

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 JANE
DOE IN SUPPORT OF
PLAINTIFFS' MOTION
FOR A PRELIMINARY
INJUNCTION**

NOTE ON MOTION
CALENDAR:

JUNE 13, 2025

1 Pursuant to 28 U.S.C. § 1746, I, Jane Doe, hereby declare and state:

2 1. The information in this declaration is true and correct to the best of my
3 knowledge and I am of majority age and competent to testify about the matters set forth
4 herein.

5 Experience and Professional Background

6 2. I am the Executive Director of a large Head Start Provider in Washington (my
7 Educational Service District (ESD)).

8 a. I have worked at my ESD since 2014. Prior to my current position, I
9 held positions as an Educational Coach, Early Head Start Childcare
10 Partnership Project Manager, and Program Manager, Education.

11 b. As an Education Program Manager, I was responsible for overseeing
12 disability services, education coaches, and multilingual services, which
13 include dual language learner coaches, bilingual instructional
14 assistants, and interpreters.

15 3. Prior to joining my ESD, I taught pre-school, kindergarten, first grade, and
16 second grade. I also served as a Director and Assistant Director at a childcare program in
17 Georgia.

18 4. I was also a recipient of Head Start services as a child.

19 a. My mom was a single parent and benefited from the services offered
20 by HS.

21 b. The Head Start program provided a safe, educational environment that
22 kept me cared for while my mom worked.

23 5. I hold a Childhood Development Associate Certificate, an associate's degree
24 in early childhood education, a bachelor's degree in early childhood education, and a
25 master's degree in early childhood education.

26 6. I expect to graduate with a doctorate in early childhood education in
27 December of 2026.

1 My ESD and Head Start

2 7. My ESD is one of nine regional educational agencies serving school districts,
3 tribal compact schools, and state-approved charter and private schools in Washington.
4 Educational Service Districts, created by the Washington legislature, are an essential regional
5 delivery system for early learning and K-12-postsecondary services in the state.

6 8. My ESD coordinates over 100 programs in my area, through three
7 departments, including the Learning, Teaching and Family Support department which
8 delivers opportunity gap-closing services, professional development, and resources to pre-K
9 through postsecondary students and school systems. Within this department my Program
10 serves 35 public school districts and more than 291 private and 10 charter schools in my area.
11 My program services more than 40% of the state.

12 9. My ESD has a Head Start program, which is among the largest in the State of
13 Washington.

14 10. My ESD is a member of the Washington State Association of Head Start &
15 ECEAP ("WSA"). My ESD joined WSA because it offers us access to ongoing collaboration
16 with other HS and ECEAP providers, advice and information related to state and federal
17 implications, education and support for parent ambassadors, and advocacy opportunities.

18 11. My ESD serves several thousand early learner children in total, over one
19 thousand of which are funded by Head Start Programs.

20 12. Head Start grants make up roughly 20 percent of my ESD's budget.

21 13. Because we are a large organization with a limited amount of discretionary
22 funding, we could continue our Head Start program for a short period of time without federal
23 Head Start funds, but only with assurances that the funds would resume and be reimbursed
24 after that short timeframe. If we do not receive those reassurances and/or funds do not
25 continue after that time, we will quickly need to end our Head Start program and terminate
26 enrollment of more than one thousand students. We do not have access to other funding
27 sources to fill the gap that would be left for early childhood education by the loss of Head

1 Start funds.

2 14. If we lose Head Start funding, it will also result in the termination of nearly 75
3 teachers and staff.

4 15. The students served by my ESD's Head Start program mirrors the community
5 in my area of Washington.

- 6 a. Over 95 percent of the children we serve come from families whose
7 income is below the federal poverty line.
- 8 b. Our organization also serves some families whose income is above the
9 federal poverty line if those children have "protective factors," usually
10 meaning that they have an individualized education plan (IEP),
11 although these slots are also available to families experiencing housing
12 instability. Currently over-income slots represent 2-3 percent of the
13 families served by the program.
- 14 c. The children in our program, more than 40 percent of the children,
15 have a first language that is not English, and we have more than 20+
16 languages that we support with more than one SD we service, having
17 at least 40 different languages.

