



Submitted electronically via Regulations.gov

October 6, 2026

The Honorable Robert F. Kennedy, Jr.
Office of the Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington DC, 20201

Re: Reducing Federal Burden for Head Start Programs (RIN 0970-AD30)

Dear Secretary Kennedy:

We are submitting this comment on behalf of the National Center for Youth Law (NCYL) in response to the Department of Health and Human Services' (HHS, or the Department) Notice of Proposed Rulemaking (NPRM, or the Proposed Rule) concerning the Head Start Program Performance Standards (HSPPS, or the Standards), published in the Federal Register on August 7, 2026. NCYL strongly opposes the Proposed Rule and urges HHS to withdraw it in its entirety. NCYL is a national advocacy organization that is committed to building a future where every child thrives and is supported by families and communities. The Proposed Rule, if promulgated, would substantially undermine the Head Start program, harming the wellbeing of children and families across this country.

For more than 60 years, Head Start has helped children and families access high-quality early learning alongside health services, developmental supports and meaningful family engagement. Head Start has a demonstrated track record of success for children and families. Children who participate in Head Start are more likely to graduate high school and secure stable jobs, and Head Start allows parents and caregivers support in finding work. The Head Start Program Performance Standards help make that comprehensive approach possible. The Proposed Rule would fundamentally change those standards and make it harder for Head Start programs to deliver the high-quality services children and families deserve.

I. The Head Start Performance Standards Are Central to the Program's Purpose and Effectiveness

Congress created Head Start as a comprehensive program designed to support children's development and school readiness by addressing the whole child and the conditions that shape children's ability to thrive. The Head Start Act requires agencies to provide comprehensive health,



education, parental involvement, nutritional, social, and other services that enable children to reach their full potential and attain school readiness. The whole-child model reflects longstanding scientific evidence that children’s cognitive development is inseparable from their health, social and emotional development, nutrition, and relationships with parents and other caregivers.¹

To carry out that mandate, Congress directed the HHS Secretary to establish performance standards addressing health, parental involvement, nutrition, social services, transition activities, and other services. The Standards translate that statutory command into clear expectations about what Head Start programs must provide, the qualifications and competencies staff must possess, and the systems Head Start programs must use for training, professional development, monitoring, and continuous improvement. They create a national floor for quality while allowing local programs to adapt implementation to best meet the needs of their communities.²

The Proposed Rule moves in the opposite direction. It replaces detailed, enforceable standards with broad and ambiguous requirements; eliminates school-readiness and learning expectations; removes health and safety practices; weakens reporting and accountability; and shifts responsibility for core program protections to states, local programs, or other systems. The Department describes these changes as restoring flexibility and reducing burden. But flexibility cannot come at the expense of the minimum protections that make Head Start a meaningful national program. The proposal would make the quality and scope of services depend more heavily on where a child lives and on the capacity of an individual program to fill the gaps left by the lack of robust and consistent federal standards.³

II. The Proposed Rule Would Weaken the Comprehensive Services Children Need to Learn and Thrive

¹42 U.S.C. § 9833; *see also* 42 U.S.C. § 9831.; 42 U.S.C. § 9832(23), (22) (defining the terms “scientifically valid research” and “scientifically based reading research”); The evidence is robust that cognitive stimulation, preventive health care, and nutrition early in life are critical for long-term skill development and positive health outcomes. *See, e.g.,* From Neurons to Neighborhoods: The Science of Early Childhood Development (Jack P. Shonkoff & Deborah A. Phillips eds., 2000). Research about early childhood interventions across multiple sectors (*i.e.*, health, nutrition, education, child protection, social protection) supports the importance of multi-faceted interventions that address multiple areas and risk factors simultaneously. *See, e.g.,* Pia R. Britto et al., *Nurturing care: promoting early childhood development*, 389 *The Lancet* 91, 91-102 (2017); 42 U.S.C. § 9833; *see also* 42 U.S.C. § 9831.

²42 U.S.C. § 9836a(a)(1)(A); 45 C.F.R. §§ 1302.102, 1302.30.

³ 91 Fed. Reg. at 51249-50.

A. Education and School Readiness

The HSPPS establish the educational foundation that allows Head Start programs to deliver scientifically based and developmentally appropriate education tied to school readiness and the Head Start Child Outcomes Framework. They address staff-to-child ratios, group size, operating hours, staff qualifications and competencies, curriculum implementation, screening and assessment, teaching and learning environments, home visiting, and family engagement. Together, these standards create the conditions for responsive relationships and effective instruction.⁴

The Proposed Rule would eliminate or weaken most of these requirements stripping away most of the quality standards that define the services children and families receive. The predictable result is not administrative flexibility; it is a reduction in the educational experience available to children, with unequal services available depending on where a child lives. The Department's proposal would permit larger class sizes, fewer adult-child interactions, shorter program days, less support and coaching for teachers and staff, reduced qualifications and competencies, weaker screening and assessment practices, and diminished teaching and learning environments and home visiting. The Proposed Rule would also effectively end supports for children who speak languages other than English.⁵ It also removes several requirements that help children with disabilities participate in and benefit from head start. For example, Head Start programs would no longer be required to provide developmental assessments to every child and no longer be required to make accommodations so children can't be turned away because of a disability. Federal disability laws would still apply, but the Proposed Rule changes how Head Start programs would be required to put these laws into practice.⁶ These changes threaten both school readiness and longer-term educational outcomes, particularly for children growing up in poverty—the children Head Start is specifically designed to serve.⁷

As noted in a report from the Children's Equity Project at Arizona State University, quality is important for all children in early education, but "it is especially important to children who may have higher needs, such as children living in poverty, children with disabilities, children experiencing homelessness, and children involved in the child welfare system — the very children

⁴ 42 U.S.C. § 9836a(a)(1)(B).

⁵ 91 Fed. Reg. at 51265, 51311, and 51319.

⁶ 91 Fed. Reg. at 51270-71; See also, Katy Neas, [Head Start Was Built to Include Children With Disabilities. Don't Weaken It – The 74](#) (Aug 14, 2026)

⁷ 42 U.S.C. § 9836a(a)(1)(B).

