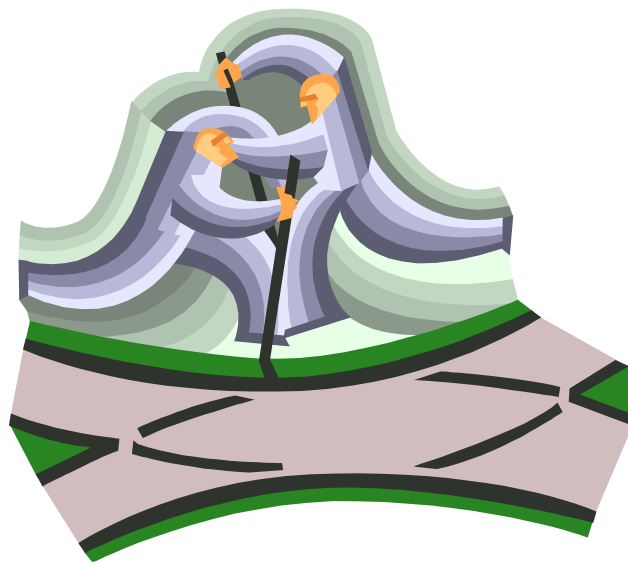




Kids Central, Inc.

**Procedures for Resolving Impasse Situations
Board of Directors and Policy Council of
Kids Central, Inc.**



November 2010

Presented and Accepted by the Policy Council November 10, 2010

Presented and Accepted by the Board of Directors November 16, 2010

Procedures for Resolving Impasse Situations Board of Directors, Staff, and Policy Council of Kids Central, Inc.

Legal and Related Authorities:

The Head Start Act, as amended by Title I of the Human Service Amendments of 1994, Section 646 (a)(4) and 646 (b), 45 CFR, Part 1303.

Purposes:

To resolve impasse situations without outside binding and impartial arbitration as required.

To resolve respect for each other and exemplify the partnership principle in Head Start, despite differences of parties involved.

To uphold the partnership principle in Head Start which refuses to place any governing or policy making group's interest above the interest of the children being served in the program.

How Does Impasse Occur?

Impasse occurs when the Grantee Board of Directors proposes one or more of the following and the Policy Council does not approve within 15 working days or by the time of the next regularly scheduled Policy Council meeting, whichever occurs later:

Establish goals of the Head Start program and develop ways to meet them within Administration for Children and Families (ACF) Guidelines.

Determine delegate agencies and areas in the community in which Head Start programs will operate.

Develop plans to use all available community resources in Head Start.

Establish criteria for selection of children within applicable laws and ACF guidelines.

Determine the composition of the appropriate Policy Council and the method for setting it up.

Determine what services should be provided to Head Start from the Central Office.

Determine the Head Start personnel policies for Kids Central, Inc.

Hire or dismiss the Head Start director and/or any staff member.

Prepare request for funds and proposed work program prior to sending to ACF.

Make major changes in the budget and work program while program is in operation.

Provide information needed for pre-review to ACF.

Impasse occurs when the Policy Council proposes the above mentioned in (1-11) and the Kids Central, Inc. Board of Directors does not agree by the time of the next regularly scheduled Board meeting. The Policy Council is afforded an equal and reciprocal opportunity to initiate all Impasse procedures.

Impasse occurs when the Policy Council establishes a method of hearing and resolving community complaints about the Head Start program and Kids Central, Inc. Board of Directors does not agree by the time of the next regularly scheduled Policy council meeting.

Resolving Conflict or Disagreement Through Negotiation

If the Policy Council and Kids Central, Inc. Board of Directors should fail to reach agreements during the shared decision-making process, it becomes necessary to work out an agreement so that the proposal or action can be put into effect.

The negotiation process includes the following steps that involve compromise in search of agreement over matters in which there are differences of opinion. The negotiation process involves

Taking the issue, problem, or concern back through the shared decision-making process. If this recycling fails, the individuals or groups should go on to the next step.

