

# 1309 Facilities- Module One

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45 CFR Ch. XIII (10–1–05 Edition)

Pt. 1309

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AUTHORITY: 42 U.S.C. 9801 *et seq.*  
 SOURCE: 64 FR 5945, Feb. 8, 1999, unless otherwise noted.

### Subpart A—General

#### § 1309.1 Purpose and application.

This part prescribes regulations implementing sections 644(c), (f) and (g) and 645A(b)(9) of the Head Start Act, 42 U.S.C. 9801 *et seq.*, as they apply to grantees operating Head Start programs (including Early Head Start grantees) under the Act. It prescribes the procedures for applying for Head Start grant funds to purchase, construct, or make major renovations to facilities in which to operate

Head Start programs. It also details the measures which must be taken to protect the Federal interest in such facilities purchased, constructed or renovated with Head Start grant funds.

[68 FR 23219, May 1, 2003]

#### § 1309.2 Approval of the use of Head Start funds to continue purchase of facilities.

Head Start grantees (including Early Head Start grantees) which purchased facilities after December 31, 1986, and which are continuing to pay costs of purchasing those facilities, may apply to receive Head Start funds to meet those costs by submitting applications which conform to the requirements of this part and the Act. A grantee may only use grant funds to pay facility

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#### Test Questions:

*Select the correct "True" or "False" option.*

1. *The grantee will also assure that it has met the requirements of the Flood Disaster Protection Act of 1973, if applicable. (1309.10)*

- True                       False

2. *The applicant must certify that, upon completion of major renovation to a facility or construction of a facility, that an inspection by a licensed engineer or architect will be conducted to determine that the facility is structurally sound and safe for use as a Head Start facility. (1309.10)*

- True                       False

**3. A grantee cannot seek funding for acquisition of a facility that is sited on land not owned by the grantee. (1309.10)**

True

False

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**Office of Human Development Services,  
HHS**

**§ 1309.3**

purchase costs incurred after the responsible HHS official approves its application.

Start grantee to carry out a Head Start program.

[68 FR 23219, May 1, 2003]

**Grant funds** means Federal financial assistance received by a grantee from ACF to administer a Head Start or Early Head Start program pursuant to the Head Start Act.

**§ 1309.3 Definitions.**

As used in this part, *ACF* means the Administration for Children and Families in the Department of Health and Human Services, and includes the Regional Offices.

**Grantee** means any agency designated to operate a Head Start program (including an agency designated to operate an Early Head Start program) pursuant to section 641 or 645A of the Head Start Act.

**Acquire** means to purchase or construct in whole or in part with Head Start grant funds through payments made in satisfaction of a mortgage agreement (both principal and interest), as a down payment, and for professional fees, closing costs and any other costs associated with the purchase or construction of the property that are usual and customary for the locality.

**Head Start center or a direct support facility for a Head Start program** means a facility used primarily to provide Head Start services to children and their families, or for administrative or other activities necessary to the conduct of the Head Start program.

**Act** means the Head Start Act, 42 U.S.C. section 9801, *et seq.* *ACYF* means the Administration on Children, Youth and Families, a component of the Administration for Children and Families in the Department of Health and Human Services.

**Incidental alterations and renovations** means improvements to facility which do not meet the definition of major renovation.

**Construction** means new buildings, and excludes renovations, alterations, additions, or work of any kind to existing buildings.

**Major renovation** means a structural change to the foundation, roof, floor, or exterior or loadbearing walls of a facility, or extension of an existing facility to increase its floor area. Major renovation also means extensive alteration of an existing facility, such as to significantly change its function and purpose, even if such renovation does not include any structural change to the facility. Major renovation also includes a renovation of any

**Facility** means a structure such as a building or modular unit appropriate for use by a Head

kind which has a cost exceeding the lesser of \$200,000, adjusted annually to reflect the percentage change in the Consumer Price Index for All Urban Consumers (issued by the Bureau of Labor Statistics) beginning one year after June 2, 2003, or 25 percent of the total annual direct costs approved for the grantee by ACF for the budget period in which the application is made.

**Modular unit** means a portable prefabricated structure made at another location and moved to a site for use by a Head Start grantee to carry out a Head Start program.

**Purchase** means to buy an existing facility, either outright or through a mortgage. Purchase also refers to an approved use of Head Start funds to continue paying the cost of purchasing facilities begun after December 31, 1986 as permitted by the Head Start Act and by § 1309.2.

