



December 12, 2011

**TO:** George H. Sheldon  
Acting Assistant Secretary  
Administration for Children and Families

**FROM:** /Daniel R. Levinson/  
Inspector General

**SUBJECT:** Review of 24 Head Start Grantees' Compliance With Health and Safety Requirements (A-01-11-02503)

The attached final report provides the results of our review of 24 Head Start grantees' compliance with health and safety requirements. The Office of Audit Services and the Administration for Children and Families, Office of Head Start, worked in collaboration to select the 24 grantees in our reviews.

Section 8L of the Inspector General Act, 5 U.S.C. App., requires that the Office of Inspector General (OIG) post its publicly available reports on the OIG Web site. Accordingly, this report will be posted at <http://oig.hhs.gov>.

If you have any questions or comments about this report, please do not hesitate to call me, or your staff may contact Kay L. Daly, Assistant Inspector General for Audit Services, at (202) 619-1157 or through email at [Kay.Daly@oig.hhs.gov](mailto:Kay.Daly@oig.hhs.gov). We look forward to receiving your final management decision within 6 months. Please refer to report number A-01-11-02503 in all correspondence.

Attachment

Department of Health and Human Services

**OFFICE OF  
INSPECTOR GENERAL**

**REVIEW OF 24 HEAD START GRANTEES'  
COMPLIANCE WITH HEALTH AND  
SAFETY REQUIREMENTS**



Daniel R. Levinson  
Inspector General

December 2011  
A-01-11-02503

# ***Office of Inspector General***

<http://oig.hhs.gov>

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The mission of the Office of Inspector General (OIG), as mandated by Public Law 95-452, as amended, is to protect the integrity of the Department of Health and Human Services (HHS) programs, as well as the health and welfare of beneficiaries served by those programs. This statutory mission is carried out through a nationwide network of audits, investigations, and inspections conducted by the following operating components:

## ***Office of Audit Services***

The Office of Audit Services (OAS) provides auditing services for HHS, either by conducting audits with its own audit resources or by overseeing audit work done by others. Audits examine the performance of HHS programs and/or its grantees and contractors in carrying out their respective responsibilities and are intended to provide independent assessments of HHS programs and operations. These assessments help reduce waste, abuse, and mismanagement and promote economy and efficiency throughout HHS.

## ***Office of Evaluation and Inspections***

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The Office of Investigations (OI) conducts criminal, civil, and administrative investigations of fraud and misconduct related to HHS programs, operations, and beneficiaries. With investigators working in all 50 States and the District of Columbia, OI utilizes its resources by actively coordinating with the Department of Justice and other Federal, State, and local law enforcement authorities. The investigative efforts of OI often lead to criminal convictions, administrative sanctions, and/or civil monetary penalties.

## ***Office of Counsel to the Inspector General***

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# *Notices*

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Section 8L of the Inspector General Act, 5 U.S.C. App., requires that OIG post its publicly available reports on the OIG Web site.

## **OFFICE OF AUDIT SERVICES FINDINGS AND OPINIONS**

The designation of financial or management practices as questionable, a recommendation for the disallowance of costs incurred or claimed, and any other conclusions and recommendations in this report represent the findings and opinions of OAS. Authorized officials of the HHS operating divisions will make final determination on these matters.

## **EXECUTIVE SUMMARY**

### **BACKGROUND**

The American Recovery and Reinvestment Act of 2009, P.L. No. 111-5 (Recovery Act), signed into law on February 17, 2009, included measures to modernize our Nation's infrastructure, enhance energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need.

Title VI of the Omnibus Budget Reconciliation Act of 1981 established Head Start as a Federal discretionary grant program. The major program objectives include promoting school readiness and enhancing the social and cognitive development of low-income children by providing health, educational, nutritional, and social services. In 1994, the Head Start program was expanded to establish Early Head Start, which serves children from birth to 3 years of age. We refer collectively to both programs as "Head Start." Within the Department of Health and Human Services, the Administration for Children and Families (ACF), Office of Head Start, administers Head Start. In fiscal year (FY) 2009, Congress appropriated \$7.1 billion to fund Head Start's regular operations. The Recovery Act provided an additional \$2.1 billion for Head Start during FYs 2009 and 2010. These funds were intended for activities such as expanding enrollment, funding cost-of-living wage increases for grantees, upgrading centers and classrooms, and bolstering training and technical assistance.

