

**PART 1304- PROGRAM PERFORMANCE STANDARDS FOR OPERATION OF HEAD START PROGRAMS BY GRANTEE AND DELEGATE AGENCIES**

1. The authority citation for part 1304 continues to read as follows:

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

2. Amend section 1304.52 by redesignating paragraphs (h) through (k) as (i) through (l), adding a new paragraph (h), and adding in the newly redesignated paragraph (l), new paragraph (l)(5) to read as follows:

**§ 1304.52 Human resource management**

\* \* \* \* \*

**(h) Family child care staff.**

(1) Family child care teachers must have previous child care experience and, at minimum, possess either an Associate or Bachelor's degree in child development or early childhood education or a Child Development Associate (CDA) credential as a Family Child Day Care Provider. Head Start Family Child Care teachers, as employees of the grantee or delegate agency or as contracted Head Start family child care teachers must meet this requirement within one year of hire or one year of [the effective date of the final rule].

(2) Head Start Family child care teachers must have the knowledge and experience necessary to develop consistent, stable and supportive relationships with very young children and their families, and sufficient knowledge to implement the Head Start Program Performance Standards and other applicable Head Start regulations.

(3) Grantee and delegate agencies operating the family child care program option must ensure alternative arrangements for the care of children enrolled in the Head Start family child care option when the teacher or a family member in the home is ill, or when the teacher is in training or on vacation. Alternative arrangements also must be available when the physical setting is temporarily unsuitable for children, because of interruption of heat or plumbing or other temporary circumstances, such as spraying for pest control or repairs and maintenance that may pose a hazard to children (see § 1304.53 (a)(8)).

(4) When grantee and delegate agencies provide substitute or additional staff to assist the family child care teacher, such staff must receive initial and ongoing training and have the knowledge and experience to implement the Head Start family child care program.

(5) At the time of hire, the child development specialists must have, at a minimum an Associate degree in child development or early childhood education.

(6) Child development specialists must have knowledge and experience in areas that include the theories and principles of child growth and development, early childhood education (birth to five), and family support. Child development specialist must have previous child care experience, knowledge and understanding of the Child Development Associate (CDA) Competency Standards for the Child Care Providers and knowledge and understanding of the Head Start Performance Standards and other Head Start regulations.

## **Performance Standard**

### **1304.52(I)(5)(i)-(ix)**

#### Family Child Care Additions

(5) In addition, grantee and delegate agencies operating a family child care program option must provide training for family child care staff which:

- (i) Develops knowledge of infant, toddler and preschool age child development;
- (ii) Includes ongoing training on the implementation of the agency's curriculum for children from birth to five years (see § 1304.3(a)(5) for the definition of curriculum);
- (iii) Includes information and skill development for working with children with disabilities;
- (iv) Includes methods in communicating effectively with infants, toddlers and preschoolers, their parents, and other adults;
- (v) Develops knowledge of safety issues in child care, childhood health and illnesses, and certification in cardiopulmonary resuscitation (CPR);
- (vi) Includes identifying and reporting suspected child abuse and neglect;
- (vii) Includes information and methods for maintaining appropriate sanitations and hygiene;
- (viii) Incorporates information on the United States Department of Agriculture's (USDA) Child and Adult Food Program; and
- (ix) Other training necessary to increase the knowledge and skills of the family child care staff, such as the provision of family support.

**PART 1306-HEAD START STAFFING  
REQUIREMENTS AND PROGRAM  
OPTIONS**

3. The authority citation for part 1306 continues to read as follows:

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

4. Amend section 1306.3 by adding new paragraphs (n), (o), and (p) to read as follows:

**§ 1306.3 Definitions.**

(n) *Family child care* is non-residential care and education provided to children in a private home or other family-like setting, other than the child's own home. Head Start family child care means Head Start, Early Head Start, and child care services provided to a small group of children in a home or family-like setting, by an individual teacher.

(o) *Family child care program option* means Head Start and Early Head Start services provided to children receiving child care primarily in the home of a family child care teacher or other family-like setting, such as an apartment in a public housing complex which has been set aside for the provision of child care services under the auspices of an Early Head Start or Head Start grantee or delegate agency.

(p) *Family child care teacher* means the provider of Early Head Start or Head Start services in his or her place of residence or in another family-like setting, such as an apartment in a public housing complex, set aside specifically for this purpose.

5. Amend section 1306.20 by adding new paragraphs (g), (h), (i), and (j) to read as follows:

**§ 1306.20 Program staffing patterns.**

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(g) Grantee and delegate agencies operating the family child care program option must ensure that in each family child care home, at any time when Early Head Start or Head Start children are enrolled, the group size limits specified in this paragraph apply. At all times, the family child care teacher's own children under the age of 6 must be included in the group count.

(1) The maximum group size is six children and no more than two of the six children may be under the age of three years.

(2) The maximum group size is four children when more than two children are under the age of three years. In such instances no more than two of these four children may be under the age of two years.

(3) When serving children with special needs who required extra care, group sizes are smaller than the maximum allowed.

(h)(1) Grantee and delegate agencies operating the family child care program option must ensure that there is oversight and program support for family child care teachers by a child development specialist and by other Head Start grantee or delegate agency staff with responsibilities related to the provision of comprehensive Head Start and Early Head Start services. Such oversight and support includes mechanisms for communicating with the family child care teacher at all times that Early Head Start or Head Start children are in his or her care.

(2) A child development specialist working full time must be responsible for no more than twelve family child care homes, with part-time child development specialists responsible for a proportionate number (*e.g.*, half-time child development specialists must be responsible for no more than six family child care homes).