Head Start prioritizes in its services and those who demonstrate the most benefit from these services.”⁸ High-quality early learning depends on the quality of children’s relationships and environments. Ratios and group sizes support responsive interactions; prepared educators and effective curricula support learning; engaged families strengthen children’s development; and comprehensive services address barriers that otherwise interfere with learning. Eliminating these interconnected protections risks eroding the very model that has made Head Start an important source of opportunity for children and families.⁹

B. Health, Mental Health, Oral Health, Nutrition, and Maternal Health

Health is not an add-on to Head Start’s educational mission. Health and early learning are inextricably interconnected. Recognizing this, the HSPPS require programs to provide high-quality health, oral health, mental health, and nutrition services that are developmentally, culturally, and linguistically appropriate and that support children’s growth and school readiness. They also require programs to work with parents as partners in delivering these services.¹⁰ These connections to healthcare services benefit individual children and strengthen whole families.

The Proposed Rule would eliminate the detailed federal standards governing these services. HHS estimates that the proposal would result in \$111.3 million less being spent annually on health and mental health services. The supports, screenings, and follow-ups for families who may be uninsured is critical. The Head Start program is often the singular entry point of access to low-income families for developmental screening, dental and vision care, and mental health referrals

⁸ Dr. Shantel Meek, Dr. Darielle Blevins, Dr. Brittany Alexander, Dr. Tunette Powell, Dr. Xigris Soto-Boykin and Mario Cardona, JD, *Lowering the Bar: An Analysis of How Replacing Head Start Standards with State Child Care Licensing Weakens Early Learning Across the United States* (Aug. 2026), at p. 4: <https://cep.asu.edu/sites/g/files/litvpz916/files/2026-08/Lowering%20the%20Bar%20An%20Analysis%20of%20How%20Replacing%20Head%20Start%20Standards%20with%20State%20Child%20Care%20Licensing%20Weakens%20Early%20Learning%20Across%20the%20United%20States%20%20%2812%29.pdf>.

⁹42 U.S.C. § 9833; *see also* 42 U.S.C. § 9831.; 42 U.S.C. § 9832(23), (22) (defining the terms “scientifically valid research” and “scientifically based reading research”); The evidence is robust that cognitive stimulation, preventive health care, and nutrition early in life are critical for long-term skill development and positive health outcomes. *See, e.g.,* From Neurons to Neighborhoods: The Science of Early Childhood Development (Jack P. Shonkoff & Deborah A. Phillips eds., 2000). Research about early childhood interventions across multiple sectors (*i.e.*, health, nutrition, education, child protection, social protection) supports the importance of multi-faceted interventions that address multiple areas and risk factors simultaneously. *See, e.g.,* Pia R. Britto et al., *Nurturing care: promoting early childhood development*, 389 *The Lancet* 91, 91-102 (2017); 42 U.S.C. § 9833; *see also* 42 U.S.C. § 9831.

¹⁰45 C.F.R. § 1302.40(a); *Id.* § 1302.41(a).

for their children. Removing the standards would make it more likely that children miss or fall behind on well-child visits and dental care, that identification and treatment of developmental and health concerns is delayed, and that families receive inconsistent information and support. It would also undermine trust and continuity in a program that many families rely on to connect education with health care and other services.¹¹

Early Head Start's services to pregnant people are similarly important. Maternal health before, during, and after pregnancy is foundational to infant and child health, and the timing of medical and mental health services can be critical. Eliminating standards governing information, referrals, and services for pregnant people would create meaningful inconsistencies in maternal health supports and risk widening existing inequities, particularly for Black and Brown communities, Tribal communities, rural communities, and communities experiencing health care shortages.¹²

C. Safety and Supervision

¹¹ Administration for Children and Families, Office of Head Start, Overarching Competencies 1, 2, 3, and 7: Fundamental Values, Knowledge, and Skills to Manage Health Services, National Center on Early Childhood Health and Wellness: Head Start Health Servs. Competencies Course Transcript, <https://headstart.gov/sites/default/files/learning-modules-resources/fundamental-values-transcript.pdf> [https://perma.cc/7MJS-CWFD] (last visited July 23, 2026).; For example, in 2024, the Program Information Report shows 102,478 families received mental health services, 37,404 received training on substance abuse prevention and 9,746 families received substance abuse treatment, 372,851 families received education on preventative medical and oral health, 110,395 families received education on health and developmental consequences of tobacco product use, 347,160 received education on nutrition, and 36,739 received education on postpartum care. See Office of Head Start, Services Snapshot: National All Programs (2024-2025), [https://www.headstart.gov/sites/default/files/PIR%20Links/All%20Programs%20\(2024-2025\).pdf](https://www.headstart.gov/sites/default/files/PIR%20Links/All%20Programs%20(2024-2025).pdf); Taryn Morrissey, *The Effects Of Early Care And Education On Children's Health*, Health Affairs (April 25, 2019), <https://www.healthaffairs.org/content/briefs/effects-early-care-and-education-children-s-health>.

¹² Administration for Children and Families, Office of Head Start, Overarching Competencies 1, 2, 3, and 7: Fundamental Values, Knowledge, and Skills to Manage Health Services, National Center on Early Childhood Health and Wellness: Head Start Health Servs. Competencies Course Transcript, <https://headstart.gov/sites/default/files/learning-modules-resources/fundamental-values-transcript.pdf> [https://perma.cc/7MJS-CWFD] (last visited July 23, 2026).; For example, in 2024, the Program Information Report shows 102,478 families received mental health services, 37,404 received training on substance abuse prevention and 9,746 families received substance abuse treatment, 372,851 families received education on preventative medical and oral health, 110,395 families received education on health and developmental consequences of tobacco product use, 347,160 received education on nutrition, and 36,739 received education on postpartum care. See Office of Head Start, Services Snapshot: National All Programs (2024-2025), [https://www.headstart.gov/sites/default/files/PIR%20Links/All%20Programs%20\(2024-2025\).pdf](https://www.headstart.gov/sites/default/files/PIR%20Links/All%20Programs%20(2024-2025).pdf); Taryn Morrissey, *The Effects Of Early Care And Education On Children's Health*, Health Affairs (April 25, 2019), <https://www.healthaffairs.org/content/briefs/effects-early-care-and-education-children-s-health>.

