

Early Learning Ventures EHS Service Plan

1301 - Program Governance

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Policy Council Approval:

Governing Board Approval:

1301.1 Purpose

Performance Standard:

Purpose – An agency, as defined in part 1305 of this chapter, must establish and maintain a formal structure for program governance that includes a Governing Body and a Policy Council at the agency level. 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.

Policy and Procedures:

The Early Learning Ventures Early Head Start program maintains an active Governing Board and a Policy Council. ELV’s Governing Board maintains a legal and fiscal responsibility for the administration and oversight of the Early Head Start-Child Care Partnership grant. Policy Council maintains its responsibility to give direction to the program.

By-laws will be developed for the Governing Board of Directors, as well as separate by-laws for the Policy Council, to establish regulations including, but not limited to:

- Appointment of and the number of members;
- Necessary qualifications of members;
- Procedures for meetings, and the frequency of such meetings;
- Election of officers;
- Voting procedures, including what constitutes a quorum;
- Rules that govern conflicts of interest; and
- How the by-laws may be amended.

1301.2 Governing Body

Performance Standard:

Composition - The composition of a Governing Body must be in accordance with the requirements specified at section 642(c)(1)(B) of the Act.

Policy and Procedures:

The ELV Early Head Start Governing Board will be composed as follows:

- At least one member that has a background and expertise in fiscal management or accounting.
- At least one member that has a background and expertise in early childhood education and development.
- At least one member who is a licensed attorney familiar with issues that come before the governing body.

If a person, as described above, is not available to serve as a member of the Governing Board, the Board will use a consultant or another individual with relevant expertise and qualifications, who will work directly with the Governing Board.

Additional members of the Governing Board will:

- Reflect the community to be served and include parents of children who are currently, or were formerly, enrolled in Head Start programs; currently serve on the Policy Council and
- Are selected for their expertise in education, business administration, or community affairs.

1301.2 Governing Body

Performance Standard:

Conflict of Interest - Agencies must ensure members of the Governing Body do not have a conflict of interest, pursuant to section 642(c)(1)(C) of the Act, members of the Governing Body must:

- Not have a financial conflict of interest with the Head Start agency (including any delegate agency);
- Not receive compensation for serving on the Governing Body or for providing services to the Head Start agency;
- Not be employed, nor shall members of their immediate family be employed, by the Head Start agency (including any delegate agency); and
- Operate as an entity independent of staff employed by the Early Head Start agency.

Policy and Procedures:

In addition to the Standards above, Early Learning Ventures avoids any potential conflict of interest by excluding employees of all Early Head Start-Child Care Partners (with current contracts) and their family members from being seated on the Governing Board of Directors and/or Policy Council, unless they are the parent of a currently enrolled Early Head Start child. Furthermore, Early Learning Ventures will report any conflict to the Secretary of HHS (via the Regional Office).

No member of the Governing Board will be compensated for service. However, Early Head Start funds may be used to reimburse income-eligible members of the Governing Board for attendance at Governing Board Meetings, as well as pre-approved travel to Governing Board trainings, conferences and other EHS events. Mileage will be reimbursed per the current Federal Standard Mileage Rate.

1301.2 Governing Body

Performance Standard:

Duties and Responsibilities – The Governing Body is responsible for activities specified at section 642(c)(1)(E) of the Act. The Governing Body must use ongoing monitoring results, data on school readiness goals, other information described in 1302.102, and information described at section 642(d)(2) of the Act to conduct its responsibilities.

Policy and Procedures:

Early Learning Ventures provides reports from Alliance CORE on a monthly basis to Governing Board to include monitoring results, data on school readiness goals and other information as described by the Act. This practice provides the opportunity for the Governing Board to use this information to make informed decisions and conduct its responsibilities.

1301.2 Governing Body

Performance Standard:

Advisory Committees - A Governing Body may establish advisory committees as it deems necessary for effective governance and improvement of the program.

