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Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street NW – 4th Floor
Washington, DC 20201

Re: Comments on Notice of Proposed Rulemaking: Reducing Federal Burden for Head Start Programs (91 Fed. Reg. 51248); Docket No.: ACF-2026-0595; RIN 0970-AD30

Assistant Secretary Adams:

In response to the August 7, 2026 Head Start Notice of Proposed Rulemaking (NPRM), First Five Years Fund (FFYF) aims to be solutions-oriented. We recognize that much of what's included in the NPRM to streamline the Head Start Program Performance Standards (HSPPS) reflects areas where programs have long sought greater flexibility, with the goal of eliminating unnecessary barriers, administrative burdens, or duplication. We also believe certain performance standards are fundamental to the implementation of the Head Start program and should remain in place. These standards contain legitimate protections that define what children and families are guaranteed, and they reflect where statute and regulation appropriately work together. FFYF welcomes a discussion about flexibility in *how* programs meet these standards – one that explores real creativity, innovation, and local flexibility.

FFYF believes that changes of this size and scope should be made through the legislative process – specifically, through reauthorization of the Head Start Act. At the same time, we recognize that in the absence of congressional action, Administrations will continue to use the regulatory process to advance their own policy priorities for the program. We encourage ACF to look at the full scale of the proposed changes to identify areas where Congress should be engaged and where doing so would ensure program durability and stability.

Head Start is a proven, comprehensive, family-centered model designed not only to level the playing field and prepare children for school, but also to strengthen families, empower parents, and build stronger communities. Head Start is not simply a child care program or a preschool funding stream – for generations it has represented a comprehensive model, connecting early learning, health, nutrition, family engagement, and services for children experiencing economic disadvantage. It has also served as a high-quality program that could be replicated, with fidelity, anywhere across the United States.

Over its 60-year history, Head Start has adhered to essential quality components while continuously improving and refining its delivery of services through changes in both federal law and regulations. To maintain the integrity of the program, organizations across the early learning

landscape – including FFYF, the National Head Start Association and dozens of state and regional Head Start associations – have aligned around five “Core Elements” that are fundamental to the program’s continued effectiveness and impact:

1. **Prenatal through Five.** Aligned with the most critical period of brain development, Head Start promotes school readiness by offering early learning and care from prenatal through age five, ensuring children receive consistent, developmentally appropriate support as their needs evolve.
2. **Comprehensive Services.** Head Start pairs high-quality education with comprehensive services that support a child’s overall health and development and promote family stability and self-sufficiency, addressing the full range of factors that influence child and family well-being and creating the conditions for long-term success.
3. **Family Engagement and Partnership.** Recognizing parents as their child’s first and best teacher, Head Start engages them as partners in their child’s learning and in program operation and governance, while also providing them with the tools and resources they need to strengthen their families and enhance their children’s outcomes.
4. **Community Driven.** Local grantees design and deliver services based on their community’s specific needs and resources, allowing for flexibility and innovation while also ensuring geographic coverage across the state.
5. **Support for Those with the Greatest Needs.** This includes prioritizing children from families with the lowest incomes, children with disabilities, children experiencing homelessness, and children in foster care. Head Start offers comprehensive early learning and family support to those most removed from opportunity to help them succeed in school and in life.

Each section below is organized by provision and names the Core Elements it affects. We identify where proposed changes give programs room to innovate without weakening the program. We also call out five areas where the NPRM would weaken necessary federal standards and offer recommendations to address them.

FFYF supports genuine efforts to reduce burden and restore flexibility to Head Start programs. The HSPPS tie regulations back to statute and hold the line on consistency across the country. Some overlap between the two is real. But not all overlap is the same, and treating it as if it were is the central flaw in this NPRM’s approach. Some of the provisions this proposed rule removes are restatements of what the Act already requires – cutting them changes virtually nothing. Head Start, however, is a federal-to-local program, so the responsibility rests with the federal government to set a floor as a condition of funding and accountability. For example, when Congress wanted uniformity, it wrote that instruction into the statute. It directed the Secretary to set program performance standards by regulation.¹ It also barred any revision of those standards that would eliminate or reduce the quality, scope, or types of services required under the standards in effect on December 12, 2007 (the “anti-backsliding provision”). By removing regulations that implement those mandates, ACF would cut the mechanism Congress relied on to carry them out. Those are necessary regulations, not redundancies.

¹ Sec. 641A(a)(1) / 42 U.S.C. § 9836a(a)(1).

A final rule should strike a real balance: eliminate duplication, keep the standards that matter, and give programs room to innovate. Below, FFYF first raises two concerns that cut across the whole rule, then identifies five places where the proposed regulations should be revised to strike that balance.

THE RIA DOES NOT SHOW THAT THE PROPOSED RULE DELIVERS FLEXIBILITY

FFYF supports reducing unnecessary burden so Head Start programs can put more of their time and money toward children. However, the Regulatory Impact Analysis (RIA) that accompanies the proposed rule does not show that the rule would accomplish this. Two problems stand out. First, the proposed rule would lower the cap on administrative costs from 15% to 5% – a real cut to what programs can spend on running their operations – yet the RIA counts that change as a “transfer” rather than as a cost to programs. Second, ACF cites a study to support changing child-to-staff ratios, but also says programs may continue operating as they do today. The RIA never models what happens if they do. Either problem alone could be an oversight. Together, they mean the RIA cannot show that the rule would reduce burden in practice. FFYF takes no position on ACF’s intent; it asks only that the agency’s economic analysis match the rule it is meant to support.

The RIA’s own figures illustrate these problems:

- **The largest savings estimate assumes many programs cut staff.** The RIA projects \$668 million a year in ratio savings by assuming programs move halfway to their state’s maximum ratio. That means about 16% more children per teacher on average. At the full maximum, the teaching workforce would be about 24% smaller, with 32% more children per teacher. The NPRM calls this an optional flexibility, yet the savings appear only if programs use it at scale.²
- **The RIA labels a \$754.3 million cut to allowable administrative costs a “transfer.”** It says the money shifts to direct services. But the fiscal, personnel, and oversight work must still be done, and the RIA never identifies what programs should stop doing to afford it.³
- **The savings depend on another proposed rule that is not final.** The estimates assume ACF finalizes a separate proposed rule rescinding the 2024 wage and benefit requirements. The RIA’s own sensitivity test puts the swing at about 19%, and it acknowledges that test leaves out the higher cost of remaining staff. This is a central assumption, not a side note.⁴
- **ACF weighed gentler options for the administrative cap and gave little reason for passing on them.** A 10% cap would reduce allowable administrative spending by about \$146 million instead of \$754 million. Exempting programs funded to serve 200 or fewer children would protect about half of all grants. The RIA itself says a 10% cap may be less

² Reducing Federal Burden for Head Start Programs, 91 Fed. Reg. 51248, 51286–89 (proposed Aug. 7, 2026) (Regulatory Impact Analysis).