The Proposed Rule would also remove core federal safety protections. Under the current Standards, staff, consultants, contractors, and volunteers must comply with a code of conduct that prohibits maltreatment, endangerment, corporal punishment, physical and sexual abuse, emotional abuse, and neglect. Programs must ensure that children are not left alone or unsupervised, maintain safe facilities, conduct background checks, train staff on safety, and prepare for disasters. The proposal would eliminate these basic safety requirements and leave many safety questions to state law or other programs.¹³

Federal standards are especially important because state-level definitions and protections are not uniform. The current Standards give the Office of Head Start an independent basis to hold grantees accountable for conduct that may endanger children even when the conduct does not meet a state or local criminal definition of abuse. Eliminating these protections would create gaps in accountability. Removing bus monitors and weakening child-to-adult ratios would add another layer of risk, particularly for young children and children who require additional supervision because of age, language needs, or disability.¹⁴

Attendance protections also serve a safety function. The current Standards require programs to have processes to ensure children are safe when they do not arrive at school and to identify and address barriers to attendance through family outreach and other strategies. Weakening these requirements would reduce a program's ability to identify when a child may be missing, respond to barriers, and connect families with needed support.¹⁵

D. Privacy and Parent Control Over Children's Information

The Proposed Rule would weaken another essential protection: the confidentiality of children's records and parents' ability to control disclosure of their children's personally identifiable information (PII). Congress expressly directed the Secretary to ensure the confidentiality of PII collected or maintained by HHS and Head Start agencies.¹⁶

The proposal would eliminate the current Head Start-specific protections for child records and instead require programs to establish protections equivalent to those in the Family Educational

¹³45 C.F.R. § 1302.90(c)(ii).; *Id.* § 1302.90(c)(vi).; *Id.* § 1302.47.; Proposed § 1301.09

¹⁴ *See Id.* § 1302.16.

¹⁵45 C.F.R. § 1302.90(c)(ii).; *Id.* § 1302.90(c)(vi).; *Id.* § 1302.47.; Proposed § 1301.09

¹⁶ 42 U.S.C. § 9836a(b)(4)(A).

Rights and Privacy Act (FERPA). That is a significant reduction in protection. The current HSPPS apply to all child records and include safeguards that go beyond FERPA, including limits on disclosure, parental opportunities to challenge or refuse certain disclosures, oversight of further disclosure and record maintenance, and requirements concerning destruction of records when they are no longer needed. The current Standards also require programs to explain that consent is voluntary and revocable, disclose only the information necessary for the stated purpose, allow parents to review certain third-party agreements, protect web-based records, and destroy records within a reasonable timeframe.¹⁷

The Proposed Rule also appears to require programs to make child eligibility records available to HHS upon request, even though the Department acknowledges that programs already share information with HHS during monitoring reviews. The Department has not explained why this new mandate is necessary or how it would protect children and families. Expanding federal access to sensitive eligibility information while simultaneously reducing Head Start-specific privacy protections would create additional reasons for families to hesitate before enrolling their children.¹⁸

III. The Proposed Rule Would Make It Harder to Reach the Children and Families Head Start Is Designed to Serve

Head Start is intended to prioritize children and families who are furthest from opportunity. That requires programs to understand the needs of their communities and to use that information to recruit, enroll, and serve children who face the greatest barriers to high-quality early learning and comprehensive supports. The Proposed Rule would dismantle many of the standards that make that targeted approach possible.¹⁹ Weakening access, quality, safety, health, privacy, language

¹⁷91 Fed. Reg. at 51274.; 81 Fed. Reg. at 61363.; *Id.* at 61362.; *Id.* at 61363.; 81 Fed. Reg. at 61363. FERPA allows public disclosure of “directory information” if parents are provided notice and time to object. 20 U.S.C. § 1232g(a)(5).; 91 Fed. Reg. at 51273; Proposed § 1301.12(b).; 20 U.S.C. § 1232g(a)(4), (5).; 45 C.F.R. § 1303.22; *Id.* § 1305.2 (Terms).; *Id.* § 1303.22(b).; *Id.* § 1303.22(c)(2).; *Id.* § 1303.22(a)(4).; *Id.* § 1303.22(f) (“[a] program must only disclose the information that is deemed necessary for the purpose of the disclosure”).; *Id.* § 1303.23(e).; *Id.* § 1303.24(b).; *Id.* § 1303.24(a) (“child records... must be destroyed within a reasonable timeframe after such records are no longer needed or required to be maintained”).

¹⁸*Compare* Proposed § 1301.02(e) with 45 C.F.R. § 1302.12(k); 91 Fed. Reg. at 51308 (“Under the proposed rule, programs would be required to share eligibility data with HHS upon request”).; 91 Fed. Reg. at 51262, 51308.

¹⁹42 U.S.C. § 9836a(a)(1).; Pub. L. 95-568 § 20(i), 92 Stat. 2425 (1978) (“[a]ny revision in [performance] standards shall result in standards which are no less comprehensive than those in effect on the date of the enactment of the Economic Opportunity Amendments of 1978.”); Pub. L. 97-35, subchapter B, 95 Stat. 499 (1981) (section 651(b) of the Head Start Act) (same); Pub. L. 98-558, 98 Stat. 2878, 2880 (1984) (“Any revision in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social

access, and family partnership will not affect all children equally. The Proposed Rule would amplify existing barriers experienced by children with disabilities, dual language learners, children experiencing homelessness, children in foster care, infants, children in rural communities, and families who face racial, economic, or immigration-related barriers.²⁰

A. Community Assessment and Data-Driven Recruitment

From Head Start’s earliest conception, the program has been understood as one that must be tailored to the needs of individual communities and children. Congress therefore requires agencies

or other services required to be provided under the standards in effect on November 2, 1978.”); Pub. L. 103-252, § 108, 108 Stat. 623, 632 (1994) (“ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on November 2, 1978.”); Pub. L. No. 105-285 § 106, 112 Stat 2702 (1998) (replacing “November 2, 1978” and inserting “the date of enactment of the Coats Human Services Reauthorization Act of 1998”); Pub. L. 110-134, 121 Stat. 1363 (2007) (“ensure that any such revisions in the standards will not result in the elimination of or any reduction in quality, scope, or types of health, educational, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on the date of enactment of the Improving Head Start for School Readiness Act of 2007”); 42 U.S.C. § 9836a(c); 42 U.S.C. § 9840a(g).