18 16. Educational Services

- 19 a. All pre-school services at my ESD use Creative Curriculum (CC). CC
20 is research-based and updated often to reflect the research-based
21 advances in early childhood development and understanding. We do
22 not have the resources to keep up to date to the level our program does
23 without Head Start assistance, which provides not just money for
24 operations but also training and technical assistance resources to keep
25 teachers up to date on teaching curriculum and methodology, as well
26 as other resources to track the constant changes in early childhood
27 education research. As such, not only will we lack the resources to

1 offer pre-school services to over 1000 children, but even the limited
2 number of children we still may be able to serve will not have the
3 same high-quality educational experience as we can offer now with
4 Head Start funds and other resources.

5 b. The Creative Curriculum supports individualization, the education of
6 each child to their needs as assessed using the Smart Teach
7 assessment.

8 i. Creative curriculum is based around developmental milestones
9 that start from birth and progress until children age out of the
10 program.

11 ii. As children engage in learning activities their progress is
12 documented this begins at the first week of school and
13 depending on the skills and knowledge they have and are
14 gaining related to developmental milestones and an
15 individualized plan is made for each child based on progress
16 throughout the data gathering process

17 iii. Tailoring services to children includes meeting their and their
18 family's cultural and linguistic needs. If children or families
19 cannot understand what is happening or feel uncomfortable in
20 our program, they cannot meaningfully access our services.

21 iv. Tailoring a plan can also include supporting and
22 acknowledging the unique history and aspects of children's
23 community, including whether systemic racism has affected
24 their family and whether this affects their ability to participate
25 in the program. A good educational plan will take this into
26 account so that they can meaningfully access our services.

27 v. Progression through the developmental milestones is then

1 tailored to meet the needs of each child. This is important
2 because children who are the same age do not always learn and
3 progress at the same rate, especially at a young age.

4 vi. Head Start also emphasizes experiential learning, exposing
5 children to the educational tools in their environment and
6 allowing them to engage with learning on their own terms.

7 vii. This methodology is required by the Head Start Program
8 Performance Guidelines, on which we model all our programs.

9 viii. This is extremely labor intensive, but results in much better
10 learning outcomes for the children. It requires teacher to get to
11 know the students and understand their interest in order to
12 create an environment that encourages positive exploration.

13 ix. It would be impossible to provide this level of education
14 without Head Start funding.

15 c. The goal of our program is for 85 percent of children to meet or
16 exceed developmental standards as describe by Smart Teach which
17 promotes kindergarten readiness criteria, and our program has always
18 met this goal. Kindergarten represents a situation where there are huge
19 gaps in preparation between different students because of the
20 differences in their experiences 0-5. This preparation gap may be the
21 foundation for a gap that persists or grows until the child becomes an
22 adult. Head Start is integral to closing this gap, particularly for
23 children whose families make incomes below the federal poverty line
24 because poverty introduces a host of other risk factors, and the
25 intersectionality of multiple risks makes for a vulnerable child and
26 family.

27 i. One example of this gap is exposure to technology. Many

1 children in our program have never been exposed to a
2 computer or tablet. This lack of exposure will make school,
3 which is now built around the use of technology, very difficult
4 later. Head Start ensures that children have a healthy
5 relationship with technology, and some of our programs have
6 this as a school readiness goal, which is particularly
7 meaningful later when they reach grade school.

8 d. In addition to traditional educational programs, Head Start guides
9 children on emotional expression and regulation. Learning emotional
10 regulation as a child is important for developing emotional regulation
11 as an adult. Head Start may be some of these children's only sources
12 consist emotional regulation. Although preschool in general is gaining
13 momentum in the world of social emotional learning, Head Start has
14 made student and adult mental wellness a priority.

15 e. Head Start also focuses on teaching children how to be a part of a
16 community, understanding the feelings of others, and learning to
17 negotiate difficult interactions and making decisions that support the
18 group.

19 f. Having taught in a more traditional pre-school, kindergarten, and first
20 and second grades, I have seen the difference that Head Start
21 programming makes in children's ability to function in a school
22 environment later. Head Start children who receive the education
23 described above function much better in a school setting and later in
24 life.

25 17. Parent and Family Services

26 a. In addition to traditional educational services, Head Start provides
27 various parent and family services.

1 b. Head Start employees attempt to ensure that parents and families are
2 connected to services, including housing, food assistance, chemical
3 dependency treatment, mental health treatment, and medical care.

4 c. Additionally, Head Start provides services for parents and families,
5 including job fairs and help opening bank accounts.