Pursuant to Federal Head Start regulations (45 CFR § 1304.53(a)(7)), Head Start grantees must provide for the maintenance, repair, safety, and security of all Head Start facilities. These regulations also specify that facilities used by Head Start grantees for regularly scheduled, center-based activities must comply with State and local licensing requirements. If State and local licensing standards are less stringent than the Head Start regulations or if no State licensing standards are applicable, grantees must ensure that their facilities comply with the "Head Start Program Performance Standards" related to health and safety (45 CFR § 1306.30(c)).

From May 2009 through October 2010, we conducted site visits and assessed health and safety compliance at 24 Head Start grantees that managed 175 facilities in 8 States.

### **OBJECTIVE**

Our objective was to summarize the results of 24 Head Start health and safety audits that determined whether grantees complied with applicable Federal, State, and local regulations and standards.

### **SUMMARY OF FINDINGS**

Of the 24 Head Start grantees we reviewed, none complied fully with Federal Head Start or State requirements to protect children from unsafe materials and equipment, and 21 of 24 grantees did not comply fully with Federal Head Start or State requirements to conduct criminal records checks, conduct recurring background checks, document criminal records checks, conduct checks of childcare exclusion lists, or conduct checks of child abuse and neglect registries.

The State requirements varied. ACF could adopt some of the State-specific requirements for background checks to better protect the health and safety of children. Those State requirements included periodic fingerprinting, conducting recurring background checks, and developing an exclusion list to deny employment to individuals who have been convicted of certain crimes.

## **RECOMMENDATIONS**

We recommend that ACF:

- ensure through onsite monitoring that Head Start grantees comply with health and safety regulations;
- perform an analysis to determine whether it should seek a legislative amendment of Federal health and safety requirements that would require periodic background checks for all Head Start employees; and
- amend current policy and regulations to require that any prospective or current employee be disqualified for or terminated from employment with a Head Start grantee if the individual has been convicted of sexual abuse of a child, other forms of child abuse and neglect, or a violent felony.

## **ADMINISTRATION FOR CHILDREN AND FAMILIES COMMENTS**

In written comments on our draft report, ACF stated that it is analyzing our recommendation to implement periodic background checks of all Head Start employees. In addition, ACF stated that it is analyzing the need for legislative action related to implementing periodic background checks, its regulatory authority to change the current requirements for background checks, and its authority to amend current policies related to background checks. ACF stated that, if applicable, it will follow the standard Federal process for promulgating regulations. ACF's comments are included in their entirety as Appendix D.

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## **INTRODUCTION**

### **BACKGROUND**

#### **American Recovery and Reinvestment Act of 2009**

The American Recovery and Reinvestment Act of 2009, P.L. No.111-5 (Recovery Act), signed into law on February 17, 2009, included measures to modernize our Nation's infrastructure, enhance energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need.

The Recovery Act provided for additional levels of transparency and accountability so that taxpayers know how, when, and where tax dollars are spent. To achieve this, the Office of Management and Budget issued guidance requiring Federal agencies and departments to implement and maintain strong internal controls to meet the Recovery Act's accountability objectives. The Offices of Inspectors General provide oversight of Recovery Act funds to prevent fraud, waste, and abuse.

#### **Head Start Program**

Title VI of the Omnibus Budget Reconciliation Act of 1981 established Head Start as a Federal discretionary grant program. The major program objectives include promoting school readiness and enhancing the social and cognitive development of low-income children by providing health, educational, nutritional, and social services. In 1994, the Head Start program was expanded to establish Early Head Start, which serves children from birth to 3 years of age. We refer collectively to both programs as "Head Start."

Within the Department of Health and Human Services, the Administration for Children and Families (ACF), Office of Head Start, administers Head Start. In fiscal year (FY) 2009, Congress appropriated \$7.1 billion to fund Head Start's regular operations.

