



Detailed Overview of Reducing Federal Burden on Head Start Programs

Notice of Proposed Rulemaking

The Notice of Proposed Rulemaking (NPRM, or “proposed rule”), [Reducing Federal Burden on Head Start Programs](#), published on August 7, 2026, would substantially overhaul the Head Start Program Performance Standards (HSPPS, also referred to here as the “Standards”) by removing or revising nearly every current regulatory requirement and adding several new requirements. In areas where the existing regulations would be eliminated or significantly revised, programs would instead be directed to comply with relevant federal statutes, most notably the Head Start Act (or “The Act”) but also other federal laws such as the Individuals with Disabilities Education Act (IDEA) and the McKinney-Vento Homeless Assistance Act, as well as state and local requirements.

The Administration of Children and Families (ACF) states that the proposal is intended to reduce unnecessary administrative burden; improve regulatory clarity; promote children’s health, nutrition, and physical activity; and focus federal oversight on statutory requirements rather than duplicative regulatory provisions.

These proposed changes are not final, and Head Start programs do not have to make any operational or budget changes based on this proposal at this time.

How to Use This Resource

NHSA created this detailed overview as a summary of the proposed rule and comparison with the existing Standards. It follows the structure of the proposal itself, which is organized into 19 sections plus a definitions section. In each section, the proposal replaces one or more existing Standards with new language. In most cases, that proposed language differs substantially from the current Standards, reflecting requirements that have been removed, changed, or added. These changes appear under **“Proposed to be replaced or added,”** so be sure to look closely at what has changed within the replacement language.

The proposed rule also eliminates many Standards outright, without replacement. These appear under **“Proposed to be removed.”** For these provisions, ACF identifies sections of the Head Start Act that correspond to the existing standards. Because the proposed structure doesn’t always make clear where a removed requirement would fit, NHSA made its own judgement calls about placement in a few cases. Relevant Head Start Act citations are included throughout this resource, along with ACF’s cost estimates where applicable.

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Committees (Proposed 1301.01)

↻ PROPOSED TO BE REPLACED

Parent committees (Currently 1301.04)

Relevant Head Start Act Section: 642(c-d)

The proposal would revise the current Standard to make Parent Committees optional instead of required. Programs can determine the bylaws of any committee, including the length of members' terms and election procedures.

— PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1301.2 Governing Body	642(c-d)
1301.3 Policy council and policy committee	642(c-d)
1301.5 Training	642(c-d)
1301.6 Impasse procedures	642(d)(1)

The Head Start Act continues to require the establishment of a governing body, a Policy Council, and, when a recipient has subrecipients, Policy Committees. The Act also specifies the role, responsibilities, and composition of each body, as well as the requirement that members receive appropriate training to serve effectively. The Act also requires the Secretary of Health and Human Services (HHS) to develop policies for resolving internal disputes; however, the rule proposes to delete that section of the Standards.

Determining Eligibility (Proposed 1301.02)

↻ PROPOSED TO BE REPLACED

Determining, verifying, and documenting eligibility (Current 1302.12)

Relevant Head Start Act Sections: 638; 640(m); 645(a)(1)(B)(iv); 645(a)(2); 645A(b)(10); 645A(c)

The proposed rule continues to include foster children as categorically eligible and remains consistent with current Standards regarding eligibility for public assistance, reverification of eligibility when children transition from Early Head Start to Head Start Preschool, and maintaining records for one year after they are no longer enrolled. It also adds a requirement that programs make such records available to HHS upon request.

Additional changes include:

- **Self-attestation:** The proposal revises current eligibility requirements to specify that self-attestation for proof of income, age, or homelessness would no longer satisfy eligibility requirements. ACF estimates that approximately 8% of currently enrolled children would no longer be eligible without further documentation.
- **Age documentation:** The proposed rule would not allow programs to enroll children without documentation proving their age. The current Standards allow programs to enroll children if providing this documentation creates a barrier to enrollment.
- **Excess housing cost adjustment:** The proposed rule would remove the program option to take into account excess housing costs when calculating family income for purposes of eligibility determination. The current Standards allow programs to reduce a family's gross income for eligibility purposes based on housing costs exceeding 30% of annual gross income.
- **Eligibility determination errors:** The proposed rule would require programs to report staff who violate eligibility determination requirements to their Office of Head Start (OHS) regional office.

These revisions create new barriers to access for critical groups of children and families for whom Head Start is designed, such as children experiencing homelessness and families fleeing domestic violence. Without the flexibility to enroll while in the process of obtaining these documents, access to Head Start will be limited for populations most in need.

— PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.13 Recruitment of children	642(c)(1)(E)(iv)(II); 645(c); 642(g)
1302.14 Selection process	642(c)(1)(E)(iv)(II); 641A(c)(2)(J)

Recruitment: Removing the Standard regarding recruitment of children would leave the Act's broad recruitment and outreach requirements in place but eliminate specificity about how programs must conduct recruitment, such as additional outreach to specific populations, including children with disabilities, experiencing homelessness, and in foster care, as well as using technology to reduce paperwork where possible.