(3) At a minimum, the responsibilities of the child development specialist shall include both announced and unannounced visits to each family child care home, with at least one ninety minute visit per week. These visits are to enhance, not supplant the capacity of the family child care teacher to implement the individualized child development curriculum.

(4) During these visits, the child development specialist must conduct health, nutrition, and safety checks of the home; and must observe and assess curriculum implementation and the child development and education services provided to the children. The specialist shares his or her observations with the family child care teacher, provides on-site guidance, mentoring, training and technical assistance to the teacher, and assists the family child care teacher with the development of collegial or mentoring relationships with the other child care professionals. This support helps to assure that each family child care teacher implement a program which promotes school readiness and individually age-appropriate experiences.

(i) Grantee and delegate agencies operating the family child care program option must ensure that the program management functions are formally assigned to grantee and delegate agency staff.

(j) In order to assure that all program services are available to the children and families enrolled in the family child care program option, grantee and delegate agencies must ensure that family child care teachers are regularly supported by other Head Start and grantee or delegate agency staff with responsibilities related to the provision of comprehensive Head Start and Early Head Start services, including services for children with disabilities. These comprehensive Head Start services are specified in 45 CFR Part 1304 – Program Performance Standards for the Operation of Head Start Programs by Grantee and Delegate Agencies, and 45 CFR Part 1308 – Head Start Program Performance Standards on Services for Children with Disabilities.

6. Sections 1306.35 and 1306.36 are redesignated as §§ 1306.36 and 1306.37, respectively, and revised, and a new § 1306.35 is added as follows:

**§ Family child care program option**

(a) *Grantee and delegate agency implementation.* Grantee and delegate agencies implementing the family child care program option must:

(1) *Hours of operation.* Ensure that each family child care home operates year round five or more days per week for more than six hours a day.

(2) *Serving children with disabilities.*

(i) Ensure the availability of family child care homes capable of serving children and parents with disabilities affecting mobility; and

(ii) Ensure that children with disabilities enrolled in family child care are provided services which support their participation in the early intervention, special education, and related services required by their IEP or IFSP, and that the child's teacher has appropriate knowledge, training and support.

(3) *Program space – indoor and outdoor.*

Ensure that each family child care home has identified sufficient indoor and outdoor space which is usable and available to the children. This space allows children to be supervised and safely participate in developmentally appropriate activities and routines that foster their cognitive, socio-emotional, and physical development, including both gross and fine motor, as defined in 45 CFR 1304.53(a)(1) and (2) and 1304.53(b).

(4) *Policy Council Role.* Ensure that the Policy Council is included in decisions to hire or terminate contracted Head Start family child care teachers (see 45 CFR 1304.50(d) (1) (x) and (xi)).

(b) *Facilities.* – (1) *Safety plan.* Grantees and delegate agencies operating the family child care program option must have a plan in place that ensures the health and safety of children and includes, at a minimum, an annual safety inspection of each family child care home as described in 45 CFR 1304.53 (a)(10). These

inspections must be supplemented by the regular observations of the family child care home that are made by the child development specialist. The plan must describe the policies and procedures in place to ensure that identified concerns are addressed in a timely manner.

(2) *Injury prevention.* Grantee and delegate agencies must ensure that:

(i) Children are kept away from potentially hazardous situations such as heat sources in the family child care home. Children are restricted from hot food preparation areas and appliances such as refrigerators, stoves, ovens, microwave ovens, utensils and trash cans at all times. There are no insects, rodents, or other pests that pose a health hazard, and pest control does not take place while children are present;

(ii) Smoke and carbon monoxide detectors are installed in spaces occupied by children;

(iii) Radon detectors are installed in family child care homes where basements are devoted to the program;

(iv) Children are directly supervised at all times;

(v) Enhanced supervision is provided when children are near a body of water, a heat source, and when they are being transported;

(vi) All water hazards, such as pools and standing water, are enclosed with a fence and safeguarded to ensure that they cannot be accessed;

(vii) There are no firearms or other weapons kept in space occupied or accessible to children;

(viii) Alcohol and other drugs are not accessible to children or consumed when children are present; and

(ix) Domestic animals are properly immunized, free of disease, appropriately restrained, and kept from the children.

(c) *Emergency coverage plans.* Grantee and delegate agencies operating the family child care option must have an "Emergency Coverage Plan". This plan is developed by the family

child care teacher and the grantee, and describes what is to be done in the event of a health emergency or illness. The family child care teacher must identify a qualified person who would quickly be able to care for the children in the event of an emergency of the teacher or family members.

(d) *Licensing requirements.* Grantees must meet State, Tribal and local licensing requirements for family child care facilities. In cases where licensing requirements are less comprehensive or stringent than the Head Start regulations, grantee and delegate agencies are required to comply with the Head Start regulations. The Tribal, State and local licensing requirements take precedence if they are more stringent than the requirements for the Head Start family child care program option.

**§ 1306.36 Additional Head Start program option variations.**

In addition to the center-based, home-based, combination program, and family child care program options defined in this part, the Commissioner of the Administration on Children, Youth and Families retains the right to fund alternative program variations to meet the unique needs of communities or to demonstrate or test alternative approaches for providing Head Start services.

**§ 1306.37 Compliance waiver.**

An exception to one or more of the requirements contained in §§ 1306.32, 1306.33, 1306.34, and 1306.35 will be granted only if the Commissioner of the Administration on Children, Youth and Families determines, on the basis of supporting evidence, that the grantee made a reasonable effort to comply with the requirement, but was unable to do so because of limitations or circumstances of a specific community or communities served by the grantee.