²⁰42 U.S.C. § 9836a(a)(1).; Pub. L. 95-568 § 20(i), 92 Stat. 2425 (1978) (“[a]ny revision in [performance] standards shall result in standards which are no less comprehensive than those in effect on the date of the enactment of the Economic Opportunity Amendments of 1978.”); Pub. L. 97-35, subchapter B, 95 Stat. 499 (1981) (section 651(b) of the Head Start Act) (same); Pub. L. 98-558, 98 Stat. 2878, 2880 (1984) (“Any revision in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards in effect on November 2, 1978.”); Pub. L. 103-252, § 108, 108 Stat. 623, 632 (1994) (“ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on November 2, 1978.”); Pub. L. No. 105-285 § 106, 112 Stat 2702 (1998) (replacing “November 2, 1978” and inserting “the date of enactment of the Coats Human Services Reauthorization Act of 1998”); Pub. L. 110-134, 121 Stat. 1363 (2007) (“ensure that any such revisions in the standards will not result in the elimination of or any reduction in quality, scope, or types of health, educational, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on the date of enactment of the Improving Head Start for School Readiness Act of 2007”); 42 U.S.C. § 9836a(c); 42 U.S.C. § 9840a(g).



to conduct community-wide strategic planning and needs assessments and requires federal reviews to assess whether programs have addressed population and community needs.²¹

The Proposed Rule would eliminate the current community assessment requirements, including requirements to collect and use information about community strengths, needs, resources, demographics, the health and social-service needs of eligible children and families, parents' work and school schedules, other childcare resources, and gaps in community services. The current Standards require programs to conduct these assessments at least once during each five-year grant period and review and update them annually so that programs can identify children most in need, design equitable and accessible services, inform recruitment and selection, leverage community resources, and communicate with families in accessible ways.²²

B. Enrollment Priorities for Children with the Greatest Needs

The Proposed Rule would also eliminate important selection requirements. Current rules require programs to establish annual selection criteria that account for community needs and factors such as family income, homelessness, foster-care status, age, eligibility for special education and related services, and other relevant family or child risk factors. Similar protections apply to Tribal programs, programs serving migrant and seasonal families, and programs operating in communities with publicly funded prekindergarten.²³

Removing these requirements would make it harder for programs to target scarce Head Start slots to children who face the greatest barriers to opportunity. It would also undermine the Head Start Act's direction that programs be responsive to the needs of the communities they serve.²⁴

1. Infants and Young Children

Infants and toddlers are particularly dependent on responsive, consistent caregivers and close adult supervision. High-quality caregiving with age-appropriate child-to-staff ratios is critical to

²¹Dr. Robert Cooke et al., *Recommendations for a Head Start Program*, U.S. Department of Health, Education, and Welfare (1965), <https://www.headstart.gov/sites/default/files/pdf/cooke-report.pdf> [<https://perma.cc/R6W-67DC>]; 42 U.S.C. § 9836a(c)(2)(D); 42 U.S.C. § 9835(g)(1)(C); 42 U.S.C. § 9836a(c)(2)(C).

²²See 91 Fed. Reg. at 51263-64, 51308.; 45 C.F.R. § 1302.11.; *Id.*

²³91 Fed. Reg. at 51264.; See 45 C.F.R. § 1302.14.

²⁴91 Fed. Reg. at 51264.; See 45 C.F.R. § 1302.14.



ensuring child safety. It is also directly connected to young children’s learning and development. In their earliest years, children experience a period of rapid brain development. Early experiences shape this development. Supportive caregiver relationships are an important component, contributing to stronger infant and early childhood mental health (IECHM).²⁵ Age-appropriate child-to-staff ratios help ensure that caregivers have sufficient time and capacity to meet children’s needs and promote their positive learning and development.

Moreover, delays in health care and development screenings for young children can lead to missed opportunities for early identification of needs and early intervention to address them. This can cause significant harm to children and their families and increase the challenges children face when they enter the K-12 school system.²⁶

When infants and young children do have access to high-quality early care and education, the benefits continue well beyond those early years. A research brief featured on the Department’s own website notes that research shows positive impact on “the foundational skills for reading, math, self-control, and positive relationships,” and that the “benefits of high-quality ECE for the child often last into kindergarten, and some studies show lasting effects into middle school and high school.”

Furthermore, in the National Center for Youth Law’s work with parents and caregivers of young children, access to high-quality early care and education is consistently identified as a key need and priority.

2. Children Facing Inequities

High-quality early childhood education can improve outcomes for all children and has particular importance for addressing racial disparities in educational opportunities. Research cited in this comment has established that Head Start has helped narrow racial achievement gaps and has been associated with positive social, emotional, and behavioral outcomes. Removing culturally responsive practices, weakening comprehensive services, and destabilizing program quality risks

²⁵ <https://ccf.georgetown.edu/2017/12/13/advancing-infant-and-early-childhood-mental-health-one-relationship-at-a-time/>

²⁶ *Ratios and Group Sizes in Child Care Matter for Babies*, ZERO TO THREE (2025), https://www.zerotothree.org/wp-content/uploads/2025/02/ratios_brief-1.pdf [<https://perma.cc/X9QM-BB4X>].

undermining these benefits for children who already face racial stereotyping, implicit bias, and unequal access to high-quality early education.²⁷