**Real property** means land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

**Responsible HHS official** means the official who is authorized to make the grant of financial assistance to operate a Head Start program, or such official's designee.

**Suitable facility** means a facility which is large enough to meet the foreseeable needs of the Head Start program and which complies with local licensing and code requirements and the access requirements of the Americans with Disabilities Act (ADA), if applicable, and section 504 of the Rehabilitation Act of 1973.

[64 FR 5945, Feb. 8, 1999, as amended at 68 FR 23219, May 1, 2003]

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## Test Questions:

**Select the correct "True" or "False" option.**

1. **Construction means new buildings, and excludes renovations, alterations, additions, or work of any kind to existing buildings.**

(1309.3)

True  False

2. **Incidental alterations and renovations means improvements to facility which do not meet the definition of major renovation.**

(1309.3)

True  False

**3. Real property means land, including land improvements, structures and appurtenances thereto, including movable machinery and equipment. (1309.3)**

True  False

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**§ 1309.4 Eligibility—Construction.**

Before submitting an application under § 1309.10 for construction of a facility, the grantee must establish that:

(a) The Head Start program serves an Indian Tribe; or is located in a rural or other low-income community; and

(b) There is a lack of suitable facilities (including public school facilities) in the grantee’s service area which will inhibit the operation of the program, as demonstrated by a statement that neither the grantee’s current facility nor any facility available for lease in the service area is suitable for use by the Head Start program. This statement must explain the factors considered, how it was determined that there is a lack of suitable facilities and be supported whenever possible by a written statement from a licensed real estate professional in the grantee’s service area.

[68 FR 23219, May 1, 2003]

**§ 1309.5 Eligibility—Major Renovations.**

Before submitting an application under § 1309.10, the grantee must establish that:

(a) The Head Start program serves an Indian Tribe, or is located in a rural or other low-income community; and

**§ 1309.4**

(b) There is a lack of suitable facilities (including public school facilities) in the grantee’s service area which will inhibit or prevent the operation of the program, as demonstrated by a statement that neither the grantee’s current facility nor any facility available for lease or purchase in the service area is suitable or could be made suitable without major renovation. This statement must explain the factors considered, how it was determined that there is a lack of suitable facilities and be supported, whenever possible, by written statement from a licensed real estate professional in the grantee’s service area.

[68 FR 23220, May 1, 2003]

**Subpart B—Application Procedures**

**§ 1309.10 Applications for the purchase, construction and major renovation of facilities.**

A grantee which proposes to use grant funds to purchase a facility, or a grantee found eligible under § 1309.4 to apply for funds to construct a facility, or § 1309.5 to undertake major renovation of a facility, including facilities purchased for that purpose, must submit a written application to the responsible HHS official. The application must include the following information:

(a) A legal description of the site of the facility, including a statement of the effect that

and an explanation of the appropriateness of the location to the grantee's service area, acquisition or major renovation of the facility has had or will have on the transportation of children to the program, on the grantee's ability to collaborate with other child care, early education programs, social services and health providers, and on all other program activities and services.

(b) Plans and specifications of the facility to be acquired, including information on the size and type of structure, the number and a description of the rooms, and the lot on which the building is located or will be located (including the space available for a playground and for parking). **If incidental alterations and**

**renovations or major renovations are being proposed to make a facility suitable to carry out the Head Start program, a description of the renovations, and the plans and specifications submitted, must also describe the facility as it will be after renovations are complete.** In the case of a proposed major renovation or construction project, the applicant must submit a written estimate of all costs associated with the project. An architect or engineer must prepare the written estimate.

(c) The cost comparison described in § 1309.11. (d) The intended use of the facility proposed for acquisition or major renovation, including information showing the percentage of floor space that will

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### Test Questions:

*Select the correct "True" or "False" option.*

**4. Before submitting an application for construction of a facility, the grantee must establish that there is a lack of suitable facilities in the grantee's service area which will inhibit the operation of the program. (1309.4)**

True  False

**5. A grantee which proposes to use grant funds to purchase a facility must submit a written application which includes the effect that acquisition will have on the grantee's ability to collaborate with other child care, early education programs, social services and health providers, and on all other program activities and services. (1309.10)**

True  False

**6. In the case of a proposed major renovation or construction project, the applicant must submit a written estimate of all costs associated with the project. (1309.10)**

True  False

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Last Name \_\_\_\_\_

First \_\_\_\_\_ Initial \_\_\_\_

Location \_\_\_\_\_

Answers: 1-T, 2-T, 3-F, 4-T, 5-T, 6-T