

The Honorable Ricardo S. Martinez

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

WASHINGTON STATE ASSOCIATION OF  
HEAD START AND EARLY CHILDHOOD  
ASSISTANCE AND EDUCATION  
PROGRAM, ILLINOIS HEAD START  
ASSOCIATION, PENNSYLVANIA HEAD  
START ASSOCIATION, WISCONSIN HEAD  
START ASSOCIATION, FAMILY FORWARD  
OREGON, and PARENT VOICES OAKLAND,

*Plaintiffs,*

v.

ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of Health and Human  
Services; U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES; ANDREW  
GRADISON, in his official capacity as Acting  
Assistant Secretary of the Administration for  
Children and Families; ADMINISTRATION FOR  
CHILDREN AND FAMILIES; OFFICE OF  
HEAD START; and TALA HOOBAN, in her  
official capacity as Acting Director of the Office  
of Head Start,

*Defendants.*

Case No. 2:25-cv-00781-RSM

**DECLARATION OF KHARI  
GARVIN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A  
PRELIMINARY INJUNCTION**

NOTE ON MOTION CALENDAR:  
JUNE 13, 2025

1 I, Khari Garvin, declare as follows:

2 1. I am over the age of eighteen, and I have personal knowledge of all the facts stated  
3 in this declaration. If called to do so, I could and would testify to them competently under oath.

4 2. I am a former Director of the Office of Head Start (OHS), in the Administration  
5 for Children and Families, which is part of the United States Department of Health and Human  
6 Services. I served in this role from March 2023 until January 2025.

7 3. I have worked in Head Start for more than twenty-five years, serving on the local,  
8 state, and federal level of the Head Start program. I have previously worked as the President &  
9 CEO of United Way of Greater Greensboro, Executive Director, for the Head Start program for  
10 Save the Children, and the Director, of the North Carolina Head Start State Collaboration Office.  
11 My first Head Start job was as a social services coordinator. I hold a BA in Psychology from  
12 Emory University, and a Masters in Education from Southern Illinois University Edwardsville.

13 4. In my former role as Director of the OHS, I was responsible for leading the office  
14 to ensure OHS fulfills its statutory responsibilities and programmatic objectives. The Director  
15 serves as the primary official responsible for all aspects of the administration of Head Start  
16 services. I had responsibility for planning, policy development, implementation and oversight of  
17 the Head Start program in both the central office and across the regional offices. This included  
18 strategic planning and setting national priorities and operational goals for the Head Start  
19 program.

20 5. The administration of the Head Start program can be divided into three general  
21 categories: (1) designation of Head Start agencies and administration of funding to designated  
22 agencies (2) ongoing oversight and monitoring and (3) training and technical assistance and other  
23 supplemental support. In each of these categories, agencies implementing Head Start programs  
24 across the country are dependent upon OHS staff.

25 6. All of the processes described below are part of the body of complex  
26 administrative tasks that are carried out by Head Start staff and are not automated.

**Designation of Head Start Agencies and Grant Administration.**

7. OHS is responsible for implementing and overseeing the process for selecting or “designating” organizations as a “Head Start agency” for each service area. Once designated, an agency is eligible for funding for five years. If by the end of an agency’s five-year grant cycle it has two or more deficiencies as enumerated in regulation, then OHS must conduct an open competition to select a grantee to be the designated agency for that service area over the next five years. Congress has enumerated specific criteria OHS uses to select among qualified applicants.

8. Although guided by a uniform set of criteria, each Designation Renewal System process is unique and is characterized by a range of variables including (1) the local capacity and interest in applying to be a Head Start agency (2) the quality of the applications received and the feasibility of the proposed program approach and (3) the extent to which proposals meet the needs of the community. After an applicant is competitively selected by an independent non-federal review panel, there is commonly a period of negotiation between OHS staff and the selectee to finalize the details of the terms of the grant award including program approach and budget. Because Head Start regulation requires program models to be designed to meet the unique and specific needs of the local community,<sup>1</sup> the depth and scope of evaluative factors employed by OHS staff for each DRS process typically vary each time.