3. Dual Language Learners, Immigrants, and Culturally and Linguistically Responsive Services

The Proposed Rule's new English-only mandate is inconsistent with research showing that dual language learners can benefit academically and in English-language acquisition when high-quality instruction supports both English and children's home languages. The Proposed Rule would also eliminate important personnel standards related to bilingual capacity and cultural competence. Together, these changes risk reducing family participation, weakening family engagement, delaying identification of developmental concerns, and undermining school readiness for dual language learners.²⁸ By eliminating critical guidance for Head Start staff and prohibiting dual language learning, this rule will upend the Head Start workforce and reduce the quality of and

²⁷Abigail N. Walters, Pamela Joshi, & Leah Shafer, *Who Can Afford Child Care? A National and State Analysis of Affordability for Working Parents*, BU School of Social Work; Institute for Equity in Child Opportunity & Healthy Development (2026), https://www.diversitydatakids.org/sites/default/files/file/DDK_Who_Can_Afford_Child_Care_A_National_and_State_Analysis_of_Affordability_Feb162026_Final.pdf [<https://perma.cc/52H7-XU9M>]; Nadra Nittle, *Study Shows Excellent Preschool Experience Can Narrow Racial Achievement Gap*, The Imprint (July 12, 2020), <https://imprintnews.org/education/study-shows-excellent-preschool-experience-can-narrow-racial-achievement-gap/45195> [<https://perma.cc/E2NA-3F87>]; Diane Whitmore Schanzenbach & Lauren Bauer, *The Long-Term Impact of the Head Start Program*, Brookings Institution (2016), <https://www.brookings.edu/research/the-long-term-impact-of-the-head-start-program> [<https://perma.cc/62QU-Y7ZY>].

²⁸Proposed Rule § 1301.04(a); Jennifer L. Steele et al., *Effects of Dual-Language Immersion Programs on Student Achievement: Evidence from Lottery Data*, 54 American Educational Research Journal 282S, 282S-306S (2017); Ellen J. Serafini, Nadine Rozell & Adam Winsler, *Academic and English Language Outcomes for DLLs as a Function of School Bilingual Education Model: The Role of Two-Way Immersion and Home Language Support*, 25 International Journal of Bilingual Education and Bilingualism 552, 552–570 (2019); Ilana M. Umansky & Sean F. Reardon, *Reclassification Patterns Among Latino English Learner Students in Bilingual, Dual Immersion, and English Immersion Classrooms*, 51 American Educational Research Journal 879, 879–912 (2014); see W. Steven Barnett et al., *Two-Way and Monolingual English Immersion in Preschool Education: An Experimental Comparison*, 22 Early Childhood Research Quarterly 277, 277–293 (2007); Carola Oliva-Olson, *Dos Métodos: Two Classroom Language Models in Head Start: Strengthening the Diversity and Quality of the Early Care and Education Workforce Paper Series*, Research Report. Urban Institute (2019), <https://www.urban.org/research/publication/dos-metodos-two-classroom-language-models-head-start> [<https://perma.cc/9WH2-H7J8>]; Lisa B. Hsin et al., *Relationship Between Classroom Practices and Language and Development Among Dual Language Learner Infants and Toddlers*, First 5 California Dual Language Learner (2022), <https://californiadllstudy.org/sites/default/files/2022-06/Instruction%20Brief%204%20Infants%20Toddlers.pdf> [<https://perma.cc/BP3M-VT9U>]; 45 C.F.R. §1302.90.



access to care for thousands of dual language and immigrant families—contradicting their legal eligibility for services.²⁹ Requiring English-only instruction conflicts with the Congressional mandate to provide culturally and linguistically appropriate education to dual language learners.³⁰

As part of our work advancing the rights and wellbeing of children in immigrant and mixed-status families, the National Center for Youth Law has documented the substantial benefits that dual language learning, culturally responsive instruction, and cross-cultural exchange provide to young people. In our 2025 report *Newcomer Immigrant Youth in the Bay Area: Uplifting Voices, Identifying Solutions*, we led ten focus groups with 88 newcomer youth and 32 interviews with service providers across the Bay Area.³¹ In our focus groups, newcomer youth consistently described learning English as one of the hardest parts of school, and noted that they struggled more in classes where the teacher did not speak their language, and expressed appreciation for having bilingual teachers who could bridge that gap. Providers echoed this, explaining that bilingual staff play a critical role in supporting students' academic progress and social-emotional well-being, and that having someone bilingual to help a student is an absolute game changer.

Youth also emphasized that culturally responsive, peer-based programming directly fostered their sense of belonging, and providers similarly found that hiring trauma-informed, culturally responsive staff who were empathetic and bilingual made families feel respected rather than judged and kept youth engaged in school. Our findings further showed that students from Indigenous and less formally educated backgrounds often required tailored, culturally responsive engagement to succeed, and that non-Spanish-speaking newcomers, particularly those speaking Indigenous languages, often felt isolated even among other newcomer students absent this kind of targeted support.

A rule that curtails dual language learning, culturally responsive instruction, or cross-cultural exchange would not only reverse decades of educational progress but would directly undermine the very supports that our research identifies as most protective for newcomer and immigrant youth—jeopardizing their academic engagement, mental health, and long-term integration and success.

²⁹ Hannah Matthews as updated by Mikayla Slaydon, *Immigrant Eligibility for Federal Child Care and Early Education Programs*, Center for Law and Social Policy (2026), <https://www.clasp.org/wp-content/uploads/2026/06/CCEE-Factsheet-Update-6.26-FINAL.pdf>.

³⁰ Head Start Act, 42 U.S.C. §9836A, Sec. 641A.1(B)(x).

³¹ Melissa Adamson, *Newcomer Immigrant Youth in the Bay Area: Uplifting Voices, Identifying Solutions*, National Center for Youth Law, 2025, <https://youthlaw.org/newcomerreport>.

