

## Governing Body Side by Side Federal Regulations Comparisons

§1301 Program Governance – HSPPS Standards	Section 642 - Head Start Act
<p><b>1301.1</b> An agency, as defined in part 1305 of this chapter, <b>must</b> establish and maintain a formal structure for program governance that includes a governing body, a policy council at the agency level and policy committee at the delegate level, and a parent committee. Governing bodies have a legal and fiscal responsibility to administer and oversee the agency’s Head Start and Early Head Start programs. Policy councils are responsible for the direction of the agency’s Head Start and Early Head Start programs</p>	<p><b>(1) GOVERNING BODY- (A) IN GENERAL-</b> The governing body shall have legal and fiscal responsibility for the Head Start agency.</p>
<p><b>1301.2(a) Composition.</b> The composition of a governing body must be in accordance with the requirements specified at section 642(c)(1)(B) of the Act, except where specific exceptions are authorized in the case of public entities at section 642(c)(1)(D) of the Act. Agencies must ensure members of the governing body do not have a <b>conflict of interest</b>, pursuant to section 642(c)(1)(C) of the Act.</p>	<p><b>(1)(B) COMPOSITION</b> - The governing body shall be composed as follows:</p> <ul style="list-style-type: none"> <li>(i) Not less than 1 member shall have a background and expertise in fiscal management or accounting.</li> <li>(ii) Not less than 1 member shall have a background and expertise in early childhood education and development.</li> <li>(iii) Not less than 1 member shall be a licensed attorney familiar with issues that come before the governing body</li> <li>(iv) Additional members shall— <ul style="list-style-type: none"> <li>(I) reflect the community to be served and include parents of children who are currently, or were formerly, enrolled in Head Start programs; and</li> <li>(II) are selected for their expertise in education, business administration, or community affairs.</li> </ul> </li> <li>(v) Exceptions shall be made to the requirements of clauses (i) through (iv) for members of a governing body when those members oversee a public entity and are selected to their positions with the public entity by public election or political appointment.</li> <li>(vi) If a person described in clause (i), (ii), or (iii) is not available to serve as a member of the governing body, the governing body shall use a consultant, or another individual with relevant expertise, with the qualifications described in that clause, who shall work directly with the governing body.</li> </ul> <p><b>642(c)(1)(C) CONFLICT OF INTEREST- Members of the governing body shall —</b></p> <ul style="list-style-type: none"> <li>(i) not have a financial conflict of interest with the Head Start agency (including any delegate agency);</li> </ul>

	<ul style="list-style-type: none"> <li>(ii) not receive compensation for serving on the governing body or for providing services to the Head Start agency;</li> <li>(iii) not be employed, nor shall members of their immediate family be employed, by the Head Start agency (including any delegate agency); and</li> <li>(iv) operate as an entity independent of staff employed by the Head Start agency.</li> </ul>
<p><b>1301.2 Governing body</b> (b) <u>Duties and responsibilities</u></p> <p>(1) The governing body is responsible for activities specified at section 642(c)(1)(E) of the Act.</p> <p>(2) The governing body must use ongoing monitoring results, data on school readiness goals, other information described in §1302.102, and information described at section <b>642(d)(2) of the Act to conduct its responsibilities.</b></p>	<p><b>642(c)(1)(E) Responsibilities</b>– The governing body shall –</p> <ul style="list-style-type: none"> <li>(i) have legal and fiscal responsivity for administering and overseeing program under this subchapter, including the safeguarding of Federal funds;</li> <li>(ii) adopt practices that assure active, independent, and informed governance of the Head Start agency, including practices consistent with subsection (d)(1), and fully participate in the development, planning, and evaluation of the Head Start programs involved;</li> <li>(iii) be responsible for ensuring compliance with Federal laws (including regulations) and applicable State, tribal, and local laws (including regulations); and</li> <li>(iv) be responsible for other activities, including— <ul style="list-style-type: none"> <li>I. selecting delegate agencies and the service areas for such agencies;</li> <li>II. establishing procedures and criteria for recruitment, selection, and enrollment of children;</li> <li>III. reviewing all applications for funding and amendments to applications for funding for programs under this subchapter;</li> <li>IV. establishing procedures and guidelines for accessing and collecting information described in subsection (d)(2);</li> <li>V. reviewing and approving all major policies of the agency, including— <ul style="list-style-type: none"> <li>(aa) the annual self-assessment and financial audit;</li> <li>(bb) such agency's progress in carrying out the programmatic and fiscal provisions in such agency's grant application, including implementation of corrective actions; and</li> <li>(cc) personnel policies of such agencies regarding the hiring, evaluation, termination, and compensation of agency employees;</li> </ul> </li> </ul> </li> </ul>