6 Effect on My ESD Operations of Executive Orders and March 14, 2025 OHS Guidance on
7 “DEI Programs”

8
9 18. When the January 20, 2025 Presidential executive order and March 14, 2025
10 Office of Head Start Guidance on “DEI Programs” were announced, our office jumped into
11 action immediately to comply with them because we did not want to risk losing our Head
12 Start funding. We immediately contacted our Program Specialist to determine how to
13 implement the orders and ensure our program was in compliance.

14 19. However, because the Executive Orders are vague and conflict with current
15 Head Start requirements, we cannot determine how to comply, and we are living in constant
16 fear that our program could be deemed in violation of the Executive Order or OHS Guidance
17 and terminated at any time because of them.

18 20. We have over 800 outwardly facing documents, which were created using
19 resources directly from the Office Head Start and the Department of Health and Human
20 Services (HHS) to comply with program requirements. Our Program Specialist indicated that
21 we needed to change any document that included children based on language, race, or ability
22 to comply with the Executive Order and OHS Guidance, which for us in over half of our
23 documents but could not give us specific guidance on how to change them.

24 21. Our Program Specialist was working on supporting us with appropriate
25 wording and acceptable practices. She also had access to other grantees and sharing what
26 they were doing in support, so we did not have to reinvent anything was helpful, but then the
27 entire local regional Head Start office based in Seattle where she worked was closed, and she

1 was terminated, leaving no one to help or solid hope to bring our program into compliance.

2 22. My ESD Early Learning program had not used terms like “DEI” – or
3 diversity, equity, and inclusion – in any of our materials in the way the order was written. We,
4 of course, used those words not together and certainly not in that order but when necessary,
5 in support of providing boundary-free resources and support for our families. Our guiding
6 principles are that our program should serve those who are furthest from opportunity and that
7 we should meet children and families where they are, so they receive the maximum benefit of
8 the program.

9 23. It is hard to know whether the executive orders require us to abandon these
10 principles because they are core to the current Head Start requirements and OHS has not
11 explained how to do so without running afoul of these requirements.

12 24. For example, the Head Start Act requires that our program be responsive to
13 the needs of our community. To monitor whether our program meets this requirement, we
14 complete a community needs assessment (CNA). Where we collect data that shares who is in
15 our community, what resources exist, and where there are gaps in support. The CNA is one
16 guide to the grant writing process. We use this data to determine what our community needs
17 and how to provide that within our services.

18 25. Additionally, programs are required to submit a Program Information Report
19 (PIR) to the HHS through the Head Start Enterprise System. This report requires us to track
20 the demographics of our program participants and their families, including age, race, gender,
21 language, and education. We have been encouraged to use our PIR data to see if the families
22 we serve represent the families in our community and in years past we have noticed that there
23 were more children of a particular race in our community yet not in our program. We have
24 also noticed that when communities lacked health care options that children tended to have
25 less well-child exams completed.

26 26. To make these life changing connections, my ESD does an annual update of
27 our community assessment so that we can ensure that our services are reaching the children

1 who are most in need.

2 27. Based on our community assessment, our program does outreach to certain
3 communities and checks to make sure our PIR reflects the community in which we work.
4 Factors that are regularly considered in deciding these criteria include whether the applicant
5 has a diagnosed disability or is an English language learner, an immigrant or refugee, a tribal
6 member, including whether their family was previously subject to boarding school policies,
7 and whether their family is experiencing homelessness.

8 28. It is impossible for us to know whether we are allowed to or should continue
9 implementing any or all of these requirements. It is also challenging to know what selection
10 criteria we should implement and whether a grant proposal would be denied for violating the
11 Head Start Act if we did implement new selection criteria.

12 29. It is impossible to know whether we can continue to offer language services to
13 children and families with limited English proficiency and how they would access our
14 program without those services.

15 30. It is also impossible to know whether hiring employees because they are
16 linguistically or culturally responsive to the children they serve would be allowed under the
17 current executive orders.

18 31. It is impossible to know whether reaching out to families with children with
19 disabilities to offer them services would be allowed under these executive orders.

20 32. This confusion has made it extremely difficult to plan and implement the
21 program.

22 33. We have never been advised by anyone at OHS to change any substantive
23 aspect of our programming, and because doing so would conflict with our obligations under
24 the Head Start Program we have not done so. We will work to change the practices we
25 believe are in violation with no real guidance. We are operating under a state of constant fear
26 that OHS will at any time audit or otherwise scrutinize our programs to assess whether they
27 constitute “DEI Programs” and should be terminated based on a standard we do not

1 understand and have not had an opportunity to meet.