Head Start’s ability to communicate with children and families in culturally and linguistically responsive ways is also essential to meaningful parental partnership. When parents cannot fully participate in their child’s education or understand what is happening in a program, the promise of family engagement becomes substantially weaker. The Proposed Rule would therefore undermine both educational quality and the parent partnership that is central to Head Start.³²

In our research with newcomer immigrant youth across the Bay Area, we have seen firsthand how culturally relevant outreach determines whether children and families can access the services meant to protect them. Providers we interviewed described that a warm, bilingual, and family-friendly front office helps schools make good first impressions on newcomer families, while schools with newcomer-specific supports—such as welcome centers or dedicated bilingual liaisons present at enrollment—reported seeing higher enrollment completion rates than those without.³³ One school-based provider in Marin County told us plainly that success in reaching newcomer families is “all about who you hire,” explaining that culturally sensitive, trauma-informed staff make a critical difference in whether families feel safe engaging with a school at all. This pattern held true across sectors: legal service providers noted that a shortage of bilingual and culturally competent staff limits their ability to build rapport and provide effective advocacy, particularly given differing cultural understandings of family, work, and education, while mental

O0³²Jennifer L. Steele et al., *Effects of Dual-Language Immersion Programs on Student Achievement: Evidence From Lottery Data*, 54 American Educational Research Journal 282S–306S (2017), <https://journals.sagepub.com/doi/abs/10.3102/0002831216634463>; Ellen J. Serafini, Nadine Rozell & Adam Winsler, *Academic and English Language Outcomes for DLLs as a Function of School Bilingual Education Model: the Role of Two-Way Immersion and Home Language Support*, 25 International Journal of Bilingual Education and Bilingualism 552, 552–570 (2019), <https://www.tandfonline.com/doi/full/10.1080/13670050.2019.1707477>; Ilana M. Umansky & Sean F. Reardon, *Reclassification Patterns Among Latino English Learner Students in Bilingual, Dual Immersion, and English Immersion Classrooms*, 51 American Educational Research Journal 879, 879–912 (2014), <https://edpolicyinca.org/sites/default/files/2024-10/umansky-reardon-2014-reclassification-patterns-among-latino-english-learner-students-in-bilingual-dual-immersion-and.pdf> [<https://perma.cc/J2WG-QQ85>]; see W. Steven Barnett et al., *Two-Way and Monolingual English Immersion in Preschool Education: an Experimental Comparison*, 22 Early Childhood Research Quarterly 277, 277–293 (2007), <https://doi.org/10.1016/j.ecresq.2007.03.003>; Carola Oliva-Olson, *Dos Métodos: Two Classroom Language Models in Head Start*, Urban Institute: Research Report (2019), <https://www.urban.org/research/publication/dos-metodos-two-classroom-language-models-head-start> [<https://perma.cc/W9QX-YAY8>]; Lisa B. Hsin et al., *Relationship Between Classroom Practices and Language and Development Among Dual Language Learner Infants and Toddlers*, First 5 California: Dual Language Learner (2022), <https://www.air.org/sites/default/files/2022-06/First-5-DLL-Instruction-Brief-4-Infants-Toddlers-June-2022.pdf> [<https://perma.cc/BJ5C-LR9A>]; Susan M. Sheridan et al., *A Meta-Analysis of Family-School Interventions and Children’s Social-Emotional Functioning: Moderators and Components of Efficacy*, 89 Review of Educational Research 296, 296–332 (2019), <https://journals.sagepub.com/doi/10.3102/0034654318825437>.

³³ Melissa Adamson, *Newcomer Immigrant Youth in the Bay Area: Uplifting Voices, Identifying Solutions*, National Center for Youth Law, 2025, <https://youthlaw.org/newcomerreport>.



health providers found that cultural stigma around therapy discourages participation unless a provider can communicate in a family's own language and relate to their cultural background.

Under the Proposed Rule, Head Start programs would no longer be required to maintain a recruitment process designed to actively inform all eligible families, use modern technology to facilitate applications, or undertake specified efforts to recruit particular populations. This includes rescinding the requirement to translate materials for recruitment and enrollment efforts. We know that immigrant families are typically less likely to learn about Head Start or other available programs through ordinary outreach because of language barriers, limited familiarity with U.S. systems, frequent relocation, concerns about government contact, or exclusion from conventional datasets. Without affirmative outreach and robust community assessments, migrant workers, mixed-status families, emerging language groups, and recently arrived communities could become less visible in program planning and enrollment.

More broadly, the Proposed Rule's requirement that programs make eligibility records available to HHS upon request will likely discourage some immigrant families from enrolling if they fear that information collected by Head Start could be used for immigration enforcement. At a minimum, HHS should recognize the chilling effect that expanded federal access to eligibility information may have on families' participation and reconsider this approach.³⁴

4. Children with Developmental Delays and Disabilities

The Proposed Rule would eliminate the detailed Head Start standards addressing children with disabilities and replace them with a single requirement to comply with applicable federal and state

³⁴*Compare* Proposed § 1301.02(e) with 45 C.F.R. § 1302.12(k); 91 Fed. Reg. at 51308 ("Under the proposed rule, programs would be required to share eligibility data with HHS upon request"); *See, e.g.*, 91 Fed. Reg. at 37409 (authorizing a disclosure of TANF recipients' and their family members' personal information without prior consent "to another federal or grantee agency or entity engaged by ACF (e.g., DHS or TANF program administrators), to assist ACF with program integrity reviews or projects, to verify whether TANF grantee agencies are complying with TANF program requirements, including verifying citizenship or immigration status."); *see also League of Women Voters v. U.S. Dep't of Homeland Sec.*, No. CV 25-3501 (SLS), 2026 WL 1784297, at *2-4 (D.D.C. June 22, 2026).; *See* Pls' States Mem. ISO Motion for Prelim. Inj. & Stay Under 5 U.S.C. § 705 at 13-14, *New York v. Admin. for Child. & Fams.*, 1:26-cv-02726-JEB (D.D.C. Aug. 5, 2026), Dkt. No. 31-1; *see also id.* (declarations cited therein).

law. That is not an adequate substitute for program-specific standards that provide clear directions to Head Start agencies about what they must do to identify and support children with developmental delays and disabilities. The current Standards include individualized services while a child is being evaluated for IDEA eligibility, assistance to parents seeking IDEA services, and transportation for children with disabilities.³⁵