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|  | <ul style="list-style-type: none"><li>VI. developing procedures for how members of the policy council are selected, consistent with paragraph (2)(B);</li><li>VII. approving financial management, accounting, and reporting policies, and compliance with laws and regulations related to financial statements, including the—<ul style="list-style-type: none"><li>(aa) approval of all major financial expenditures of the agency;</li><li>(bb) annual approval of the operating budget of the agency;</li><li>(cc) selection (except when a financial auditor is assigned by the State under State law or is assigned under local law) of independent financial auditors who shall report all critical accounting policies and practices to the governing body;</li><li>(dd) monitoring of the agency's actions to correct any audit findings and of other action necessary to comply with applicable laws (including regulations) governing financial statement and accounting practices; and</li></ul></li><li>VIII. reviewing results from monitoring conducted under section 641A(c), including appropriate follow-up activities;</li><li>IX. approving personnel policies and procedures, including policies and procedures regarding the hiring, evaluation, compensation, and termination of the Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other person in an equivalent position with the agency;</li><li>X. establishing, adopting, and periodically updating written standards of conduct that establish standards and formal procedures for disclosing, addressing, and resolving—<ul style="list-style-type: none"><li>(aa) any conflict of interest, and any appearance of a conflict of interest, by members of the governing body, officers and employees of the Head Start agency, and consultants and agents who provide services or furnish goods to the Head Start agency; and</li><li>(bb) complaints, including investigations, when appropriate; and</li></ul></li></ul> |
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	<p>XI. to the extent practicable and appropriate, at the discretion of the governing body, establishing advisory committees to oversee key responsibilities related to program governance and improvement of the Head Start program involved.</p> <p><b>642(d)(2) CONDUCT OF RESPONSIBILITIES</b> - Each Head Start agency shall ensure the sharing of accurate and regular information for use by the governing body and the policy council, about program planning, policies, and Head Start agency operations, including—</p> <ul style="list-style-type: none"> <li>(A) monthly financial statements, including credit card expenditures;</li> <li>(B) monthly program information summaries;</li> <li>(C) program enrollment reports, including attendance reports for children whose care is partially subsidized by another public agency;</li> <li>(D) monthly reports of meals and snacks provided through programs of the Department of Agriculture;</li> <li>(E) the financial audit;</li> <li>(F) the annual self-assessment, including any findings related to such assessment;</li> <li>(G) the communitywide strategic planning and needs assessment of the Head Start agency, including any applicable updates;</li> <li>(H) communication and guidance from the Secretary; and</li> <li>(I) the program information reports.</li> </ul>
<p><b>1301.2(c) Advisory committees.</b></p> <p>(1) A governing body may establish advisory committees as it deems necessary for effective governance and improvement of the program.</p> <p>(2) If a governing body establishes an advisory committee to oversee key responsibilities related to program governance, it must:</p> <ul style="list-style-type: none"> <li>(I) Establish the structure, communication, and oversight in such a way that the governing body continues to maintain its legal and fiscal responsibility for the Head Start agency; and,</li> <li>(II) Notify the responsible HHS official of its intent to establish such an advisory committee.</li> </ul>	<p><b>642(c)(1)(E)(XI)</b> to the extent practicable and appropriate, at the discretion of the governing body, establishing <b>advisory committees</b> to oversee key responsibilities related to program governance and improvement of the Head Start program involved.</p>
<p><b>1301.5 Training</b></p> <p>An agency must provide appropriate training and technical assistance or orientation to the governing body, any advisory committee members, and the policy council, including training on program</p>	<p><b>642(d)(3) TRAINING AND TECHNICAL ASSISTANCE-</b></p> <p>Appropriate training and technical assistance shall be provided to the members of the governing body and the policy council to ensure that the members understand the information the members receive and</p>

<p>performance standards and training indicated in §1302.12(m) to ensure the members understand the information they receive and can effectively oversee and participate in the programs in the Head Start agency.</p>	<p>can effectively oversee and participate in the programs of the Head Start agency.</p>
<p><b>1301.6 Impasse procedures</b></p> <p>(a) To facilitate meaningful consultation and collaboration about decisions of the governing body and the policy council, each agency's governing body and policy council jointly must establish written procedures for resolving internal disputes between the governing board and policy council in a timely manner that include impasse procedures. These procedures must:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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,</li> <li>(3) Describe a decision-making process and a timeline to resolve disputes and reach decisions that are not arbitrary, capricious, or illegal</li> </ul> <p>(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.</p> <p>(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.</p>	<p><b>642(d)(1) IMPASSE POLICIES-</b> The Secretary shall develop policies, procedures, and guidance for Head Start agencies concerning—</p> <ul style="list-style-type: none"> <li>(A) the resolution of internal disputes, including any impasse in the governance of Head Start programs; and</li> <li>(B) the facilitation of meaningful consultation and collaboration about decisions of the governing body and policy council.</li> </ul>