2 Closure of Regional Office

3 34. Until April 1, 2025, we had a Program Specialist who provided monthly
4 support, was available by phone and email, she also reviewed our grants and was available to
5 assist if there were issues in the grant writing or approval process.

6 35. On April 1, 2025, our regional office was suddenly closed. We received a
7 letter indicating that we would be assigned a new program specialist, but until that person
8 contacts our program, we were to submit any questions through the Head Start Enterprise
9 System portal. We have submitted questions through the portal regarding our notice of Award
10 for the remainder of the program year, and we have not received an answer. We have also
11 asked our technical assistance support person but they were not able to fully answer our
12 questions, without these responses, we may not be successful in receiving our grant funding
13 despite our best efforts to comply with the program requirements and executive orders.

14 36. This was very difficult for us because we were waiting for a second notice of
15 award for our April through October of 2025 costs. This award notice is the second
16 installment of our current grant award. In other words, it represents funds that were already
17 approved and would generally be automatically fulfilled absent notice that something had
18 changed in our program.

19 37. Generally, we would get this second notice of award at the end of March or
20 beginning of April. We were told by our technical support person that she believed it would
21 come by April 30, 2025, but she could not guarantee that. This created a lot of uncertainty
22 and required us to put a lot of administrative energy into determining how we would make
23 the program run without the funds, if they did not come. Losing this award would have been
24 devastating for our program, because it amounts to roughly nine million dollars, which
25 represents 20 percent of our planned operating early childhood education budget from April
26 through October.

27 38. Because we no longer had a Program Specialist assigned, we had no concrete

1 information about whether or when our second notice of award would arrive, and no way to
2 inquire other than the HHS portal. We submitted questions through the portal as requested
3 and received no response.

4 39. We did not receive the notice of award, or any information about whether or
5 when it might be approved, until roughly a week before our previous grant money was set to
6 run out. Getting the award so late resulted in significant work to locate temporary alternative
7 funding sources and to plan for a situation where we did not receive the grant.

8 40. Going forward, this lack of access to a Program Specialist is going to create
9 even greater problems. We are supposed to write a continuation grant proposal, but without
10 guidance from someone employed to review grants by HHS, and with so many new
11 requirements, it is hard to know how to draft a proposal that will not be rejected.

12 41. In addition to new program requirements, we may need to submit a change of
13 scope for our program. A change of scope represents a need to change aspects of our grant in
14 the middle of a grant period. We do not know if a change of scope is necessary, how it should
15 be fashioned, or how it would be processed without a Program Specialist.

16 Importance of Program to Community

17 42. Closure of our Head Start program would have a massive impact on our
18 community.

19 43. Roughly 1,000 underprivileged children will be less prepared to meet the
20 requirements of kindergarten when they arrive.

21 44. Our program allows many parents to work. Without the program, childcare
22 will become an issue for many of these parents and they will not be able to work and provide
23 for their families.

24 45. Additionally, our program represents a connection to services to many parents,
25 including education, job training, food assistance, housing assistance, language assistance for
26 applying for benefits, and financial literacy services. Loss of those services could lead to
27 food and housing insecurity, among other spiraling detrimental consequences for children

1 and families.

2 46. Head Start programs are linked to many long-term community benefits for
3 participants, including higher educational attainment, lower criminal legal system
4 involvement, and better life outcomes in a wide variety of other measures. Our community
5 will be less resilient if children do not get these services.

6 Pseudonymity

7 47. I fear retaliation against my ESD and myself if I reveal my identity in making
8 this declaration. Because funding is being revoked from so many ESD's and other
9 organizations, sometimes because those organizations speak out against the president and his
10 administration, I feel I need to give this declaration in pseudonym or I or my program could
11 be targeted.

12 48. I also fear for my personal safety and the safety of the children in my program
13 if I am required to publicly identify myself as providing information against the Defendants.

14 49. Because of fears for myself and my program, I would not provide this
15 information if my identity was not anonymous.

16
17 I declare under penalty of perjury under the laws of the United States and the State of
18 Washington that the foregoing is true and correct.

19 Executed this 15th day of May 2025.

20 By: /s/ Jane Doe

21 Jane Doe
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