DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1301, 1302, 1303, 1304, and 1305

RIN 0970–AD30

Reducing Federal Burden for Head Start Programs

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: This NPRM proposes to rescind and replace the Head Start Program Performance Standards (Performance Standards), last revised in 2024. The proposed Performance Standards would significantly reduce Federal bureaucratic burden on programs; defer to State policies wherever possible; return substantial local control to Head Start agencies delivering the services and to parents as the primary caregivers and decision-makers for their children; reduce unnecessary duplication of Head Start regulations with Federal statute and other regulations; and emphasize the critical role of health, nutrition, and physical exercise for young children.

DATES: Please submit comments on this NPRM by October 6, 2026.

ADDRESSES: You may submit written comments, identified by docket number ACF–2026–0595 and/or RIN number 0970–AD30, by one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Deregulation@acf.hhs.gov.* Include the docket number ACF–2026–0595 and/or RIN number 0970–AD30 in the subject line of the message.

Instructions: All submissions received must include the agency name and docket number or RIN number for this rulemaking. All comments received are a part of the public record and will be posted for public viewing on *www.regulations.gov,* without change. Please be advised that the substance of the comments and the identity of individuals or entities submitting the comments will be subject to public disclosure.

FOR FURTHER INFORMATION CONTACT: Adam N. Jones, Deputy Chief of Staff, Immediate Office of the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services, Washington, DC 202–417–0115 or *Deregulation@acf.hhs.gov.*
The docket on *https://www.regulations.gov* will include a plain language summary of the NPRM.

SUPPLEMENTARY INFORMATION:

I. Statutory Authority and Requirements

This NPRM is published under the authority granted to the Secretary of the Department of Health and Human Services under sections 641, 641A, 644, 645, 645A, and 646 of the Head Start Act (Act) (42 U.S.C. 9836, 9836a, 9839(c), 9840, 9840a, and 9841), as amended by the Improving Head Start for School Readiness Act of 2007. In these sections, the Secretary is required to establish performance standards for Head Start and Early Head Start programs, as well as Federal administrative procedures. Specifically, the Act requires the Secretary to ''modify, as necessary, program performance standards by regulation applicable to Head Start agencies and programs. . . .'' (Sec. 641A(a)(1)). Further the Act specifies that, ''in developing any modifications to standards . . . the Secretary shall—take into consideration . . . projected needs of an expanding Head Start program . . . [and] guidelines and standards that promote child health services and physical development, including participation in outdoor activity that supports children's motor development and overall health and nutrition'' (Sec. 641A(a)(2)). In order to meet requirements mandated by the Act, give more authority to states and parents, reduce unnecessary burden and regulatory duplication, and promote health, nutrition and physical exercise, this NPRM would reorganize and substantially amend the existing Federal regulations for Head Start programs.

II. Background

Initiated under President John F. Kennedy's efforts and formally launched in 1965 as part of President Lyndon Johnson's ''War on Poverty,'' Head Start was created out of concern for the well-being of children in low-income families based on evidence that they were less likely to succeed in school than their more well-positioned peers. As its name implies, the Head Start program was developed to enhance the experiences of children in low-income families prior to school entry, with the goal of alleviating the negative effects of growing up in poverty.

When Project Head Start was first started in the summer of 1965, over 560,000 children and families across the United States were served in an 8-week program. As the program grew, it expanded opportunities for children to receive services in a number of ways. In 1995, Head Start expanded to include pregnant women and children from birth to 3 years of age through the Early Head Start program, which emphasized the importance of children's earliest years for lifelong development.

The Head Start Program Performance Standards (Performance Standards) are the foundation on which programs design and deliver services to support the school readiness of children from low-income families. The first set of Standards was published in the 1970s. The first major revisions to the Performance Standards were issued in 1996. The 2007 reauthorization of the Head Start Act placed an emphasis on involving parents in the design of the program and placed a stronger focus on the educational outcomes of Head Start children. The proposed landmark 2026 revision would fundamentally transform the landscape, empowering states and local authorities to meet the unique needs of children and families in their communities—free from burdensome Federal regulations that have long constrained progress. With the freedom to create local solutions for local challenges, these changes would ultimately strengthen and revitalize the family unit.