HHS acknowledges that the Proposed Rule would create a conflict with the Head Start Act's requirement that the Secretary establish policies and procedures to ensure early support services for children who may have disabilities. Children with suspected or confirmed developmental delays who do not qualify for IDEA services are particularly vulnerable to being left without needed supports. Head Start's comprehensive approach can help identify needs early and connect children and families to services; weakening that framework risks losing those opportunities at a critical stage of development.³⁶

5. Children in the Foster System

These changes could make enrollment more difficult for children whose have been separated from their parents and can experience multiple out-of-home placements. For children in the foster system, a stable, consistent educational setting provides support to their well-being. Having available spaces and supporting enrollment in Head Start programs decreases the likelihood of disruption in education and care.³⁷

6. Children Experiencing Homelessness

The same concern applies to children who experience homelessness. The Proposed Rule would dismantle specific protections designed to ensure access for children experiencing homelessness

³⁵Proposed Rule § 1301.10.; 45 C.F.R. § 1302.62; *Id.* § 1303.75.

³⁶91 Fed Reg. at 51271.; Huafang Zhao & Shahpar Modarresi, *Evaluating Lasting Effects of Full-day Prekindergarten Program on School Readiness, Academic Performance, and Special Education Services*, Montgomery County Public Schools, Office of Shared Accountability (2010), <https://ww2.montgomeryschoolsmd.org/departments/sharedaccountability/reports/2010/10.04.30%20Pre%20K%20report.pdf> [https://perma.cc/Q34S-45YV].

³⁷45 C.F.R. § 1302.13.; *Id.* § 1302.14(a)(1); *Id.* § 1302.15(b)(3); *Id.* § 1302.15(c).

and children in foster care. It would add documentation requirements that may be particularly difficult for families experiencing homelessness and would prohibit self-attestation in circumstances where documentation may be unavailable. At the same time, programs would no longer be required to make specific efforts to locate and recruit children experiencing homelessness or children in foster care, prioritize them for enrollment, reserve seats for them, or maintain their enrollment when they move.³⁸

Bureaucratic requirements that are manageable for families with stable housing and documentation can become substantial barriers for families who are moving between shelters, temporary housing, or other unstable circumstances. The Proposed Rule would therefore create precisely the kind of administrative barrier that a needs-based program should be designed to overcome.³⁹ These changes would compound the instability that these children already experience rather than providing a stable point of connection.⁴⁰

IV. Parents Must Remain Full Partners in Head Start

The participation of parents and caregivers in their child's education is a central principle to Head Start. The current Standards give parents formal governance authority, support family engagement, require family partnership services, and connect families to social services that can address barriers to stability. The Proposed Rule would weaken that critical role by reducing governance protections and eliminating standards for family engagement and family partnership services.⁴¹

The proposal's treatment of language access, health care, privacy, and community engagement compounds these concerns. Parents cannot meaningfully participate in decisions about their children when they lack access to information in a language they understand, when the program lacks standards for sustained family partnership, or when parents have fewer protections over disclosure of their children's information. A proposal framed as increasing parental authority

³⁸Proposed Rule removes 45 C.F.R. § 1302.16(c)(1); *id.* § 1302.15(e); *id.* § 1302.12(i)(3); Proposed Rule removes 45 C.F.R. § 1302.13; § *id.* 1302.53(a)(2)(vi); Proposed Rule removes 45 C.F.R. § 1302.15(c); Proposed Rule removes 45 C.F.R. § 1302.15(b)(3).

³⁹45 C.F.R. § 1302.13.; *Id.* § 1302.14(a)(1); *Id.* § 1302.15(b)(3); *Id.* § 1302.15(c).

⁴⁰45 C.F.R. § 1302.13.; *Id.* § 1302.14(a)(1); *Id.* § 1302.15(b)(3); *Id.* § 1302.15(c).

⁴¹45 C.F.R. § 1302.40(a); *Id.* § 1302.41(a).

should not simultaneously reduce the varied way in which parents can meaningfully participate in their child's development and education.⁴²

V. National Standards Provide Consistency, Continuity, and Accountability

The Department characterizes the current Standards as overly prescriptive and constraining flexibility. But comprehensive and uniform standards are one of Head Start's strengths. They allow thousands of organizations to operate a common national program while adapting implementation to local circumstances. They also make it possible for federal monitoring to evaluate performance, quality, and operations consistently and objectively.⁴³

National standards also matter for families. Children and families move between communities and states, sometimes frequently because of homelessness or seasonal work. A consistent set of expectations helps families know what services they can expect and helps programs maintain continuity when children move. It also allows organizations operating programs in multiple communities or states to work from a common framework rather than a patchwork of local requirements.⁴⁴

The Proposed Rule would replace that national floor with a less predictable system in which essential protections depend more heavily on state law, local policy, or individual program capacity. That approach risks geographic inequity and makes it harder to identify and remedy failures through federal monitoring.⁴⁵

VI. Weakening Head Start Would Destabilize Families, Communities, and the Broader Early Childhood System

Head Start is a central part of the nation's early childhood infrastructure. If programs are forced to close, reduce services, shorten hours, or operate with fewer staff, parents and caregivers may lose access to the childcare that makes work, education, and training possible. Families may face missed work, unemployment, withdrawal from school or training, or difficulty meeting basic

⁴²45 C.F.R. § 1302.40(a).; *Id.* § 1302.41(a).

⁴³*Id.* at 51248.; 42 U.S.C. § 9836a(c)(2)(G).

⁴⁴*Id.* at 51248.; 42 U.S.C. § 9836a(c)(2)(G).

⁴⁵*Id.* at 51248.; 42 U.S.C. § 9836a(c)(2)(G).

expenses. These consequences will be felt throughout local economies, including by employers that depend on workers having reliable access to childcare.⁴⁶

The consequences of the proposed changes to Head Start will also extend to schools and other early childhood providers. Head Start has served as a model for evidence-based early childhood practices and as an important source of support for children entering elementary school. If Head Start quality declines, K–12 school districts—many of which already operate with limited resources—may face additional educational and developmental needs. Communities across the country depend on Head Start to provide stable, high-quality services to children and families with the fewest resources; weakening that infrastructure will have cascading effects far beyond the programs themselves.⁴⁷

Changes that weaken and reduce the quality of Head Start programs are also bad economic policy. Research indicates that high-quality, 0-5 early childhood programs lead to an annual return on investment of more than thirteen percent.