9. In cases where there is no viable applicant in the service area, OHS staff are also responsible for designating an interim grantee provider for the Head Start service area.

10. Once an entity has been designated a Head Start agency and awarded a grant for a five-year period, the grant must be renewed annually. To do so, the agency submits a continuation application providing updated information regarding project scope, objectives, budget, and related matters. To administer these annual renewals, OHS staff must review all

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<sup>1</sup> See OHS, Head Start Approach (Feb. 5, 2025), <https://headstart.gov/programs/article/head-start-approach>.

1 application details to determine that proposed objectives: (1) comprehensively align with  
2 regulatory and statutory requirements, (2) adequately articulate measurable program goals and  
3 progress towards them, and (3) include a detailed budget with allowable expenditures that  
4 support program goals.

5 11. If an agency needs to make changes to its grant terms outside of the annual  
6 renewal process, these too must be facilitated by the OHS staff. These include:

- 7 a. Balance of funds (“Carry-over” requests) – Official requests by grant  
8 recipients to reappropriate unspent funds for use during the upcoming grant  
9 period.
- 10 b. Change in Scope requests – Official requests by grant recipients to  
11 substantively modify some aspect(s) of their grant award (typically a change  
12 to their program model or a reduction in the number of children served).
- 13 c. Bridge Awards – Occasionally during times of transitions, OHS must process  
14 and issue temporary grant extensions to Head Start agencies to support the  
15 continuity of services for children and families in service areas.
- 16 d. Supplemental Funding – Official requests by grant recipients for one-time,  
17 additional funding to support a program’s health and safety needs (e.g.  
18 emergency repair to a facility or addition of classroom staff to better safeguard  
19 children).
- 20 e. Waiver requests – Official requests by grant recipients for temporary  
21 exemption from compliance with a Head Start regulation justified by  
22 exceptional circumstances (e.g. exemption from meeting the 20% non-  
23 federal share grant match requirement because of a lack of availability of  
24 resources, as was common during the pandemic).
- 25 f. Technical Assistance – Grant recipients regularly have the need to reach out  
26 to OHS for real-time guidance with interpreting, complying with, and  
27 executing on Head Start regulations.

1           12. OHS also has a critical role in helping agencies prepare for, respond to, and  
2 recover from a natural disaster or emergency such wildfires and hurricanes. This is actualized  
3 through the dissemination of specialized training, deployment of support services like  
4 counseling, and processing of supplemental funding awards to support repairs and reconstruction  
5 of facilities and replacement of damaged property.

6 **Deploying training and technical assistance to programs.**

7           13. OHS staff also are essential to overseeing Head Start's training and technical  
8 assistance (TTA) system. As described previously, OHS provides targeted training for Head Start  
9 agencies in times of crisis, emergency, and disaster.

10           14. Head Start Program Specialists at each regional office also provide periodic  
11 guidance, as needed, to a portfolio of grantees across their regions.

12           15. OHS makes additional training and technical assistance support available to Head  
13 Start agencies across the country by the following three means: (1) Four national technical  
14 assistance centers that provide specialized training in the areas of teaching and child  
15 development, family engagement, health, and fiscal operations (2) Regional training and  
16 technical assistance network (managed by the regional offices) with specialists who can be  
17 deployed to provide direct services to grant recipients with needs and (3) Direct budget  
18 allocations for each Head Start grant recipient to procure technical assistance and training  
19 services, as needed.

20 **Ongoing Monitoring.**

21           16. OHS Staff are responsible for determining Head Start programs' compliance,  
22 quality improvement, and performance with all applicable requirements and regulations.