Selection process: Statutory requirements that remain in place include requirements for governing bodies to establish selection procedures and criteria and for programs to maintain full enrollment and an active waiting list. Details on how those requirements are implemented, including prioritizing children based on factors such as homelessness, foster care status, age, disability eligibility, and other risk factors, maintaining a ranked waiting list, and using community assessment data to promote enrollment of children most in need, would be dropped from the Standards.

Attendance and Enrollment (Proposed 1301.03)

PROPOSED TO BE REPLACED

Enrollment (Current 1302.15)

Relevant Head Start Act Sections: 640(m); 642(g); 645(c); 645(a)(1)(B)(iv); 642(d)(2)(C); 641A(h)(2)

The proposed Standard states that programs must maintain their funded enrollment level and fill any vacancy as soon as possible. In addition, the Act continues to require programs to also maintain an active waiting list.

All other current regulatory requirements related to enrollment are removed. Programs would no longer be required to make efforts to maintain enrollment for children experiencing homelessness or children in foster care when their families move to a different service area or to maintain continued enrollment for children the following year. Programs would lose the ability to reserve slots for pregnant women, children experiencing homelessness, or children in foster care.

Attendance (Current 1302.16)

Relevant Head Start Act Section: 642(d)(2)(C)

The proposed Standard maintains the requirement for programs to track attendance for each child and adds that programs must follow applicable federal and state requirements regarding attendance procedures relating to child safety concerns due to absences.

Programs would no longer be required to implement strategies to promote attendance, develop plans for children with patterns of absences, or examine barriers to attendance, including transportation issues. The proposed rule also removes the requirement for programs to use community resources, when possible, to provide transportation for children experiencing homelessness when a lack of transportation prevents them from attending.

PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.17 Suspension and expulsion	None
1302.18 Fees	645(b)

Suspension and expulsion: There are no protections in the Act regarding suspension and expulsion. The current Standard prohibits programs from expelling children due to their behavior and requires programs to prohibit or severely limit suspensions. ACF states that removing this prohibition is not an endorsement of suspensions or expulsions but would allow programs to establish their own disciplinary policies, subject to state and local requirements.

Fees: The Act prohibits programs from charging any fees for participation in Head Start programs.

Teaching and Learning Environment (Proposed 1301.04)

↻ PROPOSED TO BE REPLACED

Teaching and the learning environment (Current 1302.31)

Relevant Head Start Act Sections: 642(f)(2), 642(f)(4)

The proposed rule retains requirements regarding the importance of physical activity, using snack and meal times as learning and social opportunities, and serving meals family style when possible. ACF proposes to rescind the rest of the existing Standard and adds two new provisions, one to require instruction only in English and another to require a minimum amount of physical activity per day.

+ PROPOSED TO BE ADDED

English-only instruction: The proposal would require programs to conduct all education to children in English. If a child does not speak English, programs must prioritize teaching English to the child. The only exception is for Tribal programs, as long as the language being spoken relates to Tribal heritage. Puerto Rico, other territories, and migrant and seasonal programs are not exempted but could apply for waivers.

- **Replacement of non-English books and materials; staff retraining:** Affected classrooms may need to replace curriculum and instructional materials and books that contain non-English content. ACF predicts that teachers in affected classrooms would require retraining while others may need to be replaced. This transition is estimated to cost \$98,613,686.
- **Multilingual services:** ACF also seeks to “minimize non-essential multilingual services and redirect resources toward English-language education and assimilation.”
- **Waiver:** Programs may request a waiver of these requirements. ACF invites comments specifically about circumstances for which programs may seek a waiver.

The current Standards regarding dual language learners, which are proposed for removal, recognize bilingualism and biliteracy as strengths and require research-based practices that support both English language acquisition and the continued development of children’s home languages.

The Act includes several protections for children described as “limited English proficient,” emphasizing increasing children’s English language skills. It also requires programs to support staff training and procedures to fully address the needs of children with limited English proficiency. Programs must also provide parents with outreach and information in a language they can understand, help parents of children with limited English proficiency understand the transition from Head Start to kindergarten, and ensure family outreach considers parents’ language needs.

Physical activity: The proposal retains the majority of this section of the Standards. However, it removes the prohibition on using physical activity as a reward or punishment. It also adds a requirement that programs must provide at least 30 minutes of physical activity for every 3.5 hours of program participation, taking place outdoors when possible.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.32 Curricula	None
1302.33 Child screenings and assessments	645(b)
1302.35 Education in home-based programs	645A(i)

Curricula: The Act continues to require curricula be based on scientifically valid research, be age and developmentally appropriate, and promote school readiness. It must also be aligned with the Head Start Child Outcomes Framework, and parents must have the opportunity to examine curricula.

Child screenings and assessments: The proposed rule would eliminate specific timelines and procedures for screening and identifying concerns related to children’s developmental, behavioral, physical, language, social, and cognitive skills. While the Act continues to require screenings and assessments, it does not establish the same specific timelines or procedures. Removing these timelines could delay the identification of developmental delays and disabilities during a critical period when young children benefit most from early intervention.

