

# Lessons learned:

Looking to the past for ideas about  
how to improve in the future

## Governance Training Series

# NICOLE M. BACON



## Contact Information:

[nbacon@ftlf.com](mailto:nbacon@ftlf.com)

202.466.8960

- Nicole, a Partner at Feldesman Tucker Leifer Fidell LLP, has been with the firm since 2008 and a practicing attorney since 2003.
- She is counsel to numerous federal grantee organizations across the country representing her clients in federal litigation as well as providing counsel on compliance and transactional matters.
- Her representative activities include reviewing and revising contracts, subrecipient agreements, procurement policies and procedures, and other grant-related documents to ensure compliance with programmatic requirements and other federal regulations. Nicole also advises clients on the federal requirements for grant related construction and renovation projects including issues related to filing notices of federal interest.
- Prior to joining the firm, Nicole worked as a legal services staff attorney, representing low-income clients in domestic violence matters, family law issues, public housing and landlord-tenant disputes, and consumer cases.

# DISCLAIMER

---

- This presentation has been prepared by the attorneys of Feldesman Tucker Leifer Fidell LLP. The opinions expressed in these materials are solely their views.
- The materials are being used with the understanding that the authors are not engaged in rendering legal or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.
- Please do not record today's training session.

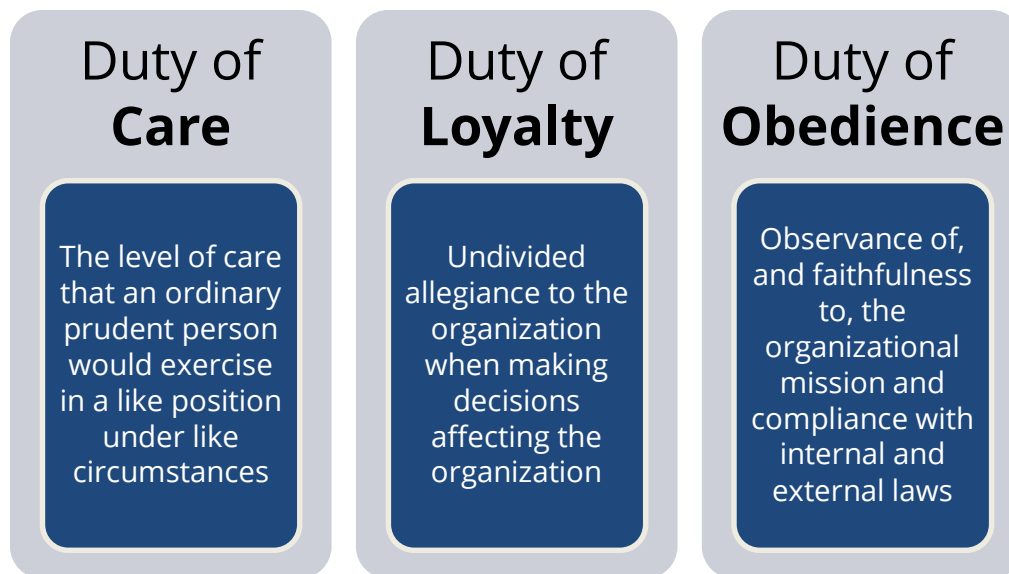
# ROLES AND RESPONSIBILITIES

---

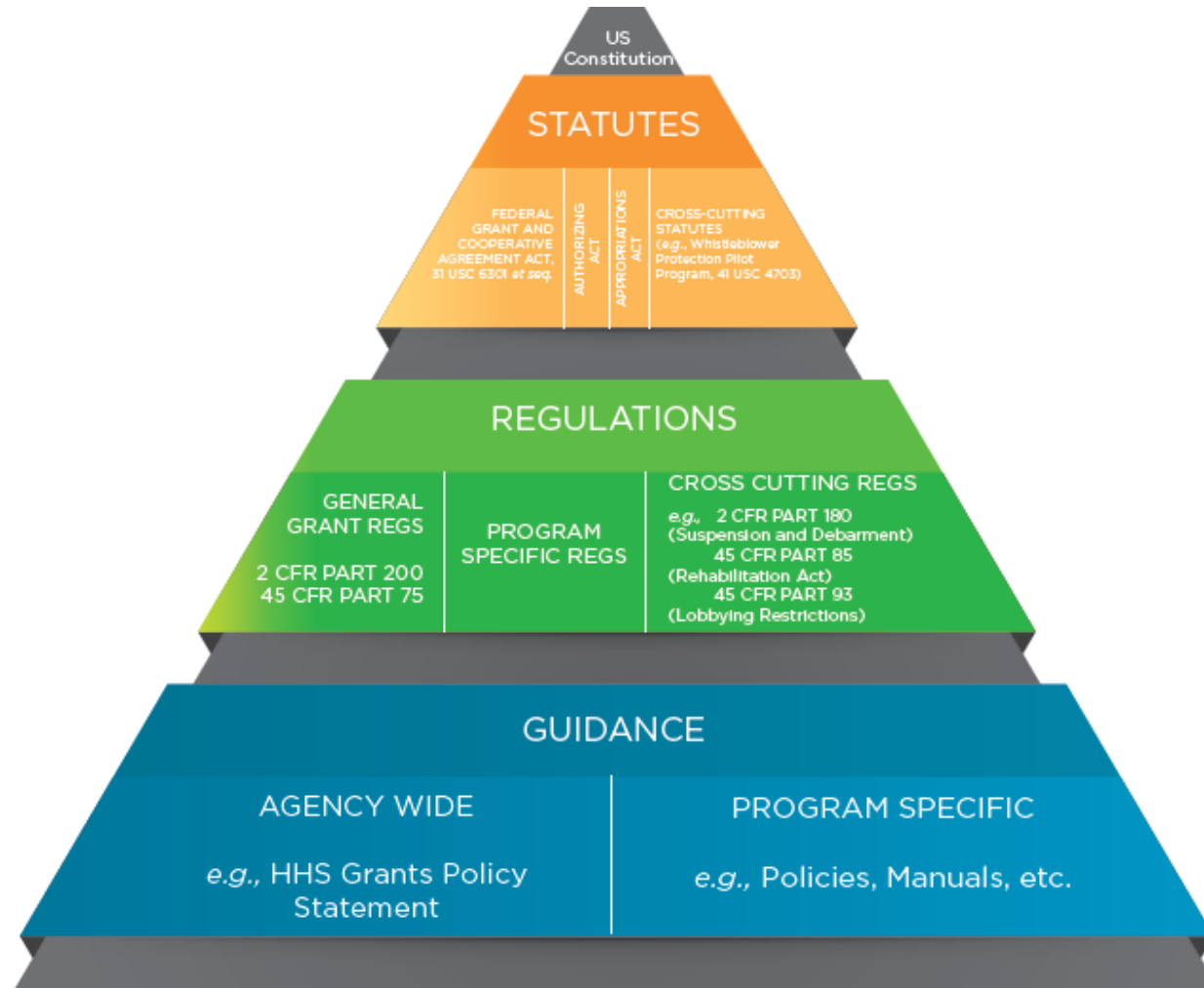
- Governing Body
- Policy Council
- Management