³ 91 Fed. Reg. at 51298–99.

⁴ 91 Fed. Reg. at 51301.

burdensome for small programs. Its only explanation is a single sentence saying the 5% cap strikes the right balance.⁵

- **Key ratio inputs are choices, not findings.** ACF starts from each state's loosest permitted ratio, not the typical one, then assumes half of the resulting reduction is realized. The RIA offers no evidence for the 50% figure.

ACF should fix this in the final rule. Agencies are expected to update their RIA to reflect public comments. ACF should use that step to correct its method, not just its numbers. ACF projects roughly 162,000 additional funded slots by 2031,⁶ and that estimate assumes programs cut costs and reinvest the savings. Even the RIA's lowest scenario assumes programs realize a quarter of the maximum ratio reduction. If ACF guarantees that programs can keep current standards without penalty, many programs will do exactly that and generate no savings. The final RIA should show how many slots remain under a range of outcomes, including one where a large share of programs change nothing. If ACF stands behind the choice it describes, it should show what that choice means for slots.

FLEXIBILITY NEEDS WRITTEN ASSURANCES, NOT JUST INTENT

The NPRM says programs may keep their current practices. As written, it does not protect them if they do. Two gaps stand out. First, ACF would have far fewer tools to measure quality, leaving cost as one of the few things left to compare across programs. Second, the NPRM does not say that programs may keep using Head Start funds for practices that are no longer required. Programs that choose to keep current standards need to know that costs now allowable and allocable will stay that way, with no pressure to change.

Cost per child could become the default measure of a "good" program. The proposed rule is framed around choice. ACF says programs "would still have the right to remain at the current thresholds."⁷ A program that holds its ratios, staffing, and costs where they are today should see no change in its standing with ACF. Nothing in the proposed regulatory text guarantees that. A program that keeps smaller classes will cost more per child than one that cuts staff to a minimum, and nothing in the proposed rule would prevent ACF from treating the first as less efficient. That program could face reduced funding or forced re-competition for not changing anything. As written, the proposed rule favors programs that serve more children per teacher and offers no protection for those that keep classes small.

The Designation Renewal System (DRS) changes raise the stakes. The NPRM would add a new "catch-all" category that would require a program to re-compete: "any other measure specified in the Head Start Act."⁸ Deficiencies and license revocation are defined conditions a program can check itself against; this catch-all is not. The Act contains many requirements, and the proposed rule does not say in advance which of them could put a program's five-year funding up for competition. That falls short of the fair notice grantees are owed. It also cuts

⁵ 91 Fed. Reg. at 51285.

⁶ 91 Fed. Reg. at 51306 (116,516 Head Start Preschool and 45,578 Early Head Start slots).

⁷ 91 Fed. Reg. at 51266.

⁸ 91 Fed. Reg. at 51277 (proposed § 1301.16).

against the NPRM's own stated aim of replacing undefined requirements with clear ones. Paired with a rule that leaves cost as one of the few measures left to compare, it gives a program that holds its standards no way to know whether doing so will count against it. ACF should remove the catch-all or list in regulation each measure that could trigger competition.

Programs may also have to trade staff against everything else. Staff, space, technology, and expanded hours all draw from the same limited funds. The proposed rule never explains how a program can serve more children with the same money if it cuts nothing. The RIA's slot-growth estimate rests on programs generating savings and reinvesting them in enrollment. A program that chooses not to cut ratios, staffing, or services generates no such savings. Nothing in the proposed rule says whether that program would still be expected to increase enrollment or lower its per-child cost because other programs, nationally, are doing so.

A second, more immediate risk is audit exposure. Costs that programs have always charged to their grants, including those tied to ratios, staffing levels, service duration, or practices that used to be mandatory, could be questioned or disallowed in a monitoring review or Single Audit solely because the regulation requiring them no longer exists. A program should not have to worry that its accountant or a federal auditor will decide, after the fact, that the spending was not necessary.

ACF should close these gaps with explicit written assurances. These should be specific commitments, not a general assertion of intent.

- The assurances should state:
 - A program's decision to keep its current group size, staff-child ratios, cost per child, or service structure, rather than adopt a flexibility the proposed rule newly permits, shall not, by itself, be a basis to reduce funded enrollment, cut its per-child cost allocation, withhold renewal, or subject it to open competition under the DRS.
 - Cost per child, standing alone, shall not be used to measure program quality, efficiency, or good standing in funding, monitoring, renewal, or expansion decisions.
 - A program that serves the same number of children, at the same cost, with the same staffing and quality it has historically maintained shall be considered in good standing, absent a separate, documented performance or compliance concern unrelated to its cost structure.
 - A cost that is allowable under a program's approved budget and consistent with 2 CFR Part 200 shall not be deemed unallowable, unnecessary, or unreasonable solely because the regulation that once required it has been removed or made optional. Programs may keep charging those costs to their grants without added justification, and without risk of audit findings, disallowance, or funds recovery on that basis alone.
 - Any move to new per-child cost allocations or administrative cost limits shall apply prospectively to new budget periods and shall not be used to disallow, recharacterize, or claw back costs already obligated or spent under a currently approved budget.
 - ACF shall not expect, require, or use as a monitoring or renewal criterion that an individual program increase funded enrollment or reduce per-child cost simply because the regulations permit other programs to do so. A program's funded enrollment and per-child allocation shall change only through the ordinary Notice of Award, appropriations, and cost-of-living process, not as an indirect result of other grantees' choices.

- **Put the assurances where they bind.** Preamble language carries little weight once implementation begins. These commitments belong in three places: the regulatory text itself; the annual Notice of Award, so the commitment travels with the funding each year; and the monitoring and DRS guidance ACF gives its own reviewers, so the people evaluating programs work from the same standard. Without all three, the promise of flexibility has no staying power.

The sections that follow set out FFYF’s position on five specific provisions of the NPRM.

1 – GROUP SIZE AND STAFF-CHILD RATIOS

Proposal:

Eliminate federal group-size and staff-child ratio standards (proposed § 1301.05). Programs would only need to be consistent with state licensing law and would not be required to meet a federal standard.

Core Elements Implicated:

Comprehensive Services and Support for Those with the Greatest Needs. Ratios determine whether a teacher has the capacity to deliver individualized attention and comprehensive support to each child – and that capacity matters most for the children Head Start disproportionately serves: children from low-income families, infants and toddlers, dual language learners, and children with developmental delays.