The Recovery Act provided an additional \$2.1 billion for Head Start during FYs 2009 and 2010. These funds were intended for activities such as expanding enrollment, funding cost-of-living wage increases for grantees, upgrading centers and classrooms, and bolstering training and technical assistance.

#### **Federal Regulations**

Pursuant to Federal Head Start regulations (45 CFR § 1304.53(a)(7)), Head Start grantees must provide for the maintenance, repair, safety, and security of all Head Start facilities. These regulations also specify that facilities used by Head Start grantees for regularly scheduled, center-based activities must comply with State and local licensing requirements. If State and local licensing standards are less stringent than the Head Start regulations or if no State licensing standards are applicable, grantees must ensure that their facilities comply with the Head Start Program Performance Standards related to health and safety (45 CFR § 1306.30(c)).

## **Office of Inspector General Reviews of Head Start Grantees**

Based on our evaluation of licensing and background check requirements for Head Start grantees in all 50 States, we collaborated with ACF in selecting 3 Head Start grantees from each of 8 States that were most at risk for noncompliance with health and safety regulations and standards. We audited 24 Head Start grantees, with 175 Head Start facilities, to determine whether they complied with regulations and standards (Appendix A).

### **OBJECTIVE, SCOPE, AND METHODOLOGY**

#### **Objective**

Our objective was to summarize the results of 24 Head Start health and safety audits that determined whether grantees complied with applicable Federal, State, and local regulations and standards.

#### **Scope**

From May 2009 through October 2010, we conducted site visits and assessed health and safety compliance at 24 Head Start grantees that managed 175 facilities in 8 States. The reviews were done by staff from our regional offices nationwide. We did not review ACF's system of internal controls because our objective did not require us to do so.

#### **Methodology**

To accomplish our objective, we:

- reviewed Federal and State laws, regulations, and policies related to Federal grant awards and Head Start;
- reviewed 2,409 Head Start employee files;
- reviewed grantees' licenses and documentation of fire inspections;
- visited and assessed 175 Head Start facilities managed by 24 grantees; and
- held regular discussions with ACF on the status and results of the audits.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

## FINDINGS AND RECOMMENDATIONS

Of the 24 Head Start grantees we reviewed, none complied fully with Federal, State, and local health and safety regulations and requirements. Specifically, we found the following:

- None of the grantees complied fully with Federal Head Start or State requirements to protect children from unsafe materials and equipment, such as toxic chemicals, broken fences and gates, and unsafe playground equipment.
- Twenty-one of twenty-four grantees did not comply fully with Federal Head Start or State requirements to conduct criminal records checks, conduct recurring background checks, document criminal records checks, conduct checks of childcare exclusion lists, or conduct checks of child abuse and neglect registries. Among these grantees' employees, 588 out of 2,409 (24 percent) had not met all Federal or State preemployment requirements.

According to ACF, 21 of the grantees have corrected the deficiencies that we identified in our audits, and 3 have relinquished grants totaling \$7.7 million in Head Start funds and \$475,635 in related Recovery Act funds. ACF has approved interim grantees to ensure that Head Start services continue uninterrupted until ACF approves permanent replacements.

ACF could adopt some of the State-specific requirements for background checks to better protect the health and safety of children. Those State requirements included periodic fingerprinting, conducting recurring background checks, and developing an exclusion list to deny employment to individuals who have been convicted of certain crimes.

## COMPLIANCE WITH APPLICABLE REGULATIONS AND STANDARDS

### Materials, Equipment, and Security

#### *Federal and State Requirements*

Pursuant to Federal Head Start regulations (45 CFR § 1304.53(a)(7)), grantees must provide for the maintenance, repair, and safety of all Head Start facilities, materials, and equipment. In addition, 45 CFR § 1304.53(a)(7) states that grantees must provide for the security of all Head Start facilities.

The regulations (45 CFR § 1304.53(a)(10)) state that grantees must conduct a safety inspection at least annually to ensure that each facility's space, light, ventilation, heat, and other physical arrangements are consistent with the health, safety, and developmental needs of children. Grantees must ensure that approved, working fire extinguishers are readily available and that premises are cleaned daily and kept free of undesirable and hazardous materials and conditions.