Submit the problem, issue, or concern to voluntary negotiation or mediation. The process essentially involves voluntary action to continue discussion with the help and assistance of an outside third person or persons. If this does not work, the parties can proceed to step three.

Submit problem, issue, or concern to mandatory (binding) negotiation or arbitration. This process is basically the same as step two, with the exception that the third party mediator has the authority to hear both sides of the dispute, gather any information, analyze and interpret all information, and make a decision that the disagreeing groups or individuals are obligated to follow.

Notice of Impasse

The President of Kids Central, Inc. and the Policy Council Chairperson shall be authorized by their respective groups to send written notice of impasse on non-concurrence to the Head Start Regional Office within five (5) working days following preliminary decisions of non-concurrence.

Each Head Start grantee must inform the responsible ACF Regional Office as soon as possible after becoming aware that there is a conflict between the grantee agency and the Policy council, especially those which, if not resolved, could lead to termination, or denial of refunding, of the Head Start grant. This notification must be made within ten (10) days of reaching this decision and in the case of a Policy council proposing to not approve the grantee's refunding application, such notification must be made at least ninety (90) days prior to the grantee's refunding date. If the situation leading to the Policy Council's decision to withhold its approval occurs within ninety (90) days of the grantee's refunding date, the Policy Council must notify its responsible Regional Office immediately.

Mediation Procedures

After informal discussions, if Kids Central, Inc. Board of Directors believes the Policy Council will not approve a decision and the Kids Central, Inc. Board of Directors wishes to formalize the approval process, Kids Central, Inc. Board of Directors chairperson shall notify the Policy Council chairperson in writing. The notice shall contain a statement of the reasons in support of the proposed decision or action.

Within ten days after receipt of the notice, the Policy Council shall hold a special meeting for consideration of the Kids Central, Inc. Board of Directors proposed decision or action.

Immediately after the special meeting, the Policy Council chairperson shall notify Kids Central, Inc. Board of Directors chairperson in writing of the Policy Council's approval or disapproval of the proposed decision or action. If the notice is of disapproval, it shall contain a statement of the reason(s).

The Regional Administrator, or a Regional Staff member designated by the Regional Administrator, will hold one or more meetings, as appropriate, which Kids Central, Inc. Executive Director, Kids Central, Inc. Head Start Director, and the Policy Council Chairperson are required to attend. The attendance of Kids Central, Inc. Board of Directors members at any meeting is encouraged. The purpose of these meetings is to attempt to resolve the issues between the Kids Central, Inc. Board of Directors and the Policy Council to the mutual satisfaction of both parties and thus avoid the possibility of an adverse action against the Kids Central, Inc.

If the meetings are not successful in resolving the issues between Kids Central, Inc. Board of Directors and the Policy Council, Kids Central, Inc. must, within ten (10) days of the meeting, submit the dispute to the offices of a professional mediator. Kids Central, Inc. must advise the Regional Office of the time and location of the first scheduled meeting. Kids Central, Inc. Board of Directors and the Policy Council are expected to attend any meetings requested by the mediator.

If the conflict relates to Kids Central, Inc.'s refunding, the mediation process must be completed fifteen (15) days prior to Kids Central, Inc.'s refunding date unless the mediator has indicated to the Regional Office, in writing, that additional time of mediation will likely result in a successful resolution of

the conflict, in which case the Regional Administrator may extend the current Head Start grant. The refusal of either party to engage in mediation process shall be taken into consideration by the ACF Regional Office in determining what course of action is warranted.

If attempts at mediation fail, the Kids Central, Inc. Board of Directors shall notify the Policy Council, in writing, that the impasse is to be resolved by binding arbitration. The Notice shall include:

A statement of the issue on which Kids Central, Inc. Board of Directors and the Policy Council are at an impasse;

The name and address of the person the agency has designated as a member of the arbitration panel;

A request that the Policy Council designate a member of the arbitration panel within seven (7) days of the receipt of the Notice and instruct him/her to communicate immediately with the person designated by the agency to serve on the arbitration committee for the purpose of selecting the third member of the panel.