Why It Matters:

Ratios are essential to health and safety. They allow teachers to see, hear, and respond to each child. That individualized attention matters most in Head Start.

The Secretary cannot simply defer this decision to the states. ACF is right that the Act does not prescribe specific ratios.⁹ But the Act does require the Secretary to set program performance standards by regulation, and the class-size limits at issue here are exactly the kind of requirement the anti-backsliding provision protects.¹⁰ Those limits were codified on December 8, 1992¹¹ – a maximum of 20 children for 4- and 5-year-olds and 17 for 3-year-olds¹² – and were in effect when Congress last reauthorized the Act in 2007. They remain essentially unchanged today. A rule that replaces them with whatever each state allows, with no federal floor, removes that standard. These limits have held steady for more than three decades, under Administrations of both parties. ACF offers no evidence that children would be better served without them, and as discussed below, the research it cites does not support eliminating them.

Deferring to state licensing also leaves a gap ACF does not address. ACF estimates that about 26% of Head Start service locations are not licensed under state child care licensing

⁹ 91 Fed. Reg. at 51266.

¹⁰ Sec. 641A(a)(2)(C) / 42 U.S.C. § 9836a(a)(2)(C).

¹¹ Former 45 CFR § 1306.32(a)(3), (5); 57 Fed. Reg. 58092 (Dec. 8, 1992).

¹² *Id.*

requirements, including many school-based and Tribal sites.¹³ State ratio rules generally attach through licensing. For those sites, the proposed rule points only to CCDF basic health and safety requirements, and it is unclear what ratio or group size standard, if any, would apply.

The study ACF cites to justify deferring ratios to the states does not support its conclusion. ACF relies on a 2017 meta-analysis by Perlman and colleagues.¹⁴ A closer reading shows the study cuts the other way:

- It looked only at classrooms already within existing state licensing ranges. It says nothing about what happens if ratios are relaxed beyond those ranges.
- Its actual finding is narrow. It rests on just three studies and a single outcome – vocabulary scores – not the sweeping claim the NPRM draws from it.
- The authors say they could not test the question that matters most for Head Start. They could not assess whether ratios matter more for higher-risk children – exactly the population Head Start serves – and say plainly that their findings “should not be interpreted as indicating that regulation of ratios can be relaxed in any way.”

Decades of research show that ratios matter for children’s development and safety. The NICHD Study of Early Child Care, funded by HHS’s own National Institutes of Health, found that ratio was the strongest predictor of both caregiver sensitivity and children’s school readiness at age two.¹⁵ Other research links ratios and group size to children’s language exposure, literacy gains, illness rates, and serious safety incidents. ACF should weigh this evidence before finalizing any change to a standard so closely tied to children’s safety.

Beyond the research, ACF is proposing to anchor Head Start to the wrong standard. State child care licensing rules are built as minimum health and safety floors, not as indicators of high-quality early development. Head Start’s current ratios are already stricter than nearly every state’s licensing standard, and NIEER’s 2026 analysis of this specific proposal finds that toddler ratios would more than double in nine states if Head Start simply defaulted to state minimums.¹⁶ Deferring to those minimums doesn’t restore local flexibility – it pulls the nation’s model early learning program down to a baseline it has long since outgrown, and away from the role it has played for decades as the field’s quality benchmark.

The clearest evidence for this is how states themselves behave. When states design their own publicly funded pre-K systems, they don’t build them around their own licensing minimums – they build them around Head Start. Many state pre-K programs, as distinct from general child care licensing, set ratios that match Head Start’s, most commonly 1:10 for four-year-olds,

¹³ 91 Fed. Reg. at 51270, 51312.

¹⁴ Perlman, Fletcher, Falenchuk, Brunsek, McMullen & Shah (2017), “Child-Staff Ratios in Early Childhood Education and Care Settings and Child Outcomes: A Systematic Review and Meta-Analysis,” *PLOS ONE* 12(1): e0170256 (DOI: 10.1371/journal.pone.0170256).

¹⁵ NICHD Early Child Care Research Network, “Characteristics and Quality of Child Care for Toddlers and Preschoolers,” *Applied Developmental Science* 4(3), 116–135 (2000).

¹⁶ Healy, M. R., & Barnett, W. S. (2026). *The race to the bottom: What replacing Head Start’s staff-to-child ratios standards with state child care minimums would mean for children in poverty*. National Institute for Early Education Research, Rutgers University.

consistent with evidence that lower ratios support school readiness.¹⁷ ACF has chosen the wrong comparator: state licensing floors were never meant to define quality, and states' own quality-driven programs prove it.

This mismatch would also destabilize funding partnerships many communities rely on.

Thirty-six of the 45 states with a pre-K program report children dually enrolled in state pre-K and Head Start – more than 77,100 children nationally – and at least 13 states blend Head Start funding directly into their state pre-K initiatives.¹⁸ Many communities combine Head Start slots with state pre-K and Title I dollars in the same classroom. These arrangements work because Head Start's standards serve as the shared quality anchor across funding streams. If federal ratio requirements no longer hold that anchor in place, local partnerships lose their common reference point, and school districts and pre-K programs are left reconciling conflicting standards on their own.

Deferring to state minimums would answer a workforce and operational challenge by permanently weakening the structural core of Head Start – rather than by supporting programs through targeted workforce compensation investments and technical assistance that don't compromise the foundational standards that make the program effective. The rest of the early childhood field looks to Head Start to raise the floor, not lower it.

What FFYF Recommends:

The Secretary must regulate. The Head Start Act requires the Secretary to set performance standards and to keep them at or above the 2007 baseline. Deferring entirely to state law satisfies neither duty.

Infants, toddlers, and 3-year-olds. Retain the current federal floor. The evidence remains clearly protective of low ratios, and no reputable research supports loosening them.

4- and 5-year-olds. FFYF supports regulations that retain the current federal floor but allow a capped waiver option limited to 4- and 5-year-old classrooms: a program could request approval to serve up to a 1:12 ratio, matching the median staff-to-child ratio across state child care licensing standards nationally¹⁹ – not deferring to whatever ratio an individual state permits, which in several states runs as high as 1:18 to 1:20. Anchoring the ceiling to the national median, rather than to each program's own state law, keeps this a genuine, evidence-bounded adjustment rather than the open-ended deference to state licensing that the rest of this section opposes. The cap, not the research, sets the outer limit.

Any flexibility must also come with the written assurances described above, so a program's decision to serve more children per class cannot later be used to permanently raise its funded enrollment or cut its per-child cost allocation. Without them, the flexibility is illusory.

¹⁷ Friedman-Krauss, A. H., Barnett, W. S., et al. (2026). *The State of Preschool 2025: State Preschool Yearbook*. National Institute for Early Education Research (quality benchmark of a staff-child ratio of 1:10 or better).