Pursuant to 45 CFR § 1306.30(c), grantees also must ensure that Head Start facilities comply with State and local licensing requirements. If these licensing standards are less comprehensive or stringent than Federal Head Start regulations or if no State or local standards are applicable,

grantees must ensure that their facilities comply with the Head Start Program Performance Standards related to health and safety found in 45 CFR § 1304.53(a).

### *Compliance With Materials, Equipment, and Security Requirements*

For the 24 grantees in our review, we visited 175 facilities. Each grantee had one or more facilities providing Head Start services.

We determined that 163 of 175 facilities (93 percent) did not comply fully with Federal Head Start and State requirements that aim to protect children from unsafe materials and equipment or did not comply fully with Federal and State security regulations. Material, equipment, and security deficiencies included:

- Eighty-eight percent of facilities had toxic chemicals that were accessible to children, such as markers labeled “keep out of reach of children” and cleaning supplies (Appendix B, photographs 1 and 2).
- Seventy-one percent of facilities had open or broken gates leading to parking lots, busy streets, or unsupervised areas and inadequate or broken fences (Appendix B, photographs 3 and 4).
- Sixty-three percent of facilities had play areas not kept free of debris (e.g., glass and nails) or other harmful conditions, including poison ivy, large drain grates, protruding tree roots, and fire ant mounds (Appendix B, photographs 5 and 6).
- Fifty-four percent of facilities had playground equipment that was not in good repair, including items with protruding bolts, broken climbing apparatuses, and elevated platforms without protective guards (Appendix B, photographs 7 and 8).
- Thirty-eight percent of facilities had doors that were unlocked or propped open during hours of operation, allowing unrestricted access to the buildings and classrooms (Appendix B, photograph 9).
- Twenty-one percent of facilities had hazardous items that were improperly stored and accessible to children; at one facility, a machete and a gas-powered hedge trimmer were left unattended near the children’s play area (Appendix B, photographs 10A and 10B).

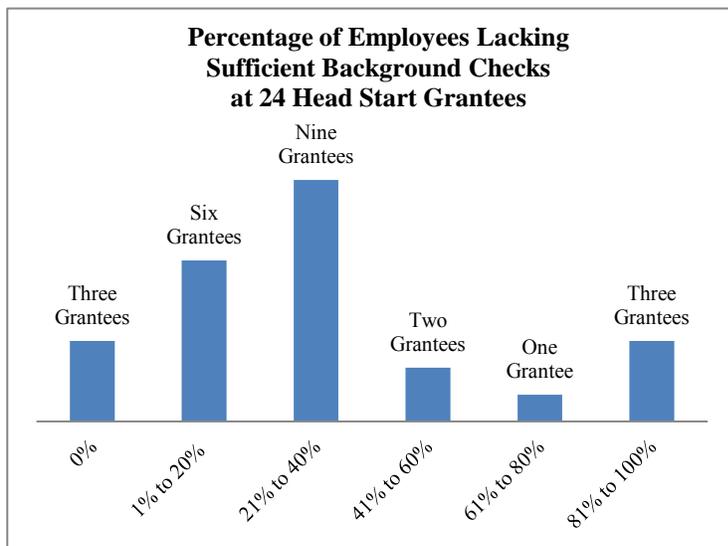
These deficiencies occurred because grantees did not have adequate procedures or did not consistently follow procedures that were in place to ensure compliance with Federal and State health and safety requirements.

## Background Checks

### *Federal and State Requirements*

The Head Start Act (42 U.S.C. § 9843A(g)(3)) states, “Before a Head Start agency employs an individual, such agency shall obtain: (A) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children; (B) a State, tribal, or Federal criminal record check as required by the law of the jurisdiction where the grantee provides Head Start services; or (C) a criminal record check as otherwise required by Federal law.” Federal Head Start regulations (45 CFR § 1301.31(b)(2)) state that grantees must require each current and prospective employee to sign a declaration that lists (1) pending and prior criminal arrests and charges and their disposition related to child sexual abuse, (2) convictions related to other forms of child abuse and neglect, and (3) convictions for violent crimes.

In addition, Federal Head Start regulations (45 CFR § 1306.30(c)) state that grantees must comply with State and local licensing requirements related to health and safety. These requirements vary from State to State (Appendix C).