VIII. The Department Should Withdraw the Proposed Rule

The Proposed Rule would not simply reduce administrative burden. It would reduce the federal standards that define what quality Head Start services look like, weaken protections for children and families, and make access less reliable for the children who face the greatest barriers to opportunity. It would undermine the comprehensive model that Congress established and that generations of children and families have relied upon.⁴⁸

⁴⁶*Id.* at 51248.; 42 U.S.C. § 9836a(c)(2)(G).

⁴⁷42 U.S.C § 9833; *see also* 42 U.S.C. § 9831.; 42 U.S.C. § 9832(23), (22) (defining the terms “scientifically valid research” and “scientifically based reading research”); The evidence is robust that cognitive stimulation, preventive health care, and nutrition early in life are critical for long-term skill development and positive health outcomes. *See, e.g.,* From Neurons to Neighborhoods: The Science of Early Childhood Development (Jack P. Shonkoff & Deborah A. Phillips eds., 2000). Research about early childhood interventions across multiple sectors (*i.e.*, health, nutrition, education, child protection, social protection) supports the importance of multi-faceted interventions that address multiple areas and risk factors simultaneously. *See, e.g.,* Pia R. Britto et al., *Nurturing care: promoting early childhood development*, 389 *The Lancet* 91, 91-102 (2017); 42 U.S.C. § 9833; *see also* 42 U.S.C. § 9831.

⁴⁸42 U.S.C. § 9836a(a)(1); Pub. L. 95–568 § 20(i), 92 Stat. 2425 (1978) (“[a]ny revision in [performance] standards shall result in standards which are no less comprehensive than those in effect on the date of the enactment of the Economic Opportunity Amendments of 1978.”); Pub. L. 97–35, subchapter B, 95 Stat. 499 (1981) (section 651(b) of the Head Start Act) (same); Pub. L. 98–558, 98 Stat. 2878, 2880 (1984) (“Any revision in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards in effect on November 2, 1978.”); Pub. L. 103–252, § 108, 108 Stat. 623, 632 (1994) (“ensure that any such revisions in the performance standards will not result in the

NCYL urges HHS to withdraw the Proposed Rule in its entirety. Any future effort to revise the HSPPS should begin with the statutory requirement that revisions may not reduce the quality, scope, or types of services required under prior standards. It should preserve a strong national floor for education, health, safety, privacy, family partnership, and access; maintain targeted protections for children and families who face the greatest barriers; and be developed through the meaningful consultation and stakeholder engagement required by law.⁴⁹

Head Start works because it recognizes that children do not experience education, health, housing instability, family stress, disability, language access, and economic insecurity as separate issues. Children need systems that respond to their whole lives. The federal government should strengthen that comprehensive, evidence-based approach—not dismantle the standards that make it possible.⁵⁰

elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on November 2, 1978.”); Pub. L. No. 105-285 § 106, 112 Stat 2702 (1998) (replacing “November 2, 1978” and inserting “the date of enactment of the Coats Human Services Reauthorization Act of 1998”); Pub. L. 110-134, 121 Stat. 1363 (2007) (“ensure that any such revisions in the standards will not result in the elimination of or any reduction in quality, scope, or types of health, educational, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on the date of enactment of the Improving Head Start for School Readiness Act of 2007”); 42 U.S.C. § 9836a(c); 42 U.S.C. § 9840a(g).

⁴⁹Pub. L. 95-568 § 20(i), 92 Stat. 2425 (1978) (“[a]ny revision in [performance] standards shall result in standards which are no less comprehensive than those in effect on the date of the enactment of the Economic Opportunity Amendments of 1978.”); Pub. L. 97-35, subchapter B, 95 Stat. 499 (1981) (section 651(b) of the Head Start Act) (same); Pub. L. 98-558, 98 Stat. 2878, 2880 (1984) (“Any revision in such standards shall not result in the elimination of nor any reduction in the scope or types of health, education, parental involvement, social or other services required to be provided under the standards in effect on November 2, 1978.”); Pub. L. 103-252, § 108, 108 Stat. 623, 632 (1994) (“ensure that any such revisions in the performance standards will not result in the elimination of or any reduction in the scope or types of health, education, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on November 2, 1978.”); Pub. L. No. 105-285 § 106, 112 Stat 2702 (1998) (replacing “November 2, 1978” and inserting “the date of enactment of the Coats Human Services Reauthorization Act of 1998”); Pub. L. 110-134, 121 Stat. 1363 (2007) (“ensure that any such revisions in the standards will not result in the elimination of or any reduction in quality, scope, or types of health, educational, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on the date of enactment of the Improving Head Start for School Readiness Act of 2007”); 42 U.S.C. § 9836a(c); 42 U.S.C. § 9840a(g).

⁵⁰42 U.S.C § 9833; *see also* 42 U.S.C. § 9831.; 42 U.S.C. § 9832(23), (22) (defining the terms “scientifically valid research” and “scientifically based reading research”); The evidence is robust that cognitive stimulation, preventive health care, and nutrition early in life are critical for long-term skill development and positive health outcomes. *See, e.g.,* From Neurons to Neighborhoods: The Science of Early Childhood Development (Jack P. Shonkoff & Deborah A. Phillips eds., 2000). Research about early childhood interventions across multiple sectors (*i.e.*, health, nutrition,



Thank you for the opportunity to comment on this proposed regulation.

Sincerely,

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education, child protection, social protection) supports the importance of multi-faceted interventions that address multiple areas and risk factors simultaneously. *See, e.g.,* Pia R. Britto et al., *Nurturing care: promoting early childhood development*, 389 *The Lancet* 91, 91-102 (2017); 42 U.S.C. § 9833; *see also* 42 U.S.C. § 9831.