Education in home-based programs: While the Act protects the Head Start home-based option and encourages programs to test and develop home-based options when possible, it does not provide specific implementation requirements. Removing this Standard would eliminate regulations governing home-based program design, including group socialization, curriculum, scheduling practices, and support for dual language learners and their parents.

Group Size and Ratio (Proposed 1301.5)

↻ PROPOSED TO BE REPLACED

Center-based option (Current 1302.21)

Relevant Head Start Act Sections: 640(k)(1), 641A(a)(1)(D)

The proposed regulation eliminates existing staff-to-child ratio and group size requirements and instead would require programs to “establish and publish both a maximum group size and ratio of children to staff that is consistent with applicable state and local laws and CCDF regulations. The published group size and ratio must be in a location and format visible to parents.” The Act does not establish specific ratio or group size requirements.

While the preamble of the proposed rule states that programs could keep existing ratios in place, ACF also predicts a \$668,299,826 cost reduction due to the removal of current ratio requirements, resulting in a reduction in teaching staff. The Regulatory Impact Analysis (RIA) further estimates, under the maximum scenario, a 24% reduction in teachers and a 32% increase of children per teacher.

The proposed revision would also remove requirements related to service duration for Head Start Preschool, licensing, and square footage, resulting in the following requirements:

- **Service duration:** Head Start Preschool would be subject to the statutory minimum of no less than 3.5 hours per day, and programs operating five days per week must provide at least 160 days of service, while programs operating four days per week must operate for at least 128 days. The specific hourly requirements established in the current regulations would be removed. Early Head Start programs would continue to be required to provide full-day, full-year services.
- **Local flexibility:** ACF proposes to increase local program flexibility in this area, while also acknowledging that families could experience additional financial costs or lost work time. Reducing the number of hours children are served would generate \$214,021,734 in cost savings through lower teacher compensation associated with reduced instructional time.
- **Licensing and square footage:** The Standards for licensing and square footage would be eliminated and are not specified in the Act, leaving programs to follow state and local requirements instead. ACF estimates that approximately 26% of Head Start service locations are not licensed under state child care licensing requirements, and it is unclear how this would be managed.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.20 Determining program structure	645(a)(5); 645(d)(3)
1302.22 Home-based option	645A(i)(1)
1302.23 Family child care option	637

Determining program structure: This removal would reduce federal direction over how programs select and structure their program options and eliminates the detailed process for converting Head Start Preschool slots to Early Head Start. The Act continues to authorize slot conversions and certain funding flexibility for American Indian/Alaska Native programs.

Home-based option: Minimum requirements for the frequency and duration of home visits and group socialization, home visitor caseloads, make-up services, and safety requirements would be removed. Although the Act recognizes and authorizes home-based services, it does not specify how those services must be delivered, and there are no comparable standards in most states. ACF estimates a cost reduction of \$173,272,194 from shortening home visits, increasing caseloads, and adjusting staffing.

Family child care option: The proposed rule removes requirements pertaining to family child care group size, ratios, service duration, licensing, disability access, and provider oversight. It would remove the requirement for programs that offer a family child care option to provide a child development specialist to support family child care providers, resulting in a cost reduction of \$19,129,973.

Parent and Family Engagement in Education and Child Development Services (Proposed 1301.6)

↻ PROPOSED TO BE REPLACED

Parent and family engagement in education and child development services (Current 1302.34)

Relevant Head Start Act Section: 642(b)

The proposed rule continues to require programs to recognize parents as their children's primary teachers and nurturers and to implement strategies that engage parents and family members in their children's learning and development, including strategies for father engagement. The proposed rule removes requirements for teacher home visits, parent-teacher conferences, and programs remaining open to parents during all program hours. The Act requires programs to provide opportunities for regular and direct participation of parents and offers trainings designed to help parents be full partners in their child's education.

+ PROPOSED TO BE ADDED

Healthy marriage: The proposed rule builds on the current requirement that programs implement specific strategies for father engagement by adding a requirement that programs provide educational materials and instruction promoting healthy marriage as a positive good. No additional detail is provided on what healthy marriage promotion would entail.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.50 Family engagement	642(b)
1302.51 Parent activities to promote child learning and development	642(b)
1302.52 Family partnership services	642(b)
1302.53 Community partnerships and coordination with other early childhood and education programs	642(b)
1302.70 Transitions from Early Head Start	642A
1302.71 Transitions from Head Start Preschool to kindergarten	645A
1302.72 Transitions between programs	642(e)(3)

Family engagement and partnership: The proposed rule would leave the Act’s broader family engagement requirements in place but remove several important Standards that provide structure and accountability for how programs engage and support families. Programs would no longer be subject to the 40-family-to-one-staff caseload requirement for staff providing family support. The proposal would also remove requirements for individualized family partnership agreements, preferred-language family engagement, research-based parenting curricula, and specific community partnerships to connect families with needed services. ACF predicts a cost savings of \$89,120,314 due to a reduction in family service work costs.