¹⁸ National Institute for Early Education Research, *Interconnection Between Head Start and State Pre-K Systems* (data brief, 2026) (drawing on Friedman-Krauss et al., *supra* note 17, App. A, Tables 10 and 88B).

¹⁹ See Healy & Barnett, *supra* note 16.

2 – THE ADMINISTRATIVE COST CAP

Proposal:

Reduce the cap on development and administrative costs from 15% to 5% of total approved program costs (proposed § 1301.14).

Core Elements Implicated:

Community Driven. Head Start’s community-driven design depends on local grantees having the capacity to plan, manage, and account for federal funds themselves – a capacity this cap would remove.

Why It Matters:

Head Start has no state agency sharing costs. As a federal-to-local program, Head Start funds local grantees directly, and no state entity shares the administrative burden. ACF points to the Child Care and Development Fund (CCDF) and other HHS block grants that operate under 5% caps. However, ACF acknowledges that those programs rely on state, local, and subrecipient entities to administer and oversee operations.²⁰ In Head Start, the grantee does that oversight work itself and pays for it from its administrative budget.

Administrative costs pay for accountability. FFYF shares the goal of getting every possible dollar to children and families. Finance staff run payroll, reconcile accounts, and document the required 20% non-Federal match. Human resources (HR) staff complete criminal record checks before anyone is hired. Every grantee must also maintain internal controls, safeguard families’ personal data, and complete an annual Single Audit under the Uniform Guidance. Basic fraud prevention also means the person who approves a payment does not also record or reconcile it. About half of Head Start grants serve 200 or fewer children. At 5%, many of these programs could be left with one or two administrative staff. That is too few to separate these duties in any meaningful way. This cap would not cut burdensome paperwork – it would cut the people who keep federal dollars accountable and the systems that prevent fraud and misuse.

The cap is set to the outlier, not the norm. Only about 3.7% of Head Start grants operate at or below 5% today. ACF’s own data puts average administrative spending at 11.2% of program budgets. ACF also concedes that this figure could rise once the rule’s other changes are counted. By ACF’s estimate, the cap would shift roughly \$754 million a year out of administrative functions.²¹ Consider a program with a \$10 million federal award. With the required non-Federal match, its total approved program cost is \$12.5 million. The current cap allows up to \$1,875,000 for administration. A program at ACF’s reported average spends about \$1,400,000 on administrative costs - the proposed cap would allow only \$625,000 - that is less than half of what the average program spends today and a two-thirds cut from the current ceiling.

The NPRM keeps the obligations and removes the capacity to meet them. Every statutory and Uniform Guidance requirement listed above stays in place under the proposed rule. The

²⁰ 91 Fed. Reg. at 51299.

²¹ 91 Fed. Reg. at 51285 (3.7 percent), 51298 (11.2 percent average and potential increase), 51299 (\$754.3 million).

NPRM also removes federal process standards, including detailed background check procedures and staff qualifications beyond statute. Programs would have to build and run their own systems instead. That only works if programs have staff to design, run, and document those systems. Less federal prescription makes local administrative capacity more important, not less.

The proposal holds Head Start to a stricter standard than other federal grantees. Under the government-wide Uniform Guidance, the Office of Management and Budget (OMB) lets any grantee without a negotiated indirect cost rate claim a de minimis rate of up to 15% without further documentation.²² Head Start's current 15% cap is consistent with that benchmark. The NPRM would single out Head Start for a far lower limit.

The Head Start Act does not authorize an across-the-board reset. This is a limit on the Secretary's authority, not a policy disagreement. Section 644(b) of the Head Start Act sets 15% as the ceiling and gives the Secretary three tools:²³

- Defining the accounting criteria for what counts as an administrative cost.
- Ordering an individual program below 15% if the Secretary finds its costs "excessive."
- Granting an individual program a waiver of no more than 12 months to exceed 15%.

The statute does not allow the Secretary to lower the ceiling for every program at once.

Waivers are not a substitute. The NPRM points programs to a new waiver process at proposed § 1301.18, but approval is at ACF's discretion.²⁴ Programs cannot hire a fiscal officer or build lasting financial controls around relief that may not be granted or renewed.

What FFYF Recommends:

Retain the current 15% cap. A 15% cap is consistent with the plain text of the Head Start Act and with OMB's government-wide de minimis rate. If ACF finds that a specific program's costs are excessive, the statute already gives it a case-by-case tool to address that. ACF does not need, and does not have the authority to impose, an across-the-board reduction of the ceiling.

Issue clear, uniform guidance on what counts as an administrative cost. Section 644(b) of the Head Start Act gives the Secretary authority to set the criteria for what counts as a development or administrative cost. Right now, programs lack a clear, consistent standard, so they classify the same expenses in different ways. Some programs record costs that directly support services as administrative simply because those costs don't involve direct contact with children. Examples include center management, supervision of education and family services staff, and the systems that track child and family records. These programs believe such costs can't be charged to the base grant as program costs, even when ACF guidance would allow it. As a result, their reported administrative rates look higher than their actual overhead.

²² 2 CFR § 200.414(f). The de minimis rate applies to modified total direct costs, a narrower base than the total approved costs used for Head Start's cap. FFYF offers it as a benchmark for the level of overhead federal policy treats as reasonable.

²³ Sec. 644(b) / 42 U.S.C. § 9839(b).

²⁴ 91 Fed. Reg. at 51285, 51299.

Clear national guidance would let programs allocate costs correctly and with confidence. It would also make budget data comparable across grantees. And it would give ACF a reliable way to identify programs whose costs are truly excessive. This is how ACF can direct more funding to children and families: by giving programs clarity, not by imposing a lower cap.

Base any future threshold on consistent data. Before any further consideration of this matter, ACF should:

1. Issue uniform definitions and collect data under them. Put the definitions out for public comment, then finalize them. Require grantees to report administrative costs using the new definitions in their annual budget submissions for at least one full budget period.
2. Redo the cost analysis. Rerun the regulatory impact analysis using the new, comparable data, including separate estimates for small, rural, and Tribal programs.
3. Propose any change through a new rulemaking. If the new data supports a different threshold within the Secretary's authority under Section 644(b), ACF should propose it in a new NPRM with a full public comment period.

The current 15% cap should stay in place until the process is complete.

3 – ENGLISH-ONLY INSTRUCTION

Proposal:

Require all classroom instruction in English (proposed § 1301.04(a)). This would eliminate the current requirements that programs support children's home language, have at least one staff member who speaks a class's majority language, and screen and assess dual language learners in the language that best captures their skills. Tribal programs would be exempt for heritage-language instruction.