### *Compliance With Background Check Requirements*

As illustrated, only 3 of the 24 grantees complied with all Federal and State requirements for employee background checks. Twenty-one grantees did not have proper employee background check documentation for 588 of 2,409 employees (24 percent). Grantees were not compliant with Federal and State preemployment requirements, including the following:

- preemployment criminal records checks,
- criminal records checks after unconditional employment,
- signed employee declarations,
- child abuse and neglect registry checks, and
- exclusion list checks to disqualify employment based on criminal history.

These deficiencies occurred because grantees did not have adequate procedures or did not consistently follow procedures that were in place to ensure compliance with Federal and State health and safety regulations.

### *State-Specific Background Checks*

All eight States in our review required grantees to conduct preemployment criminal records checks. However, we found that the requirements for additional background checks of childcare employees varied significantly from State to State. For example, of the eight States in our review:

- seven required grantees to check the State child abuse and neglect registry,
- five required grantees to check fingerprints with State or Federal officials as part of the criminal records checks,
- four required grantees to update employee background checks every 24 months or on a continual basis, and
- two required grantees to check the State sex offender registry.

In addition, seven of the eight States developed exclusion lists to disqualify individuals from childcare employment if they committed certain crimes, such as assault, assault with a dangerous weapon, burglary, robbery, kidnapping, and unlawful distribution or possession of a controlled substance.

Adopting some of the State-specific requirements that we have identified could help ACF to better protect the health and safety of children.

## **RECOMMENDATIONS**

We recommend that ACF:

- ensure through onsite monitoring that Head Start grantees comply with health and safety regulations;
- perform an analysis to determine whether it should seek a legislative amendment of Federal health and safety requirements that would require periodic background checks for all Head Start employees; and
- amend current policy and regulations to require that any prospective or current employee be disqualified for or terminated from employment with a Head Start grantee if the individual has been convicted of sexual abuse of a child, other forms of child abuse and neglect, or a violent felony.

## **ADMINISTRATION FOR CHILDREN AND FAMILIES COMMENTS**

In written comments on our draft report, ACF stated that it is analyzing our recommendation to implement periodic background checks of all Head Start employees. In addition, ACF stated that it is analyzing the need for legislative action related to implementing periodic background checks, its regulatory authority to change the current requirements for background checks, and its authority to amend current policies related to background checks. ACF stated that, if applicable, it will follow the standard Federal process for promulgating regulations. ACF's comments are included in their entirety as Appendix D.

# **APPENDIXES**

**APPENDIX A: OFFICE OF INSPECTOR GENERAL'S 24  
HEAD START HEALTH AND SAFETY AUDITS**

| <b>Report Number</b> | <b>Title of Report</b>   | <b>Date Issued</b> |
|----------------------|--|--------------------|
| A-09-11-01000        | <i>Review of Kings Community Action Organization's Compliance With Health and Safety Regulations for Head Start Programs</i>   | 06/17/2011         |
| A-03-09-00369        | <i>Review of the United Planning Organization's Compliance With Health and Safety Regulations for Head Start Programs</i>  | 03/24/2011         |
| A-03-09-00363        | <i>Review of the District of Columbia, Parks and Recreation Compliance With Health and Safety Regulations for Head Start Programs</i>                                  | 11/16/2010         |
| A-06-10-00053        | <i>Review of Head Start Health and Safety Standards at Rolling Plains Management Corporation</i>   | 09/24/2010         |
| A-06-10-00060        | <i>Review of Head Start Health and Safety Standards at Advocates for Children and Families, Inc.</i>   | 09/24/2010         |
| A-02-09-02018        | <i>Review of Head Start Health and Safety Standards at Albany Community Action Partnership</i>   | 09/23/2010         |
| A-06-09-00081        | <i>Review of Community Council of South Central Texas, Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i>                                | 09/21/2010         |
| A-05-10-00040        | <i>Review of Renewal Unlimited, Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i>   | 09/17/2010         |
| A-02-10-02004        | <i>Review of Joint Council for Economic Opportunity of Clinton and Franklin Counties, Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i> | 09/10/2010         |
| A-09-09-00089        | <i>Review of Inyo Mono Advocates for Community Action's Compliance With Health and Safety Regulations for Head Start Programs</i>                                      | 08/30/2010         |

