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Greetings!

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HHS Proposes New Regulations on Recompetition

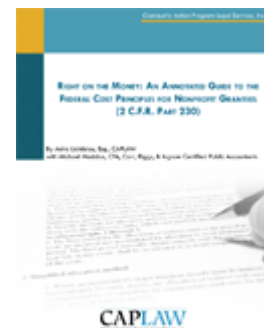
After much anticipation, HHS has issued proposed regulations to carry out the statutory requirement to re compete Head Start grants when the current grantee is not delivering a high quality and comprehensive Head Start program. The Head Start for School Readiness Act of 2007 ("Head Start Reauthorization") required HHS to establish designation renewal policies for Head Start grantees. As required by the Act, HHS convened an expert panel to issue recommendations regarding the designation renewal policies.

Proposed regulations, taking into account the recommendations of the expert panel, have been issued by the Department of Health and Human Services under the Head Start Reauthorization concerning the designation renewal process and specifically addressing the criteria by which HHS will evaluate grantees and providing requirements for the recompetition process. The Notice of Proposed Rulemaking (75 Fed. Reg. 57704) would amend the regulations to establish seven performance conditions that would automatically force a grantee into recompetition and to require that a minimum of 25% of the Head Start and Early Head Start programs monitored each year must re compete for Head Start grants.

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A-122**



Figuring out which costs can be charged to a grant and which cannot is often a very tricky,

The seven performance conditions fall into the categories of quality, licensing and operation and fiscal and internal controls. Under the proposed regulations, a grantee will be automatically required to recomplete if it:

1. Has one or more deficiencies that were determined during a single review of the Head Start agency
2. Fails to establish and use goals for improving school readiness of children in their program;
3. Has low performance on one or more domains of the Classroom Assessment Scoring System Pre-K (CLASS: Pre-K) in the two most recent CLASS: Pre-K observations;
4. Experiences a revocation of its license to operate by a State or local licensing agency;
5. Experiences a suspension of its Head Start grant by ACF;
6. Is debarred by any Federal or State agency from receiving Federal or State funds or is disqualified from The Child and Adult Care Food Program (CACFP);
7. Is determined to have one or more material weaknesses or determined to be unable to ensure that it can continue as a going concern.

[View information](#) about the proposed rulemaking, including the full text of the proposed regulations and a [video message](#) from Yvette Sanchez Fuentes, Director of the Office of Head Start.

HHS is seeking public comments regarding the proposed regulations; the public comment period for the proposed regulations closes December 21, 2010.

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and critical, decision. This 76-page guide collects and summarizes administrative decisions, court decisions, and audits that have interpreted various provisions of the Circular in an attempt to provide a factual context for the cost principles.

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Audio Conference Registration Questions?

Please contact Cara Loffredo at (617) 348-6426. Or, e-mail her at loffredo@caplaw.org.

About CAPLAW

CAPLAW is dedicated to providing the legal resources necessary to sustain and strengthen the national Community Action Agency network. Through its in-house legal staff and a network of private attorneys, CAPLAW provides legal consultation, training, and publications on a wide variety of legal and management topics, enabling CAAs to operate legally sound organizations, thereby enhancing CAAs' ability to provide the nation's poor with opportunities to improve their quality of life and achieve their full potential.

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