Quality rating and improvement system (QRIS): The proposed removal of community partnerships and coordination provisions would eliminate the current language stating that programs should participate in their state’s QRIS system. ACF states that the removal is intended to give programs the flexibility to choose whether to participate.

Program transitions: The Act provides detailed requirements for supporting families’ transition from Head Start to kindergarten but is less detailed regarding transitions from Early Head Start to Head Start Preschool and transitions between Head Start programs. The proposal would reduce requirements for transition planning when children leave Early Head Start, including planning at least six months before a child’s third birthday, coordination between Early Head Start and Head Start Preschool, and additional supports for children with Individualized Family Service Plans (IFSP). Programs would no longer be required to support transitions to other Head Start programs for families, particularly families experiencing homelessness, children in foster care, or migrant and seasonal families.

Child Nutrition (Proposed 1301.07)

↻ PROPOSED TO BE REPLACED

Child nutrition (Current 1302.44)

Relevant Head Start Act Section: 648(a)(1)(xiv)

The proposed rule would add a requirement for programs to use staff or consultants to support nutrition services. Programs would still be required to hold bottle-fed infants during feeding and provide opportunities for infants to be served breastmilk during the day. The rule would remove existing Standards that require programs to design nutrition services that meet the needs of each child (including children with special dietary needs and children with disabilities), are developmentally and culturally appropriate, serve all children breakfast (even when they arrive late), and provide snacks and meals during group socialization in the home-based setting.

Family Support Services for Health and Nutrition (Proposed 1301.08)

↻ PROPOSED TO BE REPLACED

Family support services for health, nutrition, and mental health (Current 1302.46)

Relevant Head Start Act Section: 645A(b)(5)

The proposed rule maintains requirements for programs to discuss the importance of physical activity, the negative effects of sugar-sweetened beverages, and how to prepare nutritious foods that meet the family’s budget. It adds language addressing grain-based desserts.

The proposed rule removes references to medical, oral, and mental health support. It would remove requirements to discuss children’s mental health and social-emotional development, the importance of preventive medical and oral health care, and how families can access health insurance for themselves and their children.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.41 Collaboration and communication with parents	642(b)
1302.42 Child health status and care	645A(b)(5); 642(f)(9); 645A(i)(2)(E)
1302.43 Oral health practices	None
1302.45 Supports for mental health and well-being	645A(b)(5); 642(f)(9)

In addition to the above, programs would also no longer be required to:

- Determine whether children have access to an ongoing source of health care and health insurance coverage and, if not, assist families in accessing them
- Obtain determinations that children are up to date on preventive medical, mental health, and oral health care and assist parents in bringing children up to date as quickly as possible
- Facilitate further testing, evaluation, or treatment for children with identified health issues or developmental delays that affect their learning or behavior
- Use program funds to purchase diapers and formula
- Brush children’s teeth once daily
- Have mental health consultants or ensure mental health consultation services are available monthly

ACF estimates a cost reduction of \$180,904,455 from reductions in health and mental health personnel and \$41,785,941 from reductions in contractual health services.

Safety and Transportation Practices (Proposed 1301.09)

↻ PROPOSED TO BE REPLACED

Safety practices (Current 1302.47)

Relevant Head Start Act Section: N/A

The proposed rule maintains requirements for programs to discuss the importance of physical activity, the negative effects of sugar-sweetened beverages, and how to prepare nutritious foods that meet the family’s budget. It adds language addressing grain-based desserts.

Vehicles (Current 1303.71)

Relevant Head Start Act Section: 640(i)

The proposed rule requires programs to adhere to other federal and state statutes and regulations regarding safety and transportation practices and adds that programs exempt from licensing must meet Child Care and Development Fund (CCDF) basic health and safety requirements. All existing Standards related to emergency equipment, child restraint systems, maintenance, and inspections are removed.

— PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1303.72 Vehicle operation	None
1303.73 Trip routing	None
1303.74 Safety procedures	None
1303.75 Children with disabilities	None

Standards proposed to be removed include those related to driver qualifications and training, bus monitors, safety-focused trip routing, bus evacuation drills, and transportation accommodations for children with disabilities. ACF estimates a cost reduction of \$39,931,279 due to the removal of the bus monitor requirement.

Services for Children with Disabilities (Proposed 1301.10)

↻ PROPOSED TO BE REPLACED

Full participation in program services and activities (Current 1302.60)

Relevant Head Start Act Sections: 640(d)(1), 640(a)(5)(B)(ii)

The proposed rule would require only that programs comply with all applicable federal and state statutes and regulations regarding services for children with disabilities, replacing the current dedicated disabilities services subpart with this more general compliance requirement. It would remove Standards that require services to be delivered in the least restrictive possible environment and ensure full participation for children with disabilities. The Act would still require programs to ensure that at least 10% of their actual enrollment consists of children with disabilities.

— PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.61 Additional services for children	642(b)(14-15); 642(e)(2)(B)
1302.61 Additional services for parents	642(b)
1302.63 Coordination and collaboration with the local agency responsible for implementing IDEA	642(e)(3)

The removals would leave the Act’s requirements related to serving children with disabilities and coordinating with IDEA in place but remove detailed Standards governing how those requirements are implemented, including requirements for individualized accommodations and supports, coordination and implementation of Individualized Family Service Plans (IFSPs) and individualized education plans (IEPs), parent support and advocacy, participation in the IDEA process, and coordination with IDEA agencies on referrals, evaluations, services, and transitions.

While the Act requires programs to provide services to children while an IDEA eligibility determination is pending, the proposal does not include Standards around implementation. ACF stated that the Secretary would issue policies addressing this topic as part of the final rule.

Enrolled Pregnant and Postpartum Women and Families (Proposed 1301.11)

↻ PROPOSED TO BE REPLACED

Enrolled pregnant women (Current 1302.80)

Relevant Head Start Act Section: 645A(c)(1))

The proposed rule would maintain requirements for newborn visits and referrals for comprehensive services that include, at a minimum, nutritional counseling and food assistance. It would remove requirements to:

- Schedule newborn visits within two weeks of birth
- Determine whether pregnant women have an ongoing source of health care and facilitate access if they do not
- Provide services that reduce barriers to healthy maternal and birthing outcomes for each family
- Provide referrals for oral health care, mental health services, substance abuse prevention and treatment, and emergency shelter or transitional housing in cases of domestic violence

Prenatal and postpartum information, education, and services (Current 1302.81)

Relevant Head Start Act Section: 645A(i)(2)(G)

The proposed rule would maintain requirements for programs to provide enrolled pregnant women, mothers, fathers, or other family members prenatal and postpartum information, education, and services that address, as appropriate, fetal development; the importance of nutrition in the prenatal and postpartum stage including breastfeeding; the risk of alcohol, drugs, and smoking; and the benefits of substance use treatment, labor and delivery, postpartum recovery, and infant care and safe sleep practices.

It would remove requirements to support access to mental health services including referrals related to anxiety, depression, grief or loss, birth trauma, and substance use. Programs would no longer need to address support for pregnant women's social and emotional well-being, nurturing and responsive caregiving, and father engagement during pregnancy and early childhood.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.82 Family partnership services for enrolled pregnant women.	642(b)

The Act maintains that pregnant women are eligible for Early Head Start services. Requirements in the Standards to engage in family partnerships with a special focus on prenatal and postpartum maternal and infant health and transition planning for the infant's transition to program enrollment would be removed.

Personnel and Records Policies (Proposed 1301.12)

↻ PROPOSED TO BE REPLACED

Personnel policies (Current 1302.90)

Relevant Head Start Act Sections: 644(a)(1); 648A(g); 641A(b)(4); 648A(a)(5); 648A(f); 653(a); 653(b); 641(d)(2)(K); 645A(h)

Background checks: The proposal would require programs to comply with all applicable federal and state statutes and regulations regarding staff, contractor, and volunteer background checks, including work authorization verification, staff standards of conduct, and other affiliated human resource requirements. It replaces existing background check requirements and removes the requirement to consider current and former program parents for employment.

Code of conduct: The Act includes broad requirements for a code of conduct; however, the current Standard provides specific prohibitions against corporal punishment; emotionally harmful behavior such as seclusion, humiliation, shaming, name-calling, and threats; and other neglectful behaviors, including withholding food or refusing to change soiled diapers as punishment. These specific prohibitions would be removed.

Privacy: The proposed rule continues to require policies equivalent to those in the Family Educational Rights and Privacy Act (FERPA) for confidentiality of any personally identifiable information in child records.

+ PROPOSED TO BE ADDED

Postsecondary education: The proposal adds language that would prohibit programs from requiring or incentivizing postsecondary education credits, hours, or credentials unless the programs demonstrate it is necessary for the position. Programs would be required to provide alternatives to postsecondary education.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1302.91 Staff qualifications and competency requirements	645A(h); 648A(a); 645A(i); 648A(c)
1302.92 Training and professional development	648A(a)(5); 648A(f)
1302.93 Staff health and wellness	None
1302.94 Volunteers	None
1303.20 Establishing procedures	641A(b)(4)(A)
1303.21 Program procedures – applicable confidentiality provisions	641A(b)(4)
1303.22 Disclosures with, and without, parental consent	641A(b)(4)
1303.23 Parental rights	641A(b)(4)
1303.24 Maintaining records	641A(b)(4)

Staff qualifications: The Act maintains degree and credentialing requirements for education coordinators, Head Start preschool teachers and teacher assistants, and Early Head Start teachers. However, currently required qualifications for Head Start directors; fiscal officers; family, health, and disability managers; family child care providers; home visitors; family service staff; health professionals; and coaches would be prohibited unless they are demonstrably necessary to perform the job. ACF estimates a cost reduction of \$56,557,211 from lowering compensation due to the removal of these qualifications.