Core Elements Implicated:

Prenatal through Five, Comprehensive Services, Family Engagement and Partnership, Community Driven, and Support for Those with the Greatest Needs. A child can benefit only from instruction, screenings, and services she can understand, and parents can partner only with a program whose staff can talk with them. An English-only mandate would cut off that access for the dual language learners who make up nearly 40% of Head Start enrollment, starting with infants and toddlers whose first language is still forming. It would also replace each program's judgment about how to serve its own community with a single federal method of instruction.

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 more likely to slow English learning than speed it up.²⁵ Research shows young children acquire content knowledge and a second language most effectively through instruction that builds on their home language.

²⁵ National Academies of Sciences, Engineering, and Medicine, *Promoting the Educational Success of Children and Youth Learning English: Promising Futures* (2017).

An English-only mandate works against the outcome it is meant to produce. It also conflicts with the Act, as detailed below.

The proposal would affect a large share of programs. Nearly 40% of Head Start children were dual language learners in 2024–25, and their families speak more than 100 languages.²⁶ Dual language learners are the majority in California (66%), New Jersey (65%), New York (56%), and Arizona (53%), and more than 40% in Florida (45%) and Texas (41%).

Today, when a three-year-old arrives in a Head Start program speaking another language, a teacher or assistant who speaks her language can walk her through the daily routine, comfort her when she is upset, and teach counting and colors in words she understands while her English develops. Under the proposal, she would spend most of her day receiving instruction she cannot yet follow. This is also a new mandate, not burden reduction: the RIA estimates it would cost programs up to \$125 million in materials and professional development.²⁷

The proposal conflicts with the Head Start Act in four ways:

1. **The Act’s dual mandate.** Section 641A(a)(1)(B)(x) requires standards under which limited English proficient (LEP) children make progress toward English acquisition *while also* making meaningful progress in language, literacy, math, and the other school readiness domains, “including progress made through the use of culturally and linguistically appropriate instructional services.” Congress named the method. A child cannot make meaningful progress in math taught in a language she does not yet understand.
2. **The Act’s own definition of the children affected.** The statute defines an LEP child as one whose difficulty with English “may be sufficient to deny” the child “the ability to successfully achieve in a classroom in which the language of instruction is English” (Sec. 637(22)). Congress built that definition around the risk an English-only classroom poses. It then required programs to identify these children and tell their parents what instructional services are helping them progress in both school readiness skills and English (Sec. 642(f)(10)). The proposal would place these children in the very setting the definition describes.
3. **ACF’s own monitoring duty.** Section 641A(c)(2)(C) requires ACF’s reviews to assess whether programs have “adequately addressed” the needs of LEP children. ACF cannot hold programs to that standard while barring the main tool they use to meet it.
4. **The Head Start Act’s anti-backsliding provision.** The standards in effect on December 12, 2007, required programs to support and respect each child’s home language and culture, keep education developmentally and linguistically appropriate, and have at least one classroom staff member or home visitor who speaks the children’s language when a majority of children share it. An English-only mandate would eliminate services the anti-backsliding provision protects. The staffing requirement is among the oldest in the program. The Ford Administration included it in the first Performance Standards in 1975, and it

²⁶ Office of Head Start, Program Information Report (2024–25).

²⁷ 91 Fed. Reg. at 51287 (approximately \$47 million in one-time classroom materials costs and \$26–78 million in teacher professional development).

carried forward through the 1996 and 2016 rewrites.²⁸ Administrations of both parties have kept it in place. This NPRM would be the first to remove it.

The NPRM's preamble acknowledges each of these provisions but does not explain how English-only instruction satisfies them. The preamble is also inconsistent about the rule's own reach. It says programs must still meet all of the Act's language requirements for LEP children and their parents, then says the changes would "minimize non-essential multilingual services."²⁹ It never says which services are non-essential. Programs would be left to guess where the line falls, with their compliance at stake. The rule's exemption for Tribal programs concedes that home-language instruction has real developmental and cultural value. The rule then denies that value to every other dual language learner. ACF's current guidance also recommends home-language-connected instruction for dual language learners. This rule would reverse that guidance without presenting evidence that this change benefits children.

Language also matters for assessment, not just instruction. Current standards require programs to screen and assess dual language learners using qualified bilingual staff or interpreters, in the language that best captures what the child knows and can do. That is how programs tell a language difference from a developmental delay. Without it, some children will be referred for services they don't need, while others with real delays will be missed. Dual language learners are already vulnerable to both errors.³⁰ The stakes are high for a program that must make at least 10% of its enrollment available to children with disabilities and coordinate with IDEA child find.

What FFYF Recommends:

Regulations must maintain home-language support for dual language learners, the majority-language staffing requirement, and bilingual screening and assessment. This can be done while also highlighting the importance of English acquisition and retaining the requirements that make it achievable. None of this requires lengthy regulation; one provision would suffice: "*Programs must support English language acquisition for dual language learners, using the child's home language to support learning and assessment. Where a majority of children in a class share a home language, at least one classroom staff member must speak that language.*" That keeps the standards compact, meets the Act's dual mandate, and respects the floor Congress set in 2007.

4 – PROTECTIONS FOR CHILDREN WITH THE GREATEST NEED

A. Children Experiencing Homelessness

Proposal:

The NPRM would replace the current regulations with a single sentence stating that children experiencing homelessness are eligible and "must be treated in accordance with the Head Start

²⁸ 40 Fed. Reg. 27562 (June 30, 1975), codified at former 45 CFR § 1304.2-2(c)(2)(i).

²⁹ 91 Fed. Reg. at 51265–66.

³⁰ National Academies, *supra* note 25.

Act” (proposed § 1301.02(g)).³¹ The regulations being replaced cover identification and prioritization, reserved enrollment slots, a grace period for missing records, and coordination with McKinney-Vento liaisons. The NPRM would also create two new documentation barriers:

- Bar self-attestation as eligibility documentation (proposed § 1301.02(c)(4)).
- Remove the provision allowing a child to enroll without documentation of age (current § 1302.12(h)).

Core Element Implicated:

Support for Those with the Greatest Needs. For children experiencing homelessness, Head Start is often the only source of stability, and they can benefit from it only if the enrollment process lets them in.

Why It Matters:

The need is growing. Head Start served more than 60,000 children experiencing homelessness last year, the highest number on record.³² These children are a growing share of enrollment, even as total enrollment has declined. For these children, every day without enrollment is a day without the stability, routine, and support Head Start is designed to provide, at the moment they need it most.