# A BOARD MEMBER'S FIDUCIARY DUTIES

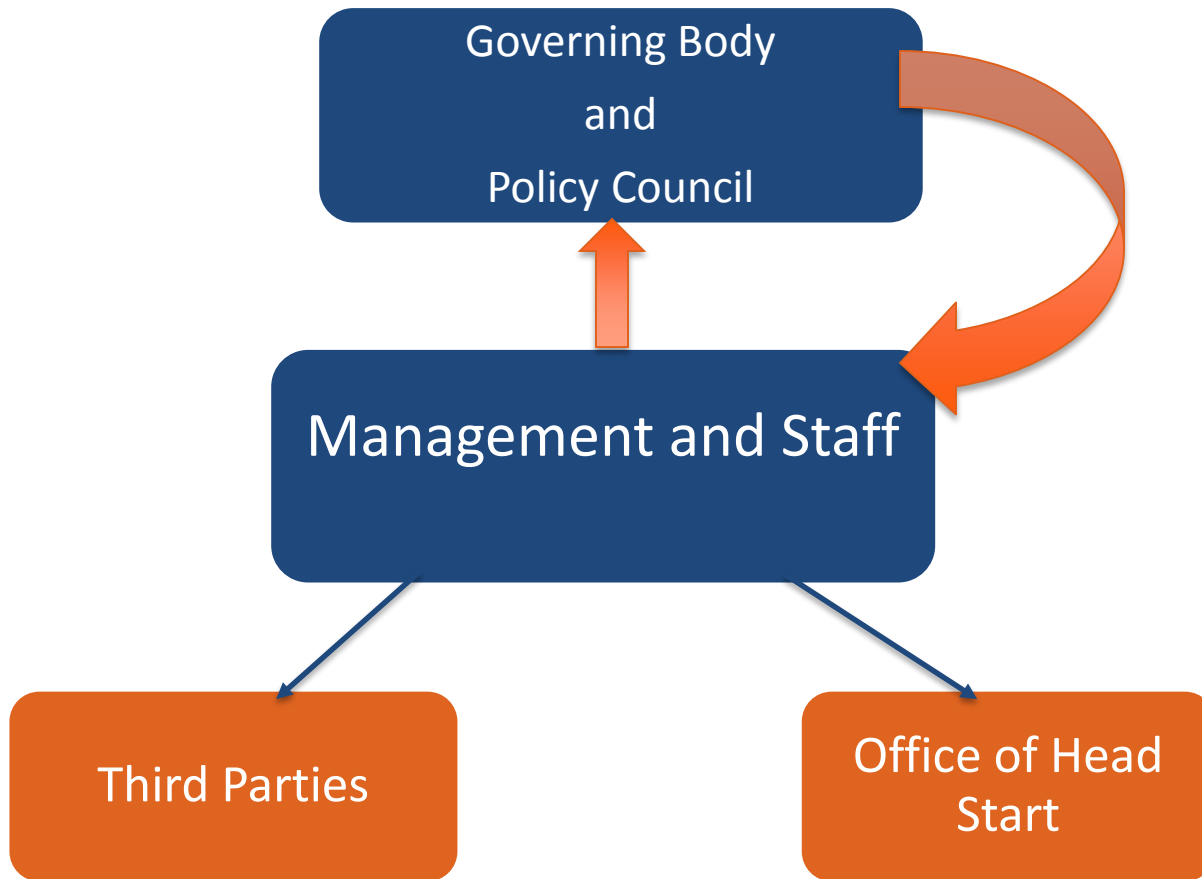
- The relationship the Board of Directors has with the Head Start Agency creates duties that govern the Member's behavior.



# FEDERAL GRANTS 101



# DATA



# MONITORING PROTOCOL

---

- Focus Area One: An off-site document review followed by a series of conference calls during the course of one week.
- Focus Area Two: An offsite document review and offsite conference calls with the fiscal and program specialists, followed by a one-week onsite review.
- CLASS



# HUMAN RESOURCES

Board	Policy Council
<p>642(c)(1)(E)</p> <p><i>“reviewing and approving... personnel policies of such agencies regarding the hiring, evaluation, termination, and compensation of agency employees...”</i></p> <p><i>“approving personnel policies and procedures, including policies and procedures regarding the hiring, evaluation, compensation, and termination of the <b>Executive Director, Head Start Director, Director of Human Resources, Chief Fiscal Officer,</b> and any other person in an equivalent position with the agency”</i></p>	<p>642(c)(2)(D)</p> <p><i>“<b>approve</b> and <b>submit to the governing body... <u>decisions</u>...</b></i></p> <p>Program personnel policies and <b>decisions regarding the <u>employment of program staff</u>, consistent with paragraph (1)(E)(iv)(IX), including standards of conduct for program staff, contractors, and volunteers and <u>criteria</u> for the <u>employment and dismissal</u> of program staff.”</b></p>

# PRIVACY

---

General rule for disclosures: Must have parental consent.

- Consent
  - Written (may be electronic)
  - Details the records to be released, reasons for release, to whom the records are released
  - Explains that consent is voluntary and may be revoked, but that revocation is not retroactive.

# PLANNING FOR THE NEW YEAR

## Ongoing assessment of program goals 1302.102(b)(2)

(2) Ongoing assessment of program goals. A program must effectively oversee progress towards program goals on an ongoing basis and annually must:

(i) **Conduct a self-assessment** that uses program data including aggregated child assessment data, and professional development and parent and family engagement data as appropriate, to evaluate the program's progress towards meeting goals established under paragraph (a) of this section, compliance with program performance standards throughout the program year, and the effectiveness of the professional development and family engagement systems in promoting school readiness;

(ii) **Communicate and collaborate with the governing body and policy council, program staff, and parents of enrolled children when conducting the annual self-assessment;** and,

(iii) Submit findings of the self-assessment, including information listed in paragraph (b)(2)(i) of this section to the responsible HHS official.

# CONTACT INFORMATION

---

**Nicole M. Bacon**

[nbacon@feldesmantucker.com](mailto:nbacon@feldesmantucker.com)

(202) 466-8960

Feldesman Tucker Leifer Fidell, LLP

1129 20<sup>th</sup> St. NW

Washington, D.C. 20036

[\*\*www.FTLF.com\*\*](http://www.FTLF.com)