If a Governing Body establishes an advisory committee to oversee key responsibilities related to program governance, it must:

- 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,
- Notify the responsible HHS official of its intent to establish such an advisory committee.

Policy and Procedures:

Per its Governing By-laws, the ELV Board may choose to establish advisory committees to ensure effective governance and program improvement.

In establishing an advisory committee (or sub-board), the Governing Board retains legal and fiscal responsibility for the Early Head Start agency per 642(c)(1) of the Head Start Act.

To establish an advisory committee to the Governing Board, the following must be developed:

- A written agreement will submitted to the OHS Program Specialist specifying the specific duties, actions, and obligations for which the proposed advisory committee (or sub-board) will be responsible for oversight related to program governance and program improvement;
- Procedures describing the advisory committee (or sub-board) membership, responsibilities of each member, and the process/procedures for their selection; and
- Procedures describing how the advisory committee (or sub-board) will provide the Governing Board with sufficient and timely information about its activities and decisions, which enable the Board to exercise their legal and fiscal responsibilities for administering and overseeing the EHS program, including safeguarding of federal funds.

1301.3 Policy Council

Performance Standard:

Establishing Policy Councils - Each agency must establish and maintain a Policy Council responsible for the direction of the Head Start program at the agency level.

Policy and Procedures:

The Early Learning Ventures Early Head Start program maintains an active Policy Council that includes parent representatives from Partner sites and community members from each of the Partnership communities. ELV's Policy Council is responsible for the direction of the program.

By-laws for the Policy Council have been developed which establish regulations including, but not limited to, the following:

- Appointment of and the number of members;
- Representation of parents and communities;
- Procedures for meetings, and the frequency of such meetings;
- Election of officers;
- Terms of service;
- Voting procedures, including what constitutes a quorum;
- Rules that govern conflicts of interest; and
- How the by-laws may be amended.

1301.3 Policy Council

Performance Standard:

Composition - A program must establish a Policy Council in accordance with section 642(c)(2)(B) of the Act, as early in the program year as possible. Parents of children currently enrolled in each program option must be proportionately represented on the Policy Council.

Policy and Procedures:

Early Learning Venture's Policy Council will be elected by the parents of children who are currently enrolled in the ELV EHS program. The Policy Council will be composed of:

- Parents of children who are currently enrolled and who shall constitute a majority of the members of the Policy Council; and
- Members at large of the communities served by ELV EHS, who may include parents of children who were formerly enrolled in the program.

The Governing Board will approve procedures for how members of the Policy Council are selected. The Policy Council shall be elected by the parents of children currently enrolled in the Head Start/Early Head Start program through an election process. Each county will elect at minimum 2 parent member(s) to serve on the Council. In order to allow for flexibility for individual county needs, more than two members from each county can be elected to Policy Council. In the event that a county has more than two elected Policy Council members, the indicated county's Policy Council Representatives will vote for 2 members to maintain voting rights for the county. The alternates will act in place of the voting member in his or her absence. An alternate is classified as a member and is subject to the same term limitations as the regular member. All members at large will be drawn from the community served by the ELV Early Head Start service areas. Former parents may also be members at large.

1301.3 Policy Council

Performance Standard:

Conflict of Interest - The program must ensure members of the Policy Council do not have a conflict of interest pursuant to sections 642(c)(2)(C) & 642(c)(3)(B) of the Act. Staff may not serve on the Policy Council except parents who occasionally substitute as staff.

Policy and Procedures:

Members of the Policy Council must:

- Not have a conflict of interest with the EHS Program; and
- Not receive compensation for serving on Policy Council or for providing services to the Program.

In addition to the Standards above, Early Learning Ventures avoids any potential conflict of interest by excluding all Early Head Start-Child Care Partners (with current contracts) and their family members from being seated on the Policy Council or the Governing Board of Directors, unless they have a child enrolled in Early Head Start.

No member of the Policy Council will be compensated for service. However, Early Head Start funds may be used to reimburse income-eligible members for attendance at Policy Council Meetings, as well as pre-approved travel to other trainings, meetings, conferences and other EHS events. Mileage will be reimbursed per the current Federal Standard Mileage Rate.