The statute requires rules. Section 640(m) directs the Secretary to issue rules establishing *policies and procedures* to remove barriers to enrollment for children experiencing homelessness. The statute spells out three duties for those rules:

- Identifying these children and prioritizing them for enrollment.
- Letting families apply, enroll, and attend while required documents are gathered within a reasonable time. The statute names proof of residency, immunization and medical records, and birth certificates.
- Coordinating with McKinney-Vento efforts in local school districts.

ACF itself reminds programs that the statute requires these rules.³³ Yet a single eligibility sentence provides neither a policy nor a procedure. This argument rests on that statutory duty rather than on the anti-backsliding provision. Section 640(m) was enacted in 2007, and ACF carried it out through final rules in 2015 and 2016.³⁴ Replacing those rules with one sentence would abandon a directive from Congress that ACF has only recently put into practice.

The NPRM adds documentation barriers the statute directs ACF to remove. Families experiencing homelessness often lack formal paperwork, which is why programs have relied on family statements to establish eligibility. The NPRM would end that practice and also remove the ability to enroll a child without proof of age. Section 640(m)(2) names birth certificates specifically as a document families must be allowed to obtain *after* enrolling. ACF acknowledges

³¹ 91 Fed. Reg. at 51262–64.

³² Office of Head Start, Program Information Report (2024–25), as reported in SchoolHouse Connection, “Proposed Head Start Rule Eliminates Critical Protections for Children Experiencing Homelessness” (2026) (more than 60,000 children, up from about 52,700 in 2015–16).

³³ 91 Fed. Reg. at 51263.

³⁴ 80 Fed. Reg. 7368 (Feb. 10, 2015); 81 Fed. Reg. 61294 (Sept. 6, 2016).

that families experiencing homelessness “may have a more challenging time providing such documentation.” Its only response is that programs “may have to support such families more closely.”³⁵ The NPRM specifies no process and provides no resources for doing so.

ACF has already shown that integrity and access can coexist. In 2015, ACF finalized a rule designed to strengthen eligibility verification and ensure the neediest families are served first. That rule deliberately allowed families experiencing homelessness to establish eligibility through a signed declaration when documents were unavailable, provided program staff describe their efforts to verify it and document the child’s living situation.³⁶ The same rule accepted statements from shelters, homeless services providers, and school personnel as documentation. It also barred programs from requiring age documents if doing so would keep an eligible child from enrolling (former § 1305.4(h)). ACF’s own conclusion was that these safeguards protect program integrity without shutting out the children Section 640(m) is meant to reach. The NPRM offers no evidence that this balance has failed.

FFYF shares the goal of protecting program integrity, but a blanket ban is the wrong tool. ACF’s own analysis estimates that roughly 8% of currently enrolled children could lose eligibility under the self-attestation ban unless their families can produce alternative documentation.³⁷ ACF’s own monitoring also found eligibility errors in 139 of 23,819 child files reviewed in FY 2024, about half of one percent, and ACF cannot say how many self-attested files were actually false.³⁸ A targeted approach would protect federal funds without shutting out eligible children. Programs could accept documentation from McKinney-Vento liaisons, shelters, and service providers, with a staff-verified family statement as a last resort.

Deferring to state law undermines the statute. Current regulations let children experiencing homelessness attend while immunization records are gathered. The NPRM removes that exemption and applies state requirements without exception (proposed § 1301.03(b)). Section 640(m)(2) names immunization records specifically as a barrier to remove. The problem is not simply that state rules may be less protective. The rule would reinstate the exact barrier Congress directed the Secretary to eliminate.

What FFYF Recommends:

Streamlining enrollment paperwork is a worthy goal, but not at the cost of the procedures that get children experiencing homelessness access to Head Start. ACF should:

- **Maintain regulations implementing each Section 640(m) duty:**
 - Identification and prioritization, including reserved slots capped at 3% of funded enrollment, with unfilled slots reverting after 30 days.
 - Enrollment and attendance while documents are gathered, including immunization records, with a defined grace period.
 - Coordination with McKinney-Vento liaisons.

³⁵ 91 Fed. Reg. at 51308.

³⁶ 80 Fed. Reg. 7368, 7379 (Feb. 10, 2015), former 45 CFR § 1305.4(j)(3).

³⁷ 91 Fed. Reg. at 51307.

³⁸ *Id.* at 51307–08.

- **Keep the documentation standard ACF adopted in 2015.** Programs should be able to accept statements from McKinney-Vento liaisons, shelters, and service providers, and, when third-party documentation is unavailable, a family's signed declaration verified by program staff.
- **Keep enrollment without age documentation for children experiencing homelessness** while documents are obtained, consistent with Section 640(m)(2).

B. Children with Disabilities and Suspension and Expulsion

Proposal:

The NPRM would replace Head Start's disability services requirements with a general instruction to follow applicable federal and state law (proposed § 1301.10). The provisions being removed include:

- Full participation in the least restrictive environment
- Services for a child while awaiting an IDEA eligibility determination
- The ban on denying enrollment based on disability or its severity
- The 45-day developmental screening timeline
- The limits on suspension and the prohibition on expulsion

Core Elements Implicated:

Support for Those with the Greatest Needs. Children with disabilities do best when they get support early and stay enrolled. Head Start's protections make sure they are not turned away, left waiting for a diagnosis, or pushed out over behavior.

Comprehensive Services. Developmental screening, early support services, and behavioral health consultation are how Head Start identifies and meets each child's needs before small challenges become larger ones.

Why It Matters:

Head Start is often the first place a child's disability or delay is identified and supported.

It supports children before a formal diagnosis and keeps them enrolled through difficult behavior. That early support prepares children to succeed once they enter the K–12 system. Provisions that simply repeat civil rights or state law can be simplified. But where Head Start's standards go further than that baseline, each should be judged on its merits. The goal should be the same high level of protection for every Head Start child, regardless of state.

The legal basis differs by provision, and precision matters here. The core disability services requirements, including full participation in the least restrictive environment, trace to the disability standards ACF adopted in 1993 (former 45 CFR Part 1308) and were in effect on December 12, 2007.³⁹ The anti-backsliding provision protects them. Services before an IDEA eligibility determination rest on a separate statutory duty, discussed next. The ban on denying

³⁹ 58 Fed. Reg. 5501 (Jan. 21, 1993), codified at former 45 CFR Part 1308.

enrollment based on the type or severity of a disability dates to 2016; its case rests on the evidence discussed below.

ACF has a statutory duty to regulate. The Head Start Act requires the Secretary to establish policies and procedures ensuring early intervening services, such as educational and behavioral supports, before an IDEA eligibility determination (Sec. 640(d)(2)). The NPRM states that the Secretary “would issue policies and procedures” if the rule is finalized⁴⁰ – but that is a promise to act later, not a standard in effect now. Programs and families would be left with a requirement that exists in statute but in no published procedure.