| <b>Report Number</b> | <b>Title of Report</b>  | <b>Date Issued</b> |
|----------------------|---|--------------------|
| A-09-10-01008        | <i>Review of North Coast Opportunities, Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i>                          | 08/30/2010         |
| A-02-09-02013        | <i>Review of Head Start Health and Safety Standards at Brooklyn Child Family Services, Inc.</i>   | 08/09/2010         |
| A-05-10-00022        | <i>Review of ADVOCAP Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i>   | 07/30/2010         |
| A-07-09-02764        | <i>Review of Head Start Health and Safety Standards at Cerebral Palsy of Colorado, Inc.</i>   | 07/20/2010         |
| A-05-09-00079        | <i>Review of Northcott Neighborhood House's Compliance With Health and Safety Regulations for Head Start Programs</i>                             | 07/12/2010         |
| A-03-09-00361        | <i>Review of Community Development Institute Head Start, North Metro DC Compliance With Health and Safety Regulations for Head Start Programs</i> | 06/25/2010         |
| A-01-10-02500        | <i>Review of West Haven Community House Association, Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i>             | 06/25/2010         |
| A-07-09-02763        | <i>Review of Head Start Health and Safety Standards at Longmont Children's Council</i>  | 05/27/2010         |
| A-07-09-02761        | <i>Review of Head Start Health and Safety Standards at Saguache County Community Council</i>  | 04/21/2010         |
| A-04-09-03527        | <i>Review of the Head Start Health and Safety Standards at Tallatoona Community Action Partnership, Inc.</i>                                      | 04/15/2010         |
| A-04-09-03528        | <i>Review of the Head Start Health and Safety Standards at Coastal Plain Area Economic Opportunity Authority, Inc.</i>                            | 03/22/2010         |

| <b>Report Number</b> | <b>Title of Report</b>  | <b>Date Issued</b> |
|----------------------|---|--------------------|
| A-04-09-03531        | <i>Review of the Head Start Health and Safety Standards at Community Action for Improvement, Inc.</i>                           | 03/18/2010         |
| A-01-09-02508        | <i>Review of Norwalk Economic Opportunity Now, Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i> | 03/18/2010         |
| A-01-09-02505        | <i>Review of New Opportunities, Inc.'s Compliance With Health and Safety Regulations for Head Start Programs</i>                | 12/07/2009         |

**APPENDIX B: LACK OF COMPLIANCE WITH MATERIAL SAFETY,  
EQUIPMENT SAFETY, AND FACILITY SECURITY**



**Photograph 1: Classroom art supplies that are hazardous to children’s health were accessible to children. The labels on these markers state, “KEEP OUT OF REACH OF CHILDREN.”**



**Photograph 2: Paint and cleaning supplies were in an unlocked stairwell accessible to children.**



**Photograph 3: The perimeter fence of a play area next to a busy street had an open gate.**



**Photograph 4: A broken gate was held together by wire.**



**Photograph 5: A walkway to a children’s outdoor play area had a board with rusted nails.**



**Photograph 6: One of several drains in an outdoor play area had spacing between the metal grids (approximately 2 inches) wide enough for a small child’s foot to get caught.**



**Photograph 7: A children's outdoor climbing apparatus had an unattached structural support pole with sharp edges.**



**Photograph 8: An elevated platform did not have protective guards to prevent a child from falling.**



**Photograph 9: An unlocked door allowed unsupervised access to classrooms.**



**Photograph 10A (above) and 10B (below): Two photographs of the same stairway show a machete, a metal rake, and a gas-powered hedge trimmer left unattended. The stairs were next to a walkway that children used to get to an outdoor play area.**



