FIRST FIVE YEARS FUND

FFYF POLICY MEMO

Feedback Guide: 2026 Head Start NPRM

RE: August 6, 2026 Notice of Proposed Rulemaking

Overview

The Administration for Children and Families (ACF) released a Notice of Proposed Rulemaking (NPRM) that would replace the current Head Start Program Performance Standards (HSPPS) with a significantly shorter set of federal regulations. HSPPS are the federal regulations implementing the Head Start Act's requirements, setting the detailed operational standards every funded grantee must meet. The comment period is open until October 6, 2026.

First Five Years Fund (FFYF) supports efforts to address the flexibility and burden reduction that programs have long sought. Some of the HSPPS, however, are fundamental and ensure consistency across the country that aligns both statute and regulation. While much of what this proposed rule would remove is genuine duplication – where the HSPPS restates the provisions of the Head Start Act verbatim – not all duplication between statute and regulation is the same. Head Start is a federal-to-local program leaving the federal government to assure at the highest level a consistency of service. The Act, as written by Congress, affirms that by directing when it’s necessary to regulate. How programs meet the standards put in place through those regulations is a separate question, and one that should be welcomed. A final rule should strike an appropriate balance between eliminating duplication, maintaining necessary standards, and allowing for programs to demonstrate innovation, creativity, and local flexibility.

After careful review, FFYF has identified the following areas as warranting thoughtful public comment. These are also the areas we believe merit continued attention as this rule moves through the process and where we encourage others to engage.

Overarching Concern: Flexibility Needs Assurances, Not Just Intent

The NPRM frames many of the proposed changes as optional, claiming the door is open for programs to continue operating as they have, but neither the proposed rule nor its own economic analysis treats them that way. For example, as written, nothing stops cost per child from becoming the default measure of a “good” program – a program that holds its ratios and staffing steady would cost more than one that cuts to the state minimum, with nothing preventing ACF from treating the first as less “efficient.” We are concerned that costs tied to now-optional requirements could be second-guessed or disallowed simply because the regulation behind the expenditure no longer exists. The RIA compounds the problem by projecting $2.2 billion in savings and enrollment growth built on the assumption that programs broadly adopt the “optional” changes. A rule can't be genuinely optional and simultaneously bank $2.2 billion on the expectation that most programs won't opt out.

> **A rule framed around choice needs guarantees, not just intent.** ACF should include explicit written assurances in three places – the final rule text itself, not just the preamble; every program's Notice of Award; and the Office of Head Start’s monitoring guidance. These assurances should state that maintaining current standards such as ratios, staffing, cost structures, services, etc. cannot be held against a program's funding or standing, and that costs allowable today cannot be disallowed simply because the requirement behind them was removed. ACF should pair these assurances with a corrected RIA at the final-rule stage, one that models programs actually exercising the choices this rule claims to offer, including the many programs that will choose not to change anything, rather than assuming near-universal adoption. **If the NPRM is genuinely optional, the assurances should be included, and the RIA should reflect that.**

Areas Warranting Thoughtful Public Comment

GROUP SIZE AND STAFF-CHILD RATIOS

What the NPRM would do: Eliminate federal group-size and staff-child ratio standards. Programs would only need to be consistent with state licensing law and would not be required to meet a federal standard.

Why It Matters: Ratios are essential to health and safety, and they allow teachers to see, hear, and respond to each child. That individualized attention matters most for children in Head Start, who are disproportionately from low-income families, under three, dual language learners, or children with developmental delays. The statute directs HHS to set a federal ratio standard, raising an important question of consistency across programs.

THE ADMINISTRATIVE COST CAP

What the NPRM would do: Cut the current 15% cap on administrative and development costs to 5% of total approved program costs.

Why It Matters: Head Start is a federal-to-local program and therefore does not share the administrative burden with a state entity. A 5% cap would likely result in programs having to cut the finance, HR, and audit staff who run payroll, background checks, and the financial oversight that keep public dollars accountable. The Act arguably does not give HHS this authority.

ENGLISH-ONLY REQUIREMENT

What the NPRM would do: Require all classroom instruction in English, with no accommodation for children building English proficiency.

Why It Matters: Every child should have the English skills they need to succeed in school and programs should be supported in achieving this goal. However, suppressing home language is actually more likely to slow English learning than speed it up. Research shows young children acquire content knowledge and a second language most effectively through instruction that builds on their home language, which is particularly noteworthy given there are over 100 languages spoken in the homes of Head Start children. Also, the statute's definition of "limited English proficient," and the protections in place for these families, put this proposed change at odds with the Act.

Areas Warranting Thoughtful Public Comment

PROTECTIONS FOR CHILDREN WITH THE GREATEST NEED

Protections for Children Experiencing Homelessness

What the NPRM would do: Repeal the specific policies and procedures implementing Head Start's homelessness protections, replacing them with a single general eligibility sentence.

Why It Matters: Head Start served more than 60,000 children experiencing homelessness last year. Removing current safeguards would create new enrollment barriers for children already in crisis. ACF's own analysis acknowledges that families experiencing homelessness may have a more challenging time enrolling in Head Start because of the NPRM – mentioning the need for increased program support without accompanying guidance or any plan to guard against it.

AND

Children with Disabilities and Suspension/Expulsion

What the NPRM would do: Replace Head Start's specific disability-services and discipline protections with a general instruction to follow existing state and federal law.

Why It Matters: Head Start is often the only option for children with disabilities and developmental delays including supporting them before a formal evaluation and strictly limiting suspension and expulsion. This NPRM removes that early bridge to support which is shown to be beneficial once they enter the formal K-12 system. Duplicate provisions that simply repeat general civil rights or state law can be simplified, but in cases where Head Start's current standards go further than that baseline, it's worth asking why and evaluating each on its merits with an end goal of ensuring the highest level of service and protection to all Head Start children, regardless of which state they live in.

COMPREHENSIVE SERVICES REQUIREMENTS

What the NPRM would do: Eliminate the specific comprehensive services requirements – covering health, mental health, nutrition and family support, replacing them with general, minimal standards.

Why It Matters: Comprehensive services a bedrock of the Head Start program. While the statute defines the program around health, nutrition, and social services alongside education, it is the partnership between law and regulation, through the HSPPS, that ensures children are indeed receiving these services. Flexibility belongs in how programs meet these requirements, which should be explored, but not in whether they exist or are being delivered.

For more details or information, contact:

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Providing Feedback

Submit Comments

The Administration for Children and Families is required to review and consider all public comments before issuing a final rule. To ensure your comment has an IMPACT, use our GUIDE!

Share Resources

First Five Years Fund has a full suite of resources providing more information about the August 2026 Head Start NPRM, including:

- **The NPRM Analysis**: A deeper dive into the proposed changes in the NPRM which require additional scrutiny or discussion, raise potential concerns, and could warrant official comment.
- **Searchable Guide**: A searchable section-by-section breakdown of the NPRM, with links to current and proposed regulations
- **FAQ**: Answers to questions asked by providers, parents and advocates about what the NPRM would mean, including what would change and what would stay the same.
- **Public Comment How-To Guide**: Tips on how to draft and submit comments.

Moving Forward

Head Start is an essential program that provides children from the lowest-income families with early learning, health and developmental screenings, nutrition, and other critical services. Its long track record of success rests on core elements that make it unique: its prenatal through five focus; high-quality care; comprehensive, whole-child approach; meaningful parent engagement; and innovative local design.

Congress and the Administration can pursue both flexibility and strong standards that preserve the essential nature of Head Start. FFYF believes that changes of this scope should be made through the legislative process, specifically, through the reauthorization of Head Start.