
January 19, 2024

TO: Administration of Children and Families
Office of Head Start
Attn: Director of Policy and Planning
330 C Street SW, 4th Floor
Washington, DC 20201

RE: Notice of Proposed Rulemaking (NPRM) entitled "Supporting the Head Start Workforce and Consistent Quality Programming."

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Submitted by: [Center for the Study of Child Care Employment](#) at University of California, Berkeley

Thank you for the opportunity to provide feedback on the Notice of Proposed Rulemaking (NPRM) "Supporting the Head Start Workforce and Consistent Quality Programming," published by the Office of Head Start (OHS) on November 20, 2023.

The rule changes proposed by the Administration for Children and Families acknowledge the urgent need to improve the pay and working conditions for the early care education (ECE) workforce. The economic insecurity due to low wages and the challenging working conditions that many educators experience takes a toll on their own physical, mental and professional well-being. Research, [including ours at CSCCE](#), demonstrates that the workforce consistently reports high rates of economic stress and worry about basic needs like affording food for their families, paying bills, and accessing needed medical care. Research has also documented rates of physical ailments and depressive symptoms that are [substantially higher among the ECE workforce](#) compared to other workers. In a study of educators in California, we found that within the center-based teaching workforce, these ailments were often experienced at [higher rates among those in Head Start and publicly contracted programs](#). The federal government has responsibility for correcting these conditions in the programs it funds and for which it has regulatory responsibilities. Therefore, we see the proposed changes as a starting point for accepting this responsibility.

However, the proposed rule changes, absent new funding, also expose a persistent tension in ECE, whereby funding and policies either prioritize access for children and families *or* better pay and conditions for early educators. While we recognize new funding is not attached to the NPRM, we would be remiss if we did not state the imperative of identifying funding to adequately meet the proposed changes *and* serve all eligible children, thereby relieving the tension between access and workforce supports. In the absence of this, we caution that, even as some programs are able to make progress on pay through enrollment attrition, Head Start as a program remains underfunded and the ability to fully realize the proposed changes will be stunted.

Regardless, it is important to emphasize the changes that are necessary to support the workforce and offer insights into the specific proposals. Thus, we offer the following specific comments on selected sections of the NPRM.

Wages §1302.90(e)

We recognize the importance of making progress toward parity with public school teachers and to establish a salary floor. Wage comparability for all ages is an especially important goal given the substantial [wage gaps](#) that can amount to more than \$8,000 a year less for infant-toddler teachers when compared to preschool teachers; this especially impacts Black teachers who are more likely to work with infants and toddlers than their peers.

Nonetheless, we are concerned with both inequities in public school salaries by location and ages of children being mapped onto Head Start, and with the burden the rules place on individual programs to develop and monitor comparative wage scales. We recommend offering further clarification on how parity is defined, and establishing processes and resources that create regional wage scales to be utilized (rather than created) by local Head Start programs.

Specifically, we recommend:

- Establishing a [wage floor](#) that is at least the locally assessed living wage, which would reflect the guidance provided in 1302.90 (e)(3). A living wage calculator for various geographies has been developed by the Massachusetts Institute of Technology ([MIT](#)).
- Further [defining parity](#) to ensure it accounts for equivalent starting salary and salary schedule, prorated to account for longer work days and length of year when

applicable, including payment for non-child contact hours (such as paid time for planning and professional development) and for specialized knowledge.

- Supporting other government, non-profit organizations, and Head Start Collaboration offices to develop regionally-based wage (and benefit) scales for individual programs to adopt. The scales would account for the locally assessed living wage, the salaries of public schools in the region, and mitigate wage compression between job roles. The development of a scale can be a complicated and resource-heavy endeavor; expecting individual programs to assume this responsibility is inefficient and may be ineffective. Many communities already have similar efforts underway and may be well positioned to provide support - for example, a collaborative in [North Carolina](#) created a salary scale. Similarly, organizations like [Prenatal to Five Fiscal Strategies](#) are engaged in regional and state cost studies in which regional wage scales are included.