Training and professional development: The Act requires training and professional development, including 15 hours of training required annually, professional development plans for all full-time employees, and mentor teachers. Specific training on family engagement, health, disabilities, family services, and supporting

children with challenging behavior would be removed. Programs would no longer be required to implement coaching for education staff. ACF predicts a cost reduction of \$178,684,211 from the removal of the coaching requirement.

Staff breaks: Requirements for staff health and wellness, including staff breaks, would be removed. ACF estimates a cost reduction of \$66,585,600 due to the removal of required staff breaks.

Volunteers: Requirements for volunteers have been removed, including the requirement that children cannot be left alone with volunteers.

Confidentiality: FERPA and IDEA protections for the confidentiality of personally identifiable information (PII) in children's records remain in place. However, the proposal removes requirements governing when PII may be disclosed with or without parental consent, as well as parents' rights to inspect and amend records, request a hearing, and receive a copy of their child's records. It would also remove the requirement to annually notify parents of these rights and requirements for maintaining child records.

Program Goals, Continuous Improvement, and Reporting (Proposed 1301.13)

↻ PROPOSED TO BE REPLACED

Program goals, continuous improvement, and reporting (Current 1302.102)

Relevant Head Start Act Section: 641A(g)(2)

The proposed rule would still require programs to “establish goals and measurable outcomes including provisions of evidence-based educational practices, health, nutritional, and family engagement to further promote the school readiness of enrolled children.” It would also continue to require programs to conduct self-assessments of progress toward meeting established goals and submit findings to HHS. The proposed rule removes the program requirement to use data to evaluate progress and for continuous improvement purposes.

Grant recipient reporting requirements concerning certain conditions (Current 1304.12)

Relevant Head Start Act Section: 641A(g)(2)

In the proposed rule, programs would continue to be required to report incidents affecting the financial viability of the program, breaches of confidentiality, program involvement in legal proceedings, and any other notification that needs to be made to state, Tribal, or local authorities. Programs would continue to report any significant incidents that affect the health and safety of a child no later than seven calendar days after the incident.

Current Standard	Relevant Section in the Head Start Act
1302.11 Determining community strengths, needs, and resources	640(g)(1)(C); 641A(c)(2)(D); 641A(e)(1); 641A(h)(3)(B); 654(a)(4) and (5)(A)(ii); 642(h); 642(d)(2)(G)
1302.101 Management system	644(a)(1); 642(c)(1)(E)(i); 644(a)(3)(D); 641(d)(2)(K); 640(d); 642(b)(14-15); 641A(b)(4)
1304.2 Monitoring	641A(c)(1-2); 637(2)(C); 641A(e)(1)(B); 641A(e)(2)(A)

Community assessments: The Act’s broader requirements for conducting community assessments remain, but many of the specific requirements for what programs must assess and how they use that information would be removed in the proposed rule. This includes detailed requirements to identify populations most in need, community demographics and barriers, available resources and service gaps, and changes that could affect program design, enrollment, and service delivery.

Management system: Broad management and accountability requirements in the Act remain, but many of the specific requirements for how programs must manage staff, budgets, data, and coordinated services are removed from the Standards.

Monitoring: The Act provides detailed requirements regarding monitoring, which are largely duplicated in the current Standards. Detailed monitoring protocols are issued annually by OHS (FA1, FA2, CLASS, RAN). These detailed protocols, while not in regulation, offer guidance and set expectations for programs on how the federal review will be conducted. It is unclear how monitoring would be changed in light of the proposed rule.

Limitations on Administrative Costs (Proposed 1301.14)

Limitations on development and administrative costs (Current 1303.5)

Relevant Head Start Act Section: 644(b)

The proposed regulation would lower the allowable cap on administrative costs from 15% to 5% of total approved program costs (including federal funds and non-federal match). The current criteria for determining what constitutes development and administrative costs would be removed.

The 15% administrative cost cap is established in the Head Start Act. However, this section of the Act also gives the Secretary authority to determine that a program’s administrative costs are excessive even when they fall below 15% and to require the program to take steps to reduce those costs.

On August 20, 2026, ACF shared on Facebook that administrative costs include, but are not limited to, administrative and executive personnel salary and benefits, auditing, accounting, human resources, rent, maintenance, operations of administrative space, and indirect costs. ACF estimates this would correspond to \$754,343,701 annually due to reduced administrative expenditures. It’s described as a “reinvestment” rather than a cost reduction as programs would be expected to reallocate those funds toward increasing the number of children they serve.

— PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1303.4 Federal financial assistance, non-Federal match, and waiver requirements	640(b)
1303.11 Limitations and prohibitions	644(e); 644(g)(3); 653; 654; 655; 656; 657A
1303.12 Insurance and bonding	None

Insurance and bonding: This Standard overlaps in part with the Uniform Guidance; however, several protections that are distinctively specific to Head Start are not found elsewhere, including the requirements that programs identify operational risks, consider the risk of accidental injury to children, carry appropriate insurance and maintain proof of coverage, identify risks of loss from fraudulent acts by individuals authorized to disburse Head Start funds, and ensure delegates comply with these requirements.