The ban on denying enrollment is a policy choice with a strong evidence base. It bars programs from denying enrollment because of a child’s disability or how severe it is. ACF adopted it in 2016, deliberately going beyond the ADA and Section 504. Those laws still allow a program to turn a child away if serving them would require a “fundamental alteration” or impose an “undue burden,” an exception that falls hardest on children with the most significant needs. HHS’s own research review shows why closing that gap matters. Children with disabilities, including those with the most significant needs, make substantial developmental progress in inclusive settings, often with greater cognitive, communication, and social-emotional gains than in separate settings.⁴¹ With few other options available to these families, a rule that lets programs turn them away removes one of their only doors.

The screening timeline triggers every other protection. Current rules require a developmental screening within 45 calendar days of a child’s first day. That screening is how programs identify which children need accommodations, interim services, and timely referral for IDEA evaluation. Removing the timeline does more than loosen assessment practice. It removes the mechanism that tells programs which children need help. The 45-day requirement has been in continuous effect since the 1993 disability standards and was carried into the 1996 Performance Standards, where ACF kept it over a proposed 90-day alternative specifically to ensure children are identified in time to be connected to services.⁴² Because it was in effect on December 12, 2007, the anti-backsliding provision protects it.

Head Start’s limits on suspension and expulsion target a documented problem. The current standard is more than a simple “no expulsion” rule. It sets out a structured, six-part process:

1. Suspension only as a last resort.
2. Mental health consultation before any suspension decision.
3. A ban on expulsion for behavior.
4. Documented consideration of whether a disability is involved.
5. Consultation on the child’s IEP or IFSP.
6. A coordinated transition to a better-suited setting if a serious safety threat persists.

⁴⁰ 91 Fed. Reg. at 51271.

⁴¹ HHS & ED, *Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs* (Nov. 2023), p. 7.

⁴² Former 45 CFR § 1304.3-3(b), as amended at 58 Fed. Reg. 5518 (Jan. 21, 1993); former 45 CFR § 1308.6(b)(1), 58 Fed. Reg. 5501 (Jan. 21, 1993); 61 Fed. Reg. 57186, 57190, 57193 (Nov. 5, 1996); former 45 CFR § 1304.20(b)(1); current 45 CFR § 1302.33(a)(1).

This structure responds to a well-documented pattern. Preschoolers with disabilities served under IDEA make up 23% of public preschool enrollment nationally but account for 74% of preschool expulsions and 41% of out-of-school suspensions.⁴³

The evidence supports keeping mental health consultation. Early childhood teachers with regular access to mental health and behavioral consultation report half the rate of expulsions of teachers without it. Yet only about one in five teachers has that access.⁴⁴ Head Start's lower expulsion rates come from a connected system: low ratios, coaching, mental health consultants, trauma-informed training, and universal screening. Removing pieces of that system would weaken the results it produces.

Head Start's approach reflects decades of practice. The 2014 HHS–Department of Education policy statement on expulsion and suspension names Head Start among programs with a long-standing and continuing practice of prohibiting the expulsion or suspension of any child.⁴⁵ The 2016 rule codified that existing practice. Removing it now would not return programs to a neutral baseline; it would be a real regression.

ACF's own reasoning depends on the rule it would remove. ACF assumes programs will use suspension and expulsion “sparingly, in line with current practice.”⁴⁶ But that current practice is shaped by the very rule ACF proposes to remove. Head Start's low rates of exclusion reflect a long-standing federal standard and the supports built around it.

A child's protection from expulsion should not depend on which state they live in. ACF argues that states now regulate suspension and expulsion, so federal rules are no longer needed. But ACF itself acknowledges that state licensing standards address suspension and expulsion “in varying ways.”⁴⁷ Some states prohibit expulsion outright. Others merely limit it, apply their rules only to state-funded pre-K, or don't address it at all. Deferring to that patchwork means a child's protection would depend on geography rather than need, and the gaps are not small:

- **Many Head Start children fall outside state rules entirely.** Roughly a quarter of Head Start sites are exempt from state licensing.⁴⁸ For children at those sites, no state standard applies.
- **Some programs serve children who cross state lines or live outside state jurisdiction.** Migrant and Seasonal Head Start programs serve families who move between states as the work does. Tribal programs often operate outside state licensing systems altogether. For these children, a single federal standard is the only consistent protection they have.

⁴³ U.S. Department of Education, Office for Civil Rights, *2021–22 Civil Rights Data Collection: A First Look* (Jan. 2025).

⁴⁴ HHS & ED, *Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings* (2014), p. 7.

⁴⁵ *Id.* at 5.

⁴⁶ 91 Fed. Reg. at 51309.

⁴⁷ *Id.*; see also *id.* at 51265.

⁴⁸ 91 Fed. Reg. at 51270 (approximately 26 percent of Head Start service locations are not licensed under state child care licensing requirements).

Head Start serves the children most likely to face exclusionary discipline, including children with disabilities and children who have experienced trauma. The protections these children receive should be as consistent as the program's funding and mission. A clear federal standard gives every program the same rules, every family the same assurance, and ACF a single benchmark to monitor against.

What FFYF Recommends:

ACF should maintain the current protections for children with disabilities in the final rule, specifically:

- The requirements that programs:
 - Ensure children with disabilities fully participate in all program activities in the least restrictive environment;
 - Provide support and services while a child awaits an IDEA eligibility determination; and
 - Enroll children regardless of the type or severity of their disability.
- The 45-day developmental screening timeline, which identifies the children who need these protections in the first place.
- The current limits on suspension and the prohibition on expulsion, in full, including:
 - The requirement for mental health consultation before any suspension; and
 - The coordinated transition process for the rare cases where a serious safety concern persists.

Programs should have flexibility in how they deliver these supports, but every Head Start child should be guaranteed the same protections regardless of the state they live in.

5 – COMPREHENSIVE SERVICES

Proposal:

The NPRM would remove most of the specific comprehensive services requirements in the current HSPPS and rely on the Act's general language instead, with ACF enforcing that language through monitoring. The removals include health services provisions, family partnership services, family and community engagement, transition services, and key parts of services to pregnant and postpartum women (proposed § 1301.11).⁴⁹

Core Elements Implicated:

Comprehensive Services. This is the core of the proposal.

Prenatal through Five. Services to pregnant women and transitions are the first and last links in the prenatal-to-five continuum.

Family Engagement and Partnership. The NPRM removes the structure behind family partnership services and family needs assessments.

⁴⁹ 91 Fed. Reg. at 51269–72.

Support for Those with the Greatest Needs. Health access and insurance supports matter most for families with the fewest alternatives.

