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April 10, 2015

The Honorable Sylvia Matthews Burwell  
 Secretary  
 U.S. Department of Health and Human Services  
 200 Independence Avenue, SW  
 Washington, D.C. 20201

Dear Secretary Burwell:

As members of the House Education and the Workforce Committee, we are responsible for oversight of the *Head Start Act* and write today deeply concerned about the health and safety of children enrolled in the Head Start program. This concern stems from apparent discrepancies in how the Department of Health and Human Services (HHS) decides when to suspend or terminate the contracts of Head Start and Early Head Start grantees and whether those decisions are made in the best interest of the children being served.

From December 2, 2014, to December 13, 2014, the Administration for Children and Families (ACF) conducted an Environmental Health and Safety review of the New York City Administration for Children's Services (NYC ACS) Head Start program.<sup>1</sup> NYC ACS serves approximately 13,000 children in 196 centers across the city, with an annual federal grant of approximately \$130 million. At the time of its review, inspectors identified significant health and safety problems that place the children under the care of NYC ACS in immediate danger.

On January 20, 2015, HHS sent a letter to NYC ACS detailing the specific areas of concern. In addition to noncompliance issues, such as a lack of licensure at 28 centers, the review revealed multiple reports of neglect and abuse at Head Start centers, including:

1. Unsanitary facilities (e.g., spilled bodily fluids were not properly cleaned up and areas affected were not disinfected);
2. Reports of missing and unattended children;
3. Physical abuse of student(s) by a teacher(s);
4. Physical abuse of student(s) by other student(s) at the instruction of a teacher(s);

<sup>1</sup> Department of Health and Human Services, Administration for Children and Families, Office of Head Start, NYC Administration for Children's Services Environmental Health and Safety Review, January 20, 2015.

5. Unreported sexual abuse of student(s) by other student(s);
6. Hazardous playground and facility equipment, and strangulation hazards, entrapment opportunities, gaps large enough for children to escape; and,
7. Exposure to poison and toxic substances, open cleaning materials, rat and rodent feces in kitchen or meal areas, asbestos and mold, and other 'not as severe' hazards.<sup>2</sup>

The report outlined 17 incidents of teachers physically injuring or abusing children by hitting, biting, or pushing them, or encouraging children to injure one another. In one instance, a teacher allegedly hit a 4-year-old child with a belt and was allowed to return to the classroom after a two-week reassignment. HHS provided NYC ACS Head Start programs up to 120 days to come into compliance, rather than taking the more strict action of revoking or suspending the grant.

In other reviews, HHS identified immediate deficiencies in Head Start or Early Head Start programs (identified either through the monitoring review process or other means) that resulted in the Secretary's decision to immediately suspend or terminate the grantee's funding. A review of Jacksonville Urban League's (JUL) Head Start and Early Head Start programs in the spring of 2013 identified nine health, safety, and environmental violations.<sup>3</sup> As a result, HHS imposed a "summary suspension," also known as a suspension without prior notice,<sup>4</sup> until these and other deficiencies — including instances where children were left unsupervised — could be rectified through a corrective action plan.

In another instance, HHS suspended all federal funding for PACE Head Start in Mississippi upon a finding that the program "did not have an effective system in place to ensure the safety of children when an allegation of abuse [was] made."<sup>5</sup> The Norwalk Economic Opportunity Now, Inc. (NEON) Head Start program in Norwalk, Connecticut, was suspended in 2013 due to financial mismanagement.<sup>6</sup>

Finally, in 2013, the Hill Country Community Action Association, Inc. Head Start program was given 10 days to correct a self-reported immediate deficiency pertaining to an unsupervised child and the teacher and teaching assistant involved were terminated.

In the case of NYC ACS, one center self-reported an incident wherein a child was found alone in the stairwell, upon which his teacher was terminated and teaching assistant suspended; however, there was no information on follow-up monitoring by NYC ACS. This was one among many of NYC ACS' immediate deficiencies that were originally given 30 days to be corrected, but according to HHS staff, the grantee was able to negotiate an expanded timeframe of 90 days to correct its deficiencies.

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<sup>2</sup> Ibid.

<sup>3</sup> <http://www.acf.hhs.gov/media/press/2013/head-start-terminates-local-grantee-for-multiple-health-and-safety>

<sup>4</sup> <http://www.hhs.gov/dab/decisions/dabdecisions/dab2565.pdf>

<sup>5</sup> <http://www.wtva.com/mostpopular/story/Head-Start-board-to-appeal-federal-suspension/ZDA0PZxF9UGL3C5zD40iLA.aspx>

<sup>6</sup> <http://norwalk.dailyvoice.com/news/neon-meets-feds-cancels-norwalk-child-care-programs-wednesday>



Current practice permits ACF's Office of Head Start (ACF/OHS) to appoint an interim operator of Early Head Start and Head Start programs, such as the Community Development Institute (CDI), when the current grantee's responsibility for the program is suspended or terminated. In the case of JUL's grant, CDI deployed a team to Jacksonville to ensure continued, uninterrupted services for the affected children during JUL's suspension.

The decision to allow NYC ACS to continue operating its grant appears to represent a divergent path from other decisions regarding safety concerns at centers. To help us understand how decisions are made with respect to the health, safety, and well-being of the children served in Head Start and Early Head Start programs across the country, we respectfully request HHS respond to the following questions:

- 1) What criteria is used to determine whether to suspend or terminate specific Head Start or Early Head Start grantees for violations of the law, performance standards, policy requirements, and/or regulations? What entity or individuals make those decisions and is there specific guidance used to help determine whether a violation warrants a suspension or termination?
- 2) What types of training opportunities around compliance with statute and regulations does HHS offer to — and/or require of — Head Start and Early Head Start grantees? How frequently and at what point in a grantee's grant period (e.g., prior to the grant's receipt) does this training occur? How does HHS monitor the grantee's compliance and encourage continuous improvement, specifically as it relates to children's health and safety issues?
- 3) Under what conditions has the Secretary exercised his or her right to suspend or terminate a grant for safety concerns or other non-compliance issues? Please provide examples with a description of why the suspension or termination was deemed necessary in each of the cited examples.
- 4) What constitutes a deficiency worthy of immediate revocation or suspension of a grant and associated funds, versus a deficiency for which a grantee is given time to implement a corrective action plan? Please provide examples from recent years where the decision was made to allow time for corrective action rather than revocation, including the NYC ACS case, and describe how each case fits the criteria to allow for corrective action rather than revocation.
- 5) Who determines when a teacher, who has been accused of physically harming a child, is allowed back in the classroom? What role, if any, does the department play in that determination? How does a decision like that impact the determination to revoke or suspend a grant or allow time for corrective action?

The Honorable Secretary Burwell  
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If you have any questions about this request or wish to discuss it further, please contact Mandy Schaumburg (Mandy.Schaumburg@mail.house.gov) and Cristin Kumar (Cristin.Kumar@mail.house.gov) with the Committee staff at 202-225-6558.

Sincerely,



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JOHN KLINE  
Chairman  
Committee on Education and the Workforce



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TODD ROKITA  
Chairman  
Subcommittee on Early Childhood,  
Elementary, and Secondary Education