23           17. OHS staff conduct regular performance evaluations of Head Start programs. This  
24 includes, at minimum: a full review/audit of each agency at least once every three years and a  
25 review of each newly designated Head Start agency immediately after completion of its first  
26 year. Additionally, OHS staff conduct special reviews of grantees with emergent health and  
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safety or fiscal concerns, as well as follow-up reviews for agencies with specific deficiencies or broad areas of noncompliance. The following chart summarizes OHS's monitoring obligations

### **FY25 Monitoring Review Types and Start Dates**

<b>Review Type*</b>	<b>FY25 Implementation Format</b>	<b>Start Date</b>
FA1	FA1 reviews are conducted through a virtual format.	December 2024
FA2	FA2 reviews are conducted through on-site monitoring.	December 2024
CLASS®	CLASS reviews are conducted again this year using either self-recorded videos or on-site formats.	October 2024
Follow-up Reviews	Follow-up reviews are conducted either virtually or on site.	Start dates will coincide with the end of the corrective action period.
RAN	RAN reviews are conducted through a virtual format.	As needed
Other	Special reviews may be conducted at any time, on site or virtually, without notice.	As needed

18. If OHS determines that a Head Start agency fails to meet regulatory or statutory requirements, the Head Start Act sets out a detailed corrective action process, including deadlines for correcting the areas of non-compliance or deficiencies, depending upon the nature of the deficiency and whether it requires development of a quality improvement plan. 42 U.S.C. § 9836a(e)(1).

19. Head Start agencies are regularly monitored by Defendants, most receiving monthly contact about compliance.

### **OHS Staff.**

20. To enable OHS to fulfill the foregoing duties as part of its statutory responsibilities to administer the Head Start program, during my tenure as its Director, we had approximately 250 staff members. These include grant managers, program specialists, fiscal specialists, and other staff in the Regional Offices. The OHS team of 250 had enormous

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<sup>2</sup>Fiscal Year 2025 Monitoring Process for Head Start Recipients, ACF-OHS-IM-25-02 (Jan 17, 2025), <https://headstart.gov/policy/im/acf-ohs-im-25-02>.

1 workloads in support of over 1,600 Head Start agencies across the country. Effectively  
2 supporting agencies' ability to deliver high quality services to children and families was a  
3 demanding workload, even when there were 250 staff members.

4 21. I understand that after the regional office closures and layoffs on April 1, 2025,  
5 the OHS workforce has been reduced by approximately 60 percent—and only about 100 OHS  
6 staff members remain. The volume and complexity of tasks necessary to administer the Head  
7 Start program, however, have not changed. Based on my experience, I can confidently say that  
8 it is virtually impossible to effectively fulfill the obligations of administering the Head Start  
9 program with only 40 percent of the staff.

10 22. But the impact is even more severe than these numbers alone show. That is  
11 because the loss of OHS staff eliminates not just a number of work hours but also those staff  
12 members' specialized knowledge of and experience with the structure and operations of Head  
13 Start agencies and the States and communities they serve. This includes, for example, familiarity  
14 with a State's child care regulatory requirements and Quality Rating Improvement System and  
15 the unique ways these intersect with Head Start Performance Standards. The proximity of OHS  
16 regional office staff to the service areas over which they have jurisdiction also helps facilitate  
17 the successful and timely completions of complex processes like extensive facility renovations  
18 or new construction projects that require coordination between State and local officials for  
19 zoning and other factors, architects and construction crews, and OHS staff who can approve  
20 change orders and quickly confirm regulatory compliance.

21 23. The benefits and efficiencies of physical proximity is the reason that so many  
22 OHS staff worked out of the regional offices that have now been abruptly shuttered. To  
23 effectively carry out their responsibilities OHS staff must conduct site visits to Head Start  
24 agencies. Evaluating the safety and adequacy of a facility, for example, cannot be done remotely.  
25 Neither can construction and renovation projects or most program monitoring reviews be  
26 conducted remotely. Shuttering the regional offices makes engaging with programs and traveling  
27 to Head Start sites considerably more costly, time-consuming, and difficult.

1           24. The abrupt elimination of sixty percent of the staff with responsibility to  
2 administer the Head Start program without any change in the obligations of OHS means that the  
3 propensity for there to be delays and errors in the administration of the Head Start program has  
4 become very, very high. Delays and errors in administration can quickly result in the disruption  
5 or loss of Head Start services to children and families in service areas.

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7 I, Khari Garvin, declare under penalty of perjury that the foregoing is true and correct.

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9 Executed on May 14, 2025

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13 Khari M. Garvin  
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