Over time, the delivery of these crucial services became unnecessarily encumbered by onerous regulations. Eliminating these restrictive Federal regulations would also empower small and local businesses, freeing them to focus on excellence in service delivery rather than bureaucratic compliance. This proposed sweeping reform would deliver tangible benefits to children, families, and the broader community, fueling prosperity and opportunity at every level. This NPRM would modernize the Performance Standards; reduce Federal regulation and duplication; empower states, local programs, and families with greater authority and flexibility; advance the health and well-being of children and communities; and reinforce evidence-based standards for health, nutrition, and physical activity.

Expert and Stakeholder Consultation

Throughout the years, ACF has received feedback that the Performance Standards are overly prescriptive, constrain flexibility, and impede coordination with State and local requirements. This input comes from Head Start program leadership staff, including Tribal leaders, and national organizations that represent Head Start programs. Additionally, program monitoring has provided insight into the strengths and weaknesses of the current Performance Standards. The proposed changes in this NPRM give programs more flexibility and discretion in a way that matches local content. Additionally, the publication of this NPRM initiates a public comment period during which ACF will receive comment from all interested parties. In particular, ACF is interested in hearing from experts in the fields of child development, early childhood education, child health care, family services, administration, and financial management and others with Head Start operations experience.

III. Executive Summary

Purpose of the Proposed Rule

This NPRM proposes to comprehensively rescind and replace the Head Start Program Performance Standards at 45 CFR Chapter XIII to restore flexibility to Head Start programs and families, reduce regulatory burden, eliminate duplication with statutory requirements, reinforce state and local authority, and refocus Federal oversight on core statutory priorities, particularly school readiness and child outcomes, child development and health, and parental engagement. This modernization would ultimately empower states to actively lead the advancement of early childhood education, ensuring meaningful impact for children and families. Its purpose is to drive lasting improvements in early childhood educational outcomes and to foster change by preparing our youngest learners to succeed in their educational journey, and seeking to end generational poverty.

The Performance Standards have grown increasingly detailed and prescriptive, often duplicating or elaborating upon requirements already established in the Head Start Act or other Federal statutes and regulations. This accumulation of regulatory complexity has shifted program focus towards procedural compliance rather than direct service delivery. This expansion has constrained program flexibility, increased administrative workload, and limited the ability of grant recipients to tailor services to the unique needs of their communities.

This proposed rule would rescind Parts 1301 through 1305 of the current Performance Standards in their entirety and replace them with a streamlined Part 1301 that maintains statutory accountability while reducing unnecessary Federal burden and overreach.

Reduce Regulations and Restore Authority to States

The proposed rule would substantially reduce the scope and prescriptiveness of Federal regulatory requirements and return primary authority over areas traditionally within state and local purview. For instance, the proposed rule would give authority to the States to govern group size and ratios, background checks, and transportation practices while eliminating duplicative Federal requirements. By restoring flexibility in these areas, the rule would allow states and local programs to align more effectively with state early childhood systems and community conditions. This approach reflects principles of cooperative federalism and recognizes that state and local entities are best positioned to design and administer services responsive to their populations.

Returning Authority Back to Parents

Consistent with the Head Start Act, this proposed rule specifically recognizes parents as children's primary teachers and essential partners in program governance. Furthermore, the proposed rule would reduce prescriptive Federal requirements governing curriculum implementation, parent committees, family engagement procedures, and service delivery structures. By eliminating detailed procedural mandates not required by statute, the rule reaffirms parental authority and strengthens opportunities for families to make meaningful decisions regarding their children's education and development. This shift ensures that family engagement is grounded in partnership and shared responsibility rather than compliance-driven process requirements.

Reducing Unnecessary Burden

The proposed rule would rescind more than 1,400 highly detailed regulatory provisions and replace them with a consolidated and streamlined framework. It simplifies eligibility, recruitment, selection, enrollment, and attendance (ERSEA) requirements; removes duplicative documentation and procedural mandates; and reduces reporting obligations not required by statute. The rule would also broaden waiver authority, excluding core protections related to nutrition, physical activity, and eligibility, to provide programs greater operational flexibility. Facilities requirements would be simplified, reporting timelines made less prescriptive, and designation renewal processes streamlined to focus on measurable outcomes and fiscal integrity and remain in line with statute. Collectively, these revisions would shift resources from administrative overhead to direct services, reduce compliance-driven operational constraints, and improve program efficiency without altering statutory protections.

