessment (community assessment).* (1) A program must conduct a comprehensive community assessment at least once over the five-year grant period and annually review and update if any significant changes are needed as described in paragraph (b)(5) of this section to:

(i) Identify populations most in need of services including prevalent social