



February 8, 2022

Secretary Miguel Cardona  
U.S. Education Department  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Secretary Xavier Becerra  
U.S. Department of Health and Human Services  
200 Independence Avenue, S. W.  
Washington, D.C. 20201

Dear Secretary Cardona and Secretary Becerra,

The Head Start Interim Final Rule with Comments (IFC) regarding COVID-19 vaccines and masking went into full effect on Monday, January 31, 2022. On the heels of this change, we write today to express the urgent need for the Administration to provide clear guidance to ensure Head Start programs and public school system leaders can continue to operate Head Start programs and ensure that Head Start children and their families safely retain access to critical services.

On behalf of our communities nationwide—AASA, The School Superintendents Association, representing the nation’s public school superintendents, and the National Head Start Association (NHSA), representing the nation’s Head Start programs—acknowledge the critical role of vaccines and masking in reducing the spread of COVID-19. We agree that the elimination of COVID-19 is of paramount importance. That said, state and local regulatory conflicts with the IFC are causing potentially irreparable damage to the partnerships between Head Start programs and school districts.

We are deeply concerned that without further clarity and guidance, thousands of children will lose access to life-changing Head Start services. Likewise, countless partnerships, which have taken decades to build, will be damaged due to a lack of trust from the Administration that local communities know what’s best for their children and families. Head Start programs need prompt clarification, detailed guidance and local flexibility to effectively implement and enforce the vaccine and masking mandates contained in the IFC. School districts—essential partners that often directly deliver services to Head Start children and families—need clarity on how the mandates will apply in locations where the IFC conflicts with state and/or local regulations or guidance in a manner which does not isolate or negatively impact children.

For example, a Head Start program in northern Minnesota contracts with an Individualized Education Program (IEP) provider who usually sends a specialist into the Head Start classroom to provide services for children with disabilities. The school district has signed an updated Memorandum of Understanding which includes the new vaccine requirement for Head Start. However, in many cases, the only specialist available to provide IEP services (e.g., early childhood physical therapy services) is unvaccinated. This puts the Head Start mandate at odds with the district’s obligation to meet the IEP.

This same school district contracts with a company to transport children on IEPs. The local Head Start program does not pay for this service, nor are they administrators on the bus company contract. The school district holds the contract and arranges all transportation, including allocating seats on the buses to transport children to Head Start locations. When informed of the IFC, the transportation company said it does not have a vaccinated driver and would likely be unable to provide one due to staffing and hiring troubles. Again, this puts the Head Start mandate at odds with the district’s obligation to meet the IEP.



In each of these circumstances, the two possible outcomes are untenable. If the program follows the IFC, they will deny services. If they ignore the IFC, they will be out of compliance. Simply saying the Head Start program must find a different provider who is vaccinated does not reflect the reality of many communities across the nation, especially in rural and frontier areas. Federal court injunctions which have paused implementation of the IFC in fully half of the country bring additional uncertainty.

Again, the health and safety of Head Start children, families, staff and communities has been and remains our top priority. The qualified and dedicated Head Start and school district staff who have their children's best interest at heart all benefit from the strength of local partnerships and local flexibility.

Recognizing the devastating impacts poverty has on the future success of young children and their families, we strongly urge you to provide the clarity and guidance necessary for our organizations to continue to effectively deliver on the longstanding commitment to provide early learning opportunities and comprehensive services to our country's most vulnerable children and their families. Thank you for your consideration and your prompt action. We stand ready to work with you.

Sincerely,

A handwritten signature in black ink that reads "Yasmina Vinci".

Yasmina S. Vinci  
Executive Director, National Head Start Association

A handwritten signature in black ink that reads "Daniel A. Domenech".

Daniel A. Domenech  
Executive Director, AASA, The School Superintendents Association

CC: White House Domestic Policy Council  
Senate HELP Committee  
House Education & Labor Committee  
Speaker Nancy Pelosi  
Ranking Member Kevin McCarthy  
Majority Leader Chuck Schumer  
Ranking Member Mitch McConnell