Furthers Emphasis on Health, Nutrition, and Physical Exercise

While reducing regulatory burden in many areas, the proposed rule strengthens emphasis on core statutory priorities related to child health and physical development. The proposed regulatory framework would encourage programs to provide nutrient-dense, whole foods compatible with healthy dietary practices within the framework of the USDA Child and Adult Care Food Program meal standards and continue to structure meal times in ways that support both development and learning. In addition, programs would be required to provide a minimum of 30 minutes of physical activity for every three and a half hours that the child participates in the program, with outdoor activity required when weather permits.

Reduce Duplication

The proposed rule would eliminate regulatory provisions that restate requirements already codified in the Head Start Act or other Federal laws and regulations. By removing redundant language and compliance layers, the rule clarifies that statutory requirements remain fully binding while avoiding unnecessary repetition in regulation. This approach reduces confusion, improves regulatory clarity and focus, and ensures that Federal oversight is focused on statutory requirements and areas where regulatory implementation is necessary rather than duplicative of existing law. This clarification is intended to improve regulatory transparency, reduce confusion among grant recipients, and ensure that Federal oversight is grounded in statutory authority rather than duplicative rule text.

Maintain Statutory Accountability

Although many regulatory provisions would be rescinded, all statutory requirements contained in the Head Start Act remain fully in effect. Programs must continue to comply with statutory mandates concerning eligibility, governance, school readiness goals, services for children with disabilities, fiscal controls, monitoring, background checks, civil rights protections, and parent involvement. Federal oversight mechanisms required by statute, including monitoring, audit requirements, and child safety protections, would remain unchanged. Nothing in this proposed rule alters or waives statutory obligations; rather, it aligns regulatory text more closely with governing law. The proposed regulatory framework is designed not to diminish accountability, but to ensure that accountability flows directly from statutory requirements rather than layered procedural mandates.

Anticipated Impact

If finalized, this rule would substantially reduce Federal regulatory complexity while preserving statutory safeguards and accountability mechanisms. Head Start grant recipients would have increased flexibility to design services responsive to local conditions, align more effectively with state systems, develop child outcome and school readiness goals that mirror state requirements, and prioritize direct services to children and families.

The proposed rule would improve operational efficiency, strengthen fiscal stewardship, increase transparency for parents, reinforce health and physical development priorities, and clarify the appropriate balance between Federal oversight and state and local program administration. These outcomes would support long-term program sustainability while preserving core statutory protections. ACF recognizes there are a range of possible options regarding the effective dates for the proposed rescission and replacement of standards and requests public comment on implementation timing of these changes to maximizing the goals outlined above.

Costs, Benefits, and Transfer Impacts

By removing multiple regulatory requirements in the Performance Standards, this NPRM is expected to reduce compliance costs and create efficiencies in the distribution of resources within the program. The primary quantified effects of this rule are reductions in program expenditures associated with changes in staffing, service delivery, and administrative requirements, as well as program reinvestment effects associated with the proposed administrative cost cap, as described in the Regulatory Impact Analysis (RIA). Because Head Start is a grant-funded program, these reductions may be reallocated by grant recipients to support additional funded slots.

Over a five-year time horizon covering 2027 through 2031, ACF estimates total quantified impacts of approximately $1,476,881,912 to $2,959,495,914 annually at full implementation, with a primary estimate of approximately $2,218,188,913. These estimates reflect the combined effects of scenario-based reductions in personnel expenditures and fixed reductions associated with structural policy changes, and program reinvestment effects associated with the administrative cost cap. Consistent with the phased implementation described in this RIA, these impacts increase over time starting in 2027 and reach full effect in 2031.

For purposes of presenting annualized impacts, ACF calculates annualized cost reductions and transfers over the five-year period using standard discount rates of 3 percent and 7 percent, consistent with OMB Circular A–4. Based on the phased implementation schedule described above, the estimated annualized cost reductions are approximately $1,304,696,469at a 3 percent discount rate and $1,271,000,241 at a 7 percent discount rate under the primary scenario.

Consistent with prior analyses of Head Start policy changes, reductions in program expenditures may translate into increases in funded slots, including approximately 116,516 new Head Start Preschool slots and 45,578 Early Head Start slots in 2031. These estimates represent the number of funded slots that could be supported in that year and are not cumulative across years. These effects are reflected in the funded slot estimates presented in the RIA and are based on nominal cost reductions and program reinvestment effects and incorporate a phased implementation