Failure to Designate Arbitrator

Failure by the Policy Council to designate an arbitrator within seven (7) days of receipt of the Notice of Arbitration shall be default, and shall be considered to be approval of proposed action.

Arbitration Committee's Composition and Powers

The Arbitration Committee shall be made of three (3) disinterested parties* who have agreed to serve as arbitrators:

One (1) representative selected by the Kids Central, Inc. Board of Directors.

One (1) representative selected by the Policy Council;

One (1) representative mutually agreed upon/selected by the representatives of the Kids Central, Inc. Board of Directors and the Policy Council who shall serve as the chairperson.

All arbitrators shall be persons of good reputation and standing in the community and shall not be associated with the Head Start Program. If the two arbitrators first designated are unable to agree upon a third arbitrator, they will request the State or Local Bar Association to name one of its members who would be willing to serve as chairman. Arbitrators shall serve without compensation.

A list of arbitrators, with the addresses and phone numbers, shall be forwarded to the Regional Head Start office.

*Interested parties shall include any parent or family member of children currently enrolled in the Head Start program, and any staff, Board member, or Policy Council member of Kids Central, Inc. or Head Start Program.

Impasse Procedures

The Arbitration Committee will convene at a date, time and place designated by the Executive Director within fifteen (15) working days (or the scheduled meeting date of the Policy Council or the Board, whichever is later) following the selection of all three representatives and final attempts to resolve issues of impasse or non-concurrence. The place of the meeting will be in the locality of the agency, but not at the agency.

The duty of the arbitration panel is to resolve the issues in dispute as expeditiously and fairly as possible at the minimum expense of the parties involved. The proceedings of the arbitration panel shall consist of:

Oral presentation of the Policy Group's position, including minority views, if there are any;

Oral presentation of Kids Central, Inc. Board of Directors position;

Response by both parties to such questions as the panel wishes to ask:

Informal cross-examination of each party by the other, within the limits allowed by the panel;

Such additional presentation of oral or written materials as the panel deems necessary to fully apprise it of relevant facts for an informed decision.

If the panel needs additional materials such as budget statements, Head Start regulations or other materials of that nature, the agency has the duty to provide the panel with such documents.

Standard of Conduct

Both parties are obligated to act in good faith before and during the proceedings. Neither party may communicate with the arbitrators once the panel has been selected except at formal meetings attended by all parties. Any attempt to intimidate an arbitrator shall be reported to the Regional Office and shall result in a default judgment against the party guilty of it.

Refusal to comply with the directions, continued use of delaying tactics by any person at the hearing, or other obstructive tactics shall constitute grounds of immediate exclusion of such person from the hearing by the chairperson.

Compromise

The arbitration procedure does not preclude the parties from compromising their differences and reaching a settlement, so long as no final decision has been issued by the panel.

Notice of Arbitration Decision

The Arbitration Committee shall notify the Policy Council, Kids Central, Inc. Board of Directors, and the Regional Head Start office within five (5) working days of its binding decision on issues of impasse or non-

concurrence. The final decision of the Arbitration Committee is binding on both parties and without appeal. Failure to abide by the final decision is grounds for denial of the application for refunding, for suspension, and termination of financial assistance.

Breakdown of Arbitration Procedure

Should the Arbitration Committee not convene within fifteen (15) working days of impasse, the Regional Office of Project Head Start shall be requested to convene the Arbitration Committee.

Cost Incurred

Cost incurred in Arbitration procedures will be absorbed by Kids Central, Inc.

Statement of Commitment

To make every good faith effort to resolve differences between Kids Central, Inc. Board of Directors and the Policy Council on an amicable basis, so as to avoid impasse and having to enter with the arbitration procedure provided herein. If, in the event impasse meetings and/or arbitration become necessary, the parties involved are committed to cooperate fully and completely in all respects with the Mediation Committee and/or the Arbitration Committee in their efforts to resolve impasse issues.

This procedure is committed to resolving issues of impasse and non-concurrence. The process represents the true spirit of Head Start and thus, both reflect the respect the tenets of the legislation.