1301.3 Policy Council

Performance Standard:

Duties and Responsibilities - A Policy Council is responsible for activities specified at section 642(c)(2)(D) of the Act.

Policy and Procedures:

The Policy Council is responsible for approving and submitting to the Governing Board decisions about responsibilities outlined in the Act. Early Learning Ventures provides program reports from Alliance CORE on a monthly basis to Policy Council pertaining to:

- Activities to support the active involvement of parents in program operations, including policies to ensure that ELV is responsive to community and parent needs.
- Program recruitment, selection, and enrollment priorities.
- Applications for funding and amendments to applications for funding prior to submission of applications.
- Budget planning for program expenditures, including policies for reimbursement and participation in Policy Council activities.
- Bylaws for the operation of the Policy Council.
- Program personnel policies and decisions regarding:
 - The employment of program staff, including policies and procedures for the hiring, evaluation, compensation, and termination of the Early Head Start Director, Director of Human Resources, Chief Fiscal Officer, and any other person in an equivalent position with the EHS agency;
 - Standards of Conduct for program staff, contractors, and volunteers; and
 - Criteria for the employment and dismissal of program staff.
- Developing procedures for how members of the Policy Council agency will be elected.
- When applicable, recommendations on selection of delegate agencies and service areas.

This practice provides the opportunity for the Policy Council to use this information to make informed decisions and conduct its responsibilities

1301.3 Policy Council

Performance Standard:

On-going Monitoring & Data - A Policy Council must use ongoing monitoring results, data on school readiness goals, other information described in 1302.102, and information described in section 642(d)(2) of the Act to conduct its responsibilities.

Policy and Procedures:

Early Learning Ventures provides reports from Alliance CORE on a monthly basis to Governing Board to include monitoring results, data on school readiness goals and other information as described by the Act. This practice provides the opportunity for the Governing Board to use this information to make informed decisions and conduct its responsibilities:

- Program Goals
- School Readiness Goals
- Child Outcome Data
- Federal Monitoring Results and Compliance Issues
- On-going Monitoring
- Self-Assessment
- Family Engagement Participation Data
- Community Assessment Data
- Reports
- Annual Report
- Fiscal Audits/Reports
- Incidents that require classrooms or FCC homes to be closed
- Legal proceedings related to program operations
- Conditions related to disqualification from the Child and Adult Care Food Program and/or license revocation
- Applications for funding and amendments

1301.3 Policy Council

Performance Standard:

Term - A member will serve for one year. If the member intends to serve for another year, s/he must stand for re-election.

The Policy Council must include in its bylaws how many one-year terms, not to exceed five terms, a person may serve.

A program must seat a successor Policy Council before an existing Policy Council may be dissolved.

Policy and Procedures:

Per the ELV EHS by-laws, Policy Council members may serve up to (5) one-year terms. Each Policy Council member must be elected as a Policy Council representative by the local Parent Committee for each term.

The Policy Council shall elect a Chairperson, Vice-Chairperson and Secretary to serve for a one-year term. Each officer shall be elected by the full membership of the Policy Council once the full Council has been seated, in October or November of each year or when the seating of the next Policy Council is complete. The elected Chairperson shall represent the Policy Council on the Governing Board and can designate a Policy Council representative to attend Governing Board meetings in their absence with voting rights.

Performance Standard:

Reimbursement - A program must enable low-income members to participate fully in their Policy Council responsibilities by providing, if necessary, reimbursements for reasonable expenses incurred by the low-income members.

Policy and Procedures:

No member of the Governing Board and Policy Council will be compensated for service. However, Early Head Start funds will be used to reimburse income-eligible members of the Policy Council for attendance at Policy Council or EHS Board meetings, as well as for pre-approved travel to Governance trainings, conferences and other EHS events. Mileage will be reimbursed per the current Federal Standard Mileage Rate.

On-site Child Care is provided for parents during Policy Council meetings.

