

MSHS Legislative Update: FY22 Appropriations

Since Congress was unable to pass an FY 22 appropriations package before the start of the new fiscal year, they passed a continuing resolution (CR) on September 30. A CR allows the federal government to continue operating at FY 21 funding levels until December 3rd. If the CR expires before Congress passes the FY 22 appropriations or another CR, the government will shut down.

The Appropriations Committee is not expected to mark up the bills. Congress is likely to pass another CR once the first CR deadline approaches in early December, unless Democrats quickly begin “top-line” budget negotiations to build enough support to pass the funding package in the Senate.

Moving forward, NMSHSA will weigh in with the House and Senate to advocate for the \$12.5 million QI set-aside and eligibility changes in the final FY 22 bills.

Head Start Appropriations History

FY '20 Final — FY '22 (as of 10-18-21)

\$ in millions

HEAD START Funding Set-Asides	FY 2020	FY 2021	FY 2022 President’s Budget	FY 2022 House Approved	FY 2022 Senate Proposed
Head Start Topline	10,613	10,748	11,932	12,182	11,932
EHS and EHS Partnership Expansion	100	-	950	750	500
Cost of Living Adjustment (COLA)	193	123	234	234	234
Quality Improvement Fund (QIF)	250	10*	0	250**	250
Extended Hours Duration	0	0	0	200	200
Designation Renewal	25	25	25	25	25
Research, Evaluation, Admin	21	21	21	21	21
Tribal College Head Start Partnership	4	4	4	8	4

* \$10 million in Quality Improvement Funds appropriated for MSHS programs.

** The bill text sets aside “not less than” \$12.5 million of the Quality Improvement Funds for MSHS.

SENATE

[Explanatory Text Proposed by Senate appropriations Committee Dems—October 2021](#) [the FY 2022 Labor, HHS Appropriations Subcommittee Report:](#)

The Committee recommends \$11,932,095,000, for Head Start, an increase of \$1,184,000,000 over FY 2021.

Cost of Living—Within the total, the Committee recommendation includes a **\$234,000,000 cost of living adjustment** for all Head Start grantees to help keep up with rising costs, to recruit and retain highly qualified staff, and to continue to provide high-quality services to children and families.

Designation Renewal System [DRS].—The Committee continues to encourage HHS to consider the unique challenges faced by Head Start grantees in remote and frontier areas when reviewing such grantees' compliance with health and dental screening requirements as part of the DRS.

Early Head Start [EHS] Expansion and EHS–Child Care Partnerships.—The Committee continues to strongly support EHS expansion and EHS–Child Care Partnerships and recommends \$500,000,000 to support the expansion of Head Start and Early Head Start programs to eligible children and families. This funding has allowed expanded access to infant and toddler care in communities nationwide through traditional Early Head Start programs or through partnerships with center-based and family child care providers who meet the Head Start Program Performance Standards. The Committee directs OHS to award grants under EHS expansion or EHS–Child Care Partnerships in a manner that best meets local community needs and that does not disadvantage communities where EHS–Child Care Partnerships are not available or are not feasible. Finally, the Committee continues to direct HHS to include in future Congressional Justifications the actual and estimated number of slots in each of Head Start, Early Head Start, and EHS–Child Care Partnerships.

Extended Duration.—The Committee includes \$200,000,000 to help Head Start programs offer longer hours of service in accordance with the 2016 Head Start Program Performance Standards.

Facility Improvement Funding.—The Committee continues to strongly encourage ACF to ensure that all Head Start grantees are aware of any funding opportunities, or funding otherwise available, for making capital improvements to facilities. Further, the Committee continues to encourage ACF to standardize this process so all grantees have equal opportunity to apply and are aware of priorities and eligible uses of such funds.

Migrant and Seasonal Head Start [MSHS] Eligibility Requirements.—The Committee understands that a child's eligibility for MSHS is contingent upon a family living below the Federal poverty line and that a majority of the family's income is derived from agricultural work. The Committee is concerned that the COVID–19 pandemic has disrupted the ability of farmworkers to be eligible for services under the MSHS, in part due to the inability of workers to migrate during the pandemic or demonstrate income eligibility. The Committee strongly encourages OHS to use flexibility in determining eligibility under the Migrant and Seasonal Head Start program for farmworker families. The Committee requests a briefing, 30 days after enactment of this act, to discuss MSHS eligibility requirements and barriers to farmworker families receiving services.