Application and Eligibility to Purchase, Construct, and Renovate Facilities (Proposed 1301.15)

↻ PROPOSED TO BE REPLACED

Applications to purchase, construct, and renovate facilities (Current 1303.44)

Relevant Head Start Act Section: 644(f)(2)

The proposed rule only states only that “an application must be submitted to apply for funds to purchase, construct, or renovate a facility,” without describing any further requirements or content for the application. ACF indicates it would specify requirements for facilities applications at the Secretary’s discretion.

The Act requires the Secretary to establish uniform procedures for Head Start agencies to request approval to purchase facilities. The current Standards implement this requirement through 14 specific categories of information for facility applications, all of which would be removed. The federal government retains the general authority to request information from applicants. HHS indicates it will establish requirements at the Secretary’s discretion and conduct reviews on a case-by-case basis.

Cost-comparison to purchase, construct, and renovate facilities (Current 1303.45)

Relevant Head Start Act Section: 644(f)(2)(D)

The proposed rule would require only that programs “establish that the proposed construction of a facility is more cost-effective than the purchase of available properties or renovation.”

Current requirements to submit a detailed cost estimate when applying for facilities funds and compare those costs against other available alternatives in the service area would be removed.

Programs would no longer be required to identify the property owner, account for deferred costs, demonstrate consistency with community needs, or estimated costs over a structure’s life. Requirements addressing refinancing and multi-purpose use cost allocation would also be removed.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1303.41 Approval of previously purchased facilities	644(f)(1)
1303.42 Eligibility to purchase, construct, and renovate facilities	644(g)(1)
1303.43 Use of grant funds to pay fees	None
1303.46 Recording and posting notices of federal interest	None
1303.47 Contents of notices of federal interest	None
1303.48 Grant recipient limitations on federal interest	None
1303.49 Protection of federal interest in mortgage agreements	None
1303.50 Third party leases and occupancy arrangements	None

1303.51 Subordination of the federal interest.	None
1303.52 Insurance, bonding, and maintenance	None
1303.53 Copies of documents	None
1303.54 Record retention	647(a)
1303.55 Procurement procedures	None
1303.56 Inspection of work	644(g)(3)

The proposed rule removes several facilities and property requirements, while some protections remain in the Head Start Act or Uniform Guidance. Other Head Start-specific requirements, including protections related to federal property interests, occupancy and leases, insurance and maintenance, and final inspection and certification, would be removed.

Basis for Determining If an Agency Is Subject to Open Competition (Proposed 1301.16)

↻ PROPOSED TO BE REPLACED

Basis for determining whether a Head Start agency will be subject to an open competition (Current 1304.11)

Relevant Head Start Act Sections: 641(c); 647; 641A(c); 641A(a)(1); 641(d)(2); 641A(c)(2)(F), 641(c)(7)(B), 646(e)(1)(A-B)

The proposed rule would retain the existing deficiency determinations, but would split one current fiscal measure into two and add a new catch-all measure, “Any other measure as specified in the Head Start Act.” The Act provides detailed language on deficiency determinations that is reflected in the current Standards; the proposed rule would remove the additional implementing processes and procedures currently included in the Standards.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1304.13 Requirements to be considered for designation for a five-year period when the existing grant recipient in a community is not determined to be delivering a high-quality and comprehensive Head Start program and is not automatically renewed	641(d)(2)

1304.15 Designation request, review and notification process	None
1304.16 Use of CLASS: Pre-K instrument in the Designation Renewal System	None
1304.17 Flexibility for Head Start Designation Renewal determinations in certain emergencies	None
1304.31 Requirements of alternative agency	None
1304.32 Alternative agency—prohibition	646(e)(2)
1304.20 Selection among applicants	641(d)

Designation Renewal System (DRS): The Act establishes the requirements for a program to be considered for DRS, the factors used to select among competing applicants, and which agencies are prohibited from serving as an alternative agency. Other federal statutes address flexibility for certain emergency situations such as natural disasters. Specific timelines for notification of programs in DRS would be removed and are not provided in the Act.

CLASS: ACF proposes to remove CLASS as the specific tool identified in the Standards for measuring classroom quality. The Head Start Act still requires that classroom quality be measured, and ACF states that it would continue to use CLASS while retaining flexibility to use a different assessment tool in the future.

Tribes (Proposed 1301.17)

🔄 PROPOSED TO BE REPLACED

Tribal government consultation under the Designation Renewal System for when an Indian Head Start grant is being considered for competition (Current 1304.14)

Relevant Head Start Act Section: 641(c)(7)(B)

The proposed rule maintains requirements for HHS to recognize government-to-government relationships and engage in consultation with the tribe to develop plans to improve program outcomes. Plans must be implemented within six months and reevaluated six months after implementation. HHS will conduct an open competition if the agency is still not delivering suitable outcomes. Non-Indian Head Start agencies will not be eligible to receive a grant, unless there is no Indian Head Start agency that applies. If an Indian Head Start agency becomes available, then non-Indian Head Start agencies are no longer eligible.