Why It Matters:

Comprehensive services are how the Act defines Head Start. The Act builds the program around health, educational, nutritional, social, and other services, delivered alongside early learning.⁵⁰ Congress also made these services a test of whether an applicant can run Head Start at all. When an incumbent program is not renewed, the Secretary must weigh each applicant's plan to provide comprehensive health, educational, nutritional, social, and other services that help children reach their full potential and succeed in school.⁵¹ A program that offers early learning without comprehensive services is not a leaner version of Head Start. Under the Act's own terms, it is a different program.

Congress also told the Secretary to set standards for these services. Section 641A(a)(1)(A) directs the Secretary to set performance standards by regulation for the services programs must provide, naming health, parental involvement, nutritional, and social services and the transition activities described in Section 642A.⁵² The Comprehensive Services regulations are where the Act and the HSPPS work most closely together. Yet the NPRM would rescind the transition standards in Subpart G with no replacement, leaving a service Congress named specifically with no standard at all. The core health, family partnership, and transition requirements in the 1996 Performance Standards (former 45 CFR §§ 1304.20, 1304.40, and 1304.41) also fall within the anti-backsliding provision.⁵³

The compliance obligation stays, but the definitions are eliminated. ACF states that the Act's requirements still apply and that it will hold programs accountable through monitoring.⁵⁴ But the regulations are what turn the Act's general language into standards programs can plan around and monitors can check. Without them, neither side knows in advance what compliance looks like. The stakes are high: a finding in these areas can become a deficiency, and deficiencies can trigger competition for a program's five-year funding. Three examples show the pattern:

- **Health services.** The NPRM would remove the Health Services Advisory Committee, advance authorization for health, mental health, and developmental procedures, and the requirements to determine each child's health status and help families access health care and insurance. These provisions are how programs organize health work in practice. The advisory committee connects programs with local pediatricians, dentists, and mental health providers. The health status requirements tell staff when to check whether a child is up to date on care and when to follow up with a family.
- **Family partnership services.** ACF acknowledges that the Act requires family needs assessments but would remove the regulations that define how programs carry them out.

⁵⁰ Sec. 636(2) / 42 U.S.C. § 9831(2).

⁵¹ Sec. 641(d)(2)(B) / 42 U.S.C. § 9836(d)(2)(B).

⁵² Sec. 641A(a)(1)(A) / 42 U.S.C. § 9836a(a)(1)(A).

⁵³ Sec. 641A(a)(2)(C) / 42 U.S.C. § 9836a(a)(2)(C); 61 Fed. Reg. 57186 (Nov. 5, 1996).

⁵⁴ 91 Fed. Reg. at 51272.

General statutory authority to engage families is not a definition of what family partnership services must include.

- **Transition services.** The NPRM would rescind Subpart G entirely and propose no replacement. The regulations spell out how programs coordinate with schools and families at two points: when a child moves from Early Head Start to Head Start Preschool, and when a child moves from Head Start to kindergarten. Continuity at these handoffs is central to the comprehensive model.

The NPRM’s own continuity logic should extend across the prenatal-to-five continuum.

ACF rightly keeps full-day, year-round services for Early Head Start, based on the Act’s requirement that Early Head Start provide “continuous” services.⁵⁵ The same logic applies to services for pregnant women. Proposed § 1301.11 keeps newborn visits, referrals, and prenatal and postpartum education. It drops three requirements: determining health status and helping pregnant women access health insurance, reducing barriers to healthy birth outcomes, and tracking services provided to enrolled pregnant women.⁵⁶ Pregnancy is the first point of contact in the continuum, before a child ever enters a classroom. Weakening supports at that stage weakens everything that follows.

What FFYF Recommends:

Flexibility belongs in how programs deliver comprehensive services, not in whether the requirements exist. ACF should:

- **Retain the core requirements.** Keep the regulations that define health services, family partnership services, transition services, and services to pregnant and postpartum women, so the Act’s comprehensive services mandate carries clear meaning from prenatal through age five.
- **Revise rather than rescind.** Where ACF finds a provision too prescriptive, it should restate the provision as a required outcome and let programs choose how to meet it, rather than removing it entirely.
- **Publish the monitoring standards before finalizing.** If ACF plans to monitor directly against the Act, it should release the standards it will use to assess comprehensive services, for public comment, before any final rule takes effect.

IN CLOSING

FFYF shares ACF’s goal of a leaner rule that trusts programs to do their work. Parts of this NPRM do just that. Others deserve closer scrutiny of their implications. FFYF continues to believe Head Start should be reauthorized to take up much of what this NPRM proposes. A reauthorization could also codify the following positive aspects of the proposed rule:

- **Converting Head Start Preschool slots to Early Head Start.** Demand for infant and toddler services keeps growing, and programs need a faster path to meet it.

⁵⁵ Sec. 645A(b)(1); 91 Fed. Reg. at 51268.

⁵⁶ 91 Fed. Reg. at 51272.

- **Physical activity.** The proposed rule asks programs to build movement into daily routines, reflecting Head Start's long commitment to children's health and physical development.
- **Recruitment, selection, and community assessment.** FFYF supports simplifying how often programs must update their community assessment, what data it must include, and the procedural detail behind recruitment and selection.
- **QRIS participation.** State Quality Rating and Improvement Systems vary widely in design and usefulness, and a federal mandate to join them adds little for many programs. Participation should be voluntary.
- **Moving away from CLASS thresholds as an automatic trigger for competition.** The Classroom Assessment Scoring System (CLASS) was built to strengthen teacher-child interaction, not to decide a program's five-year funding. The fixed CLASS: Pre-K thresholds should be removed from the DRS and replaced with a defined, published measure.⁵⁷
- **Background checks.** Child safety comes first, and any change here has to meet that test. The final rule should ensure a comprehensive, valid, and reliable system that aligns with Child Care and Development Block Grant (CCDBG) requirements.
- **Facilities.** Buying, building, or renovating a facility has long meant months of federal process on top of an already complex project. Streamlining that process is overdue.

FFYF appreciates the opportunity to comment on a rule of this scope. We share the goal behind it: a Head Start program that spends less time on paperwork and more time with children and families. The recommendations above are offered in that spirit, to help the final rule deliver on that goal while keeping the commitments that have defined Head Start for six decades. Changes this far-reaching are best settled by Congress, and a bipartisan reauthorization of the Head Start Act, now long overdue, remains the right place to modernize the program for the years ahead. Until then, FFYF looks forward to working with ACF, Congress, and the Head Start community to get the details right for the children and families who count on this program.

Sincerely,



Sarah Rittling
Executive Director
First Five Years Fund

⁵⁷ 91 Fed. Reg. at 51277.