Benefits §1302.90(f) & Staff Health and Wellness §1302.93

Similar to the goals to approve compensation, we recognize that benefits such as health insurance and paid leave, and supportive working conditions are critical to ensure early educator well-being. Increased funding along with access to strategies to manage benefit programs are necessary for the proposed changes to be widely adopted across program providers.

While all of the conditions and benefits detailed in the proposal are essential, we want to express support for 1309.93 (c) (1-2) regarding breaks. While this may seem overly prescriptive, our surveys with teachers over the past decade consistently document their inability to take breaks, even when they may be legally entitled to them. As discussed in the NPRM, studies have found ECE teachers experiencing recurrent urinary tract infections at a relatively high rate. Further, [educators reported](#) that a lack of staffing to support breaks contributed to their dissatisfaction and intention to leave their center. Access to breaks to meet their basic needs for nourishment and relief is a basic labor standard that should be provided.

Quality Rating and Improvement Systems §1302.53

We understand that many Head Start programs are already required by existing rules to participate in QRIS. We appreciate the shift that the NPRM makes in replacing “must” with “should” participate, allowing programs the flexibility to opt out if the QRIS requirements are onerous or duplicative of existing Head Start monitoring efforts.

We recommend however, that the rule changes go a step further and remove any expectation of programs to participate in QRIS as a function of their status as a Head Start provider. QRIS has been identified by [ECE systems](#) leaders and a committee of the [U.S. Civil Rights Commission](#) as perpetuating racial inequities within ECE systems.

Protect and Prioritize Existing Community-Based Providers

The Head Start workforce is made up of skilled, experienced, and committed educators and providers, many of whom have been serving their communities for years, and have been connected to Head Start as parents or even participated as children themselves. More than half of Head Start teachers are people of color, making Head Start the most racially diverse segment of the sector among center and school-based ECE programs (CSCCE analysis of National Survey of Early Care and Education 2019).

Maintaining the ability of long-standing community-based programs to continue as Head Start providers while also improving pay and conditions of the workforce should be a priority with any rules changes. This includes, but is not limited to, providers in smaller, more rural communities who may not ever have the capacity to achieve economies of scale, or the ability to meet the changes without serving so few children they are no longer considered a viable program. The viability of small and independent programs also raises concerns about [opportunism](#) by large, for-profit chains that have signaled their interest in [taking advantage](#) of smaller operations that struggle to remain viable in changing regulatory conditions. This latter concern raises questions that should be addressed with regard to who profits, and to what extent, from the delivery of publicly funded ECE.

Specifically, we recommend:

- Equipping Head Start Collaboration offices or other similarly positioned organizations to provide technical assistance to programs to identify viable strategies to phase in rule changes.
- As we await an increase in federal funding, programs are provided flexibility in meeting changes along the proposed timeline.
- [Establishing guidelines](#) that prioritize funding to public, non-profit, or small businesses owned and controlled by women or socially or economically disadvantaged individuals (this definition draws from the Small Business Administration) .

- Collecting data through the PIR process to assess the impact of any rule changes, especially with regard to:
 - changes in compensation, benefits, and wellness supports provided
 - changes in the size of staff
 - recruitment and retention
 - changes in the number of children served, by age
 - challenges and successes in implementing various rules (where are programs struggling, where are they making progress)
 - any program program closures and reasons.

Analysis of these data should include an examination by variation of program type, including but not limited to geography, auspices, staff and family demographics, and stand alone or braided funding programs.

The PIR should also be used as an opportunity to collect data from individual staff members with regard to their perspectives on pay and working conditions to assess how they are experiencing any changes. Analysis of these data should similarly include an examination by demographics including education and tenure, as well as program type.

These analyses will provide critical information about who (programs and staff) is benefitting and in which ways from policy changes, as well as who is being left out or potentially disadvantaged.

- Ensuring data are publicly accessible and utilized to make changes, course correct as needed, and to inform strategies to replicate success.

Thank you for your consideration of our comments and recommendations. Please keep in mind that at CSCCE we have a wealth of research and analysis about the preparation, compensation and well-being of the ECE workforce, as well as strategies for reform, and are happy to provide additional insights and expertise to policy and funding changes.

For further information contact: cscceinfo@berkeley.edu