The proposed language is almost entirely aligned with the existing Standard.

Procedure for identification of alternative agency (Current 1304.30)

Relevant Head Start Act Section: 641(e)(1)

The proposed rule maintains that an Indian tribe whose Head Start grant has been terminated, relinquished, designated for competition, or denied refunding may identify an alternative agency. Tribes may make this request to HHS if the tribe was the only agency that was receiving federal money to provide Head Start services and if the tribe would be precluded from providing services because of the termination or loss of funding. The proposed rule states that if a program does not choose and requests an agency to be appointed, HHS will seek a permanent replacement and that the alternative agency must meet all requirements in the Head Start Act.

The current Standards include a detailed process for tribes to identify and request an alternative agency, which would be removed.

Tribal language preservation and revitalization (Current 1302.36)

The proposed rule specifies that Indian Head Start agencies are not subject to the English-only instruction requirement as long as the language spoken relates to the furtherance of tribal heritage.

This replaces existing language that allows American Indian and Alaska Native programs to integrate efforts to preserve, revitalize, restore, or maintain tribal language, which can be done through full immersion for the majority of hours of operations. The Act does not include a provision about tribal language revitalization.

Program Flexibility (Proposed 1301.18)

 PROPOSED TO BE REPLACED

Locally-designed program option variations (Current 1302.24)

Relevant Head Start Act Section(s): 642(f)(1)

In the current Standards, waivers are tied directly to the locally-designed program option. The proposed change would allow programs to request waivers separately from this process. It expands waiver availability to include any specific requirement in the Standards, except those related to nutrition, flexibility, or eligibility. Programs may request a waiver in writing by demonstrating that the waiver will not impact the health and safety of children or violate any federal or state statutes.

The proposed rule maintains that programs may request to operate a locally-designed option, including a combination of program options, to best meet the needs of their community. The request may be approved by HHS through the end of a program's current grant or for an upcoming project period.

The proposal would remove limits on waiving group size requirements for center-based programs, the requirement for programs to demonstrate that a locally designed option would effectively support child outcomes, and the ability to revoke approval of a locally designed option based on monitoring findings or progress toward program goals.

Appeals (Proposed 1301.19)

↻ PROPOSED TO BE REPLACED

Termination and denial of refunding (Current 1304.5)

Relevant Head Start Act Sections: 646(3), 646(a)(1)

The proposed rule maintains agencies' right to appeal a final HHS decision to terminate financial assistance or deny refunding of an application, referring to procedures set out in Section 646 of the Head Start Act. It would remove details on the specific grounds HHS may use to terminate or deny funding, the process by which HHS must notify grant recipients, and programs' opportunity to show cause.

The Act retains programs' right to reasonable notice and opportunity for a full and fair hearing, as well as timelines for filing an appeal and access to a hearing.

Appeal for prospective delegate agencies (Current 1304.6)

Relevant Head Start Act Sections: 642(e)(3)(C)

The proposed rule maintains that prospective delegate agencies may appeal if a Head Start agency denies their funding application, either within 30 days of a decision or 120 days of nonaction if the Head Start agency fails to act on the application. The Head Start agency must respond to both HHS and the prospective delegate agency within 30 days, and that decision is final and not subject to additional appeals.

– PROPOSED TO BE REMOVED

Current Standard	Relevant Section in the Head Start Act
1304.3 Suspension with notice	646(a)(5)
1304.4 Emergency suspension without advance notice	646(a)(5)
1304.7 Legal fees	646(a)(4)(c); 646(a)(6)
1303.30 Grant recipient responsibility and accountability	641A(d); 642(a)
1303.31 Determining and establishing delegate agencies	637(3), 641A(d), 642(a)
1303.32 Evaluations and corrective actions for delegate agencies	641A(d)
1303.33 Termination of delegate agencies	641A(d)

Suspension: The Head Start Act establishes the Secretary’s authority to suspend financial assistance, including the standard 30-day limit and the circumstances under which a suspension may extend beyond that period. The proposal would remove the detailed procedures governing notice, the opportunity to show cause, delegate agency participation, decision-making timelines, obligations during suspension, and modification or rescission of a suspension.

Legal fees: The Act does not permit programs to use grant funds on legal fees related to appeals. However, it gives the Secretary discretion to reimburse reasonable and customary legal fees when a Head Start agency prevails in such an appeal.

Delegate agency procedures: The Act requires programs to establish procedures for determining, evaluating, and terminating delegate agencies. The current Standards reiterate what is stated in the Act.

In Conclusion

NHSA strongly encourages the public to comment on the proposed rule, specifically identifying concerns, challenges, impacts, and consequences of the proposal. Comments are due on October 6, 2026 and can be submitted on the [Federal Register](#). Please pass along questions, comments, or suggestions to NHSA by emailing advocacy@nhsa.org.