## APPENDIX C: STATE CHILDCARE LICENSING REQUIREMENTS

| <b>State</b> | <b>Child Abuse and Neglect Registry</b> | <b>Sex Offender Registry</b> | <b>State Fingerprints</b> | <b>Federal Fingerprints</b> | <b>State Exclusion List<sup>1</sup></b> | <b>Update of Background Checks</b> |
|--------------|---|------------------------------|---------------------------|-----------------------------|---|------------------------------------|
| CA           | Yes                                     | Yes                          | Yes                       | Yes                         | Yes                                     | No                                 |
| CO           | Yes                                     | No                           | Yes                       | No                          | Yes                                     | Continuous <sup>2</sup>            |
| CT           | Yes                                     | No                           | Yes                       | Yes                         | No                                      | No                                 |
| DC           | Yes                                     | Yes                          | Yes                       | Yes                         | Yes                                     | Yes                                |
| GA           | No                                      | No                           | No                        | No                          | Yes                                     | No                                 |
| NY           | Yes                                     | No                           | Yes                       | No                          | Yes                                     | Continuous <sup>2</sup>            |
| TX           | Yes                                     | No                           | Yes                       | Yes                         | Yes                                     | Every 24 months                    |
| WI           | Yes                                     | No                           | No                        | No                          | Yes                                     | No                                 |

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<sup>1</sup> State exclusion lists identify individuals who should be disqualified from childcare employment because they had committed specified offenses, such as an assault, assault with a dangerous weapon, burglary, robbery, kidnapping, and unlawful distribution or possession of a controlled substance.

<sup>2</sup> New York and Colorado each had a system in which the State agency conducting the criminal records check (e.g., State Bureau of Investigations) would notify the State licensing agency or the childcare provider (in this case, the Head Start grantee) if a Head Start employee had committed a crime.

**APPENDIX D: ADMINISTRATION FOR CHILDREN AND FAMILIES COMMENTS**



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

**ADMINISTRATION FOR CHILDREN AND FAMILIES**  
Office of the Assistant Secretary, Suite 600  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

OCT 20 2011

**TO:** Daniel R. Levinson  
Inspector General

**FROM:** George H. Sheldon  
Acting Assistant Secretary  
for Children and Families

**SUBJECT:** Office of Inspector General (OIG) Draft Report titled, "Review of 24  
Head Start Grantees' Compliance with Health and Safety Requirements"  
(A-01-11-02503)

Attached are comments of the Administration for Children and Families on the above-mentioned OIG draft report.

Should you have questions or need additional information, please contact Yvette Sanchez Fuentes, Director, Office of Head Start, at (202) 205-8573.

Attachment

**COMMENTS OF THE ADMINISTRATION FOR CHILDREN AND FAMILIES ON  
THE OFFICE OF INSPECTOR GENERAL DRAFT REPORT TITLED, "REVIEW OF  
24 HEAD START GRANTEEES' COMPLIANCE WITH HEALTH AND SAFETY  
REQUIREMENTS" (A-01-11-02503)**

The Administration for Children and Families (ACF) appreciates the opportunity to comment on the above-cited Office of Inspector General (OIG) draft report.

**OIG RECOMMENDATIONS**

We recommend that ACF:

- ensure through onsite monitoring that Head Start grantees comply with health and safety regulations;
- perform an analysis to determine whether it should seek a legislative amendment of Federal health and safety requirements that would require periodic background checks for all Head Start employees; and
- amend current policy and regulations to require that any prospective or current employee be disqualified for or terminated from employment with a Head Start grantee if the individual has been convicted of sexual abuse of a child, other forms of child abuse and neglect, or a violent felony.

**ACF RESPONSE**

ACF takes health and safety regulations very seriously and regularly monitors on these regulations. ACF took advantage of the opportunity to work with OIG to have another set of reviewers do an additional check on programs that were selected by ACF, OHS and OIG for an in-depth health and safety review. Of the 24 grantees for which OIG conducted health and safety audits, three were terminated and 21 corrected their deficiencies.

ACF is analyzing OIG's recommendation of implementing periodic background checks for all Head Start employees and analyzing the potential need for legislative action related to this recommendation. In addition OHS is reviewing its regulatory authority to make a change to the current requirements around background checks. ACF will follow the standard Federal process for promulgating regulations, including a public comment period before issuing any new requirements.

ACF is also exploring its regulatory authority to amend current policies related to background checks as OIG suggested. Were ACF to amend any of these requirements, it would follow the standard Federal process for promulgating regulations, including a public comment period before any new regulation became final.