1301.4 Parent Committees

Performance Standard:

Establishing Parent Committees - A program must establish a Parent Committee comprised exclusively of parents of currently enrolled children as early in the program year as possible. This Committee must be established at the center level for center-based programs and at the local program level for other program options. When a program operates more than one option, parents may choose to have a separate Committee for each option or combine membership. A program must ensure that parents of currently enrolled children understand the process for elections to the Policy Council or Policy Committee and other leadership opportunities.

Requirements of Parent Committees - Within the Parent Committee structure, a program may determine the best methods to engage families using strategies that are most effective in their community, as long as the program ensures the Parent Committee carries out the following minimum responsibilities:

- Advise staff in developing and implementing local program policies, activities, and services to ensure they meet the needs of children and families;
- Have a process for communication with the Policy Council and Policy Committee; and
- Within the guidelines established by the Governing Body, Policy Council or Policy Committee, participate in the recruitment and screening of Early Head Start employees.

Policy and Procedures:

Early Learning Ventures Parent Committees are made up of all enrolled parents at any local Child Care Partner. In September, Child Care Partnership Specialists work with the Parent Committees in each county to identify interested parents to represent Policy Council. Elections will take place at the county level. Policy Council Representatives' are responsible for reporting back to their local parent committee any Policy Council information. Child Care Partnership Specialists will support each county's Policy Council Representatives.

Early Learning Ventures communicates with Policy Council and Parent Committee members via meetings, phone communication and e-mails.

Policy Council Representatives will be asked to engage in the hiring process of all ELV EHS employees by participating in interviews and/or reviewing candidate qualifications.

1301.5 Training

Performance Standard:

Training - 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 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.

Policy and Procedures:

Early Learning Ventures provides training on the Eligibility Standards as well as program policies and procedures to the Governing Board, Policy Council and all staff who determine eligibility. Training includes, at a minimum:

- Methods on how to collect complete and accurate eligibility information from families and third party sources;
- Strategies for treating families with dignity and respect and for dealing with possible issues of domestic violence, stigma, and privacy; and,
- Explanation of ELV's ERSEA procedures that describe actions taken against families or participants who *intentionally* provide false information and/or against a staff member who encourages, supports or ignores a family's falsification of eligibility.

Annually, ELV will provide Eligibility training to the Governance groups within 180 days of the beginning of a new program year.

Appropriate training and technical assistance is provided to members of the Governing Bodies throughout the program year to ensure that members understand the information they receive, to govern most effectively the ELV Early Head Start program. Using both formal and informal methods, training and technical assistance includes, but is not limited to, the following topics: Roles & Responsibilities, Community Assessment, Program Planning, ERSEA, Program Information Report, Self-Assessment, School Readiness/Child Outcomes, Data, and Fiscal Audit/Reports.

1301.6 Impasse Procedures

Performance Standard:

Impasse Procedures - 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:

- Demonstrate that the Governing Body considers proposed decisions from the Policy Council and that the Policy Council considers proposed decisions from the Governing Body;
- 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,
- Describe a decision-making process and a timeline to resolve disputes and reach decisions that are not arbitrary, capricious, or illegal.

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.

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.

Policy and Procedures:

Early Learning Ventures makes every effort to keep open communication between the Governing Board, the Policy Council, and Management Staff. The Governing Board shall consider proposed decisions from the Policy Council, and the Policy Council shall consider proposed decisions from the Governing Body.

1. Management Staff first introduces and discusses policies, procedures, reports, data and information outlined in the Act, with the Policy Council at its meeting.
2. Policy Council discusses the information and makes recommendations of approval (or disapproval) to the Governing Board of Directors.
3. Management staff then introduces and discusses the same information with the Board of Directors at its meeting, as well as the recommendations of the Policy Council.
4. If the Governing Board has questions, requires clarification or needs more information about the Policy Council's recommendations, the Policy Council Liaison to the Governing Board will do so.
5. If both Governing Bodies are in agreement, an approval (or disapproval) will be put into motion, provided there are the required quorums.
6. If the Governing Board disagrees with the recommendations of the Policy Council, the steps of the Internal Dispute Resolution will be followed.