Quality Improvement Funding for Staff Recruitment and Retention and Trauma-Informed Care.—The Committee provides \$250,000,000 in quality improvement funding, including a prioritization on activities to recruit and re-train qualified staff in order to support the provision of high-quality program services, and a prioritization on addressing the rise of adverse childhood experiences attributable to the pandemic and the increased prevalence of substance use, economic hardship, home and community violence, and other traumatic experiences that can negatively impact child development and lead to disruptions in classroom environments. The Committee directs the Administration to allow flexibility to meet local needs while focusing these funds on improving the compensation of staff to ensure compensation is competitive to attract and retain qualified staff with an emphasis on staff positions with high rates of turnover; staff training for trauma informed care and identification of signs of addiction and hardship; mental health consultation services to provide expert care and counseling to families and the Head Start workforce; and additional staffing to Head Start classes in high-risk substance use communities to maintain high-quality learning environments.

Tribal Colleges and Universities-Head Start Partnership Program.—The Committee recommendation includes \$4,000,000 for the Tribal Colleges and Universities-Head Start Partnership Program, the same level as the President's budget request.

HOUSE

[Text from the FY 2022 House Labor, HHS Appropriations Subcommittee Report:](#)

The Committee recommends \$12,182,095,000 for the Head Start program, which is \$1,434,000,000 above the fiscal year 2021 enacted level and \$250,000,000 above the fiscal year 2022 budget request.

Cost of Living Adjustment.—The Committee recommends \$234,000,000 for a cost-of-living adjustment.

Early Head Start (EHS) Expansion and Early Head Start-Child Care (EHS-CC) Partnerships.—The Committee provides \$750,000,000 to expand Head Start and Early Head Start programs for eligible children and families. The Committee understands that the EHS-CC Partnership grant program was designed to enhance the quality of child care to better meet the needs of working families and supports the program’s appreciation for how Head Start can be critically helpful to meeting those needs. However, the Committee is aware of certain communities for which there are significant barriers to establishing the EHS-CCP model and expects grants for EHS expansion or EHS-CC partnerships to be awarded based on the unique needs of each community with due consideration of local feasibility. The Committee requests a briefing within 45 days of enactment of this Act on how the Office of Head Start intends to award EHS expansion funding, including EHS-CCP funds, without making awards based on a predetermined spending level, and in a way that does not disadvantage communities where EHS-CCP is infeasible. The Committee urges OHS to ensure that the program is not expanded in a way that excludes children and babies whose parents do not qualify for child care, or pregnant women. The Committee continues to direct ACF to include in the fiscal year 2023 Congressional Budget Justification and each Congressional Budget Justification thereafter, the actual and estimated number of funded slots for each of the following: Head Start, EHS, and EHS-CC Partnerships.

Extended Duration.—The Committee understands the need for Head Start programs to offer longer hours of service to better align with K–12 schedules and support working parents and includes \$200,000,000 for programs to expand program hours of service consistent with the 2016 Head Start Program Performance Standards.

Migrant and Seasonal Head Start (MSHS) Eligibility Requirements.—The Committee remains concerned about how enrollment and eligibility requirements for the MSHS program may act as barriers for low-income farmworker families seeking MSHS services. The Committee reiterates the need for the report on the Impact of the Federal Poverty Guideline, as requested in House Report 116– 450, including the section examining how such requirements may be affecting MSHS. The Committee expects the OHS to brief the Committees on the findings and recommendations of that report as soon as practicable, but not later than 30 days after enactment of this Act, so that it can continue to discuss possible solutions to expand access to such families. In addition, the Committee is concerned that families applying for MSHS services may be deemed ineligible based on the disruption to the lives of agricultural workers as a result of the COVID– 19 pandemic. The Committee understands that several flexibilities exist with regard to how a farmworker can demonstrate eligibility for MSHS programs and directs OHS to issue guidance within 30 days of enactment of this Act on the flexibilities MSHS programs can offer farmworker families with regard to demonstrating income eligibility, or residency, if they were unable to migrate as a result of the pandemic.

Most Vulnerable Communities GAO Study.—The Committee directs GAO to conduct a study identifying whether Head Start meets the needs of the most vulnerable children and communities around the country, or whether flexibility could be given in order to allocate funds to communities, age groups, or families that are in greatest need around the country.

Quality Improvement Funding for Trauma-Informed Care.—The Committee continues to recognize that children affected by trauma face significant challenges that require specialized care. The Committee provides \$250,000,000 in quality improvement funding for programs to increase services for mental health professionals to provide expert care and counseling to families and the Head Start workforce; provide staff training on trauma-informed approaches to service delivery; and add staff to Head Start classrooms.

Supporting Families.—The Committee strongly supports Head Start’s efforts to support families’ well-being and economic security by partnering with parents on employment, education, and career goals. The Committee encourages programs to invest in parents through parent-to-teacher training programs, partnerships with local community colleges, apprenticeship programs, and local employers committed to helping Head Start and Early Head Start families find meaningful employment and career tracks.