Early Learning Ventures has developed written Internal Dispute Resolution procedures (also referred to as Impasse Procedures) to resolve conflicts between the Governing Board of Directors and Policy Council. Dispute Resolution steps shall be carried out in a timely and sequential order, without disruption of services to children and families.

Dispute Resolution Steps

Take the fact of disagreement back to the Policy Council at its next meeting for re-discussion and the reasoning of the Governing Board's disagreement. Policy Council would then have opportunity to change its stance, to align with Governing Board or within 3 business days puts in writing to Governing Board Chairperson and EHS Director that Policy Council is in disagreement and provides a revised recommendation and rationale.

Then within 5 business days the Governing Board must either reconsider and approve or if the Governing Board does not approve, the Child Care Partnership Director shall meet with the designated Policy Council representative within 10 business days after receipt of dispute notice. A Resolution Plan is developed; the written document shall be submitted to the Governing Board within five (5) working days after being agreed to by the Early Head Start Program Director and the Policy Council Chairperson.

The Governing Board will review and approve or disapprove the Resolution Plan at their next meetings (or it may go to the Executive Committee for discussion prior to the meeting). If approved, the Resolution Plan will be submitted at the next Policy Council meeting as the approved plan of action. If the Governing Board disapproves of the resolution plan, then impasse occurs. If impasse occurs, a written notice of impasse must be submitted to the Policy Council and the Governing Board within five (5) working days by the Child Care Partnership Director.

Within five (5) working days following the receipt of written notice of impasse, the EHS Director or designee shall call for an Impasse Committee meeting. The Impasse Committee shall then convene as soon as feasible.

Impasse Committee consists of: Governing Board Chair, Governing Board Member, Policy Council Chair or designated representative and another Policy Council Member. In addition, the EHS Director and ELV Family and Community Engagement Coordinator shall serve as resource persons to the committee.

Goal of meeting: The four (4) Impasse Committee members shall all agree to a final written resolution plan and submit the written resolution plan to both the Governing Board and Policy Council for approval within five (5) working days from the date of its first meeting.

The Governing Board and Policy Council will approve or disapprove of the plan at their next meetings. If the Impasse Committee fails to agree on a resolution plan, it shall promptly notify the Governing Board and the Policy Council, and the dispute will proceed to arbitration.

Arbitration

If the ELV Governing Board and/or the Policy Council reject the resolution plan of the Impasse Committee, or the Impasse Committee cannot agree on a resolution plan, the issue will be submitted for binding arbitration within 90 calendar days.

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. The arbitration panel will consist of three impartial* members.

1. A member will be designated by the Policy Council.
2. A member will be designated by the Governing Board of Directors.
3. A member will act as chairperson of the arbitration panel and shall be selected and mutually accepted by both parties.

All arbitrators shall be persons of good reputation and standing in the community and shall not be associated with the Head Start Program. If the two arbitrators first designated are unable to agree upon a third arbitrator, they will request the State or Local Bar Association to name one of its members who would be willing to serve as chairman. Arbitrators shall serve without compensation.

A list of arbitrators, with the addresses and phone numbers, shall be forwarded to the Regional Head Start office.

Failure by the Policy Council to designate an arbitrator within seven (7) days of receipt of the Notice of Arbitration shall be default, and shall be considered to be approval of proposed action.

*Impartial parties shall include any parent or family member of children currently enrolled in the Early Head Start program, and any staff, child care partnership staff, Board member, or Policy Council member of ELV.

The decision of the Binding Arbitrator will be based on the findings of fact and conclusions of law. The final decision will become a part of the legal records of the Governing Board and the Policy Council. A copy of the decision will be received and reviewed during an official meeting of each party and will become a part of the minutes of that meeting.

Policy Council Approval: 12/2019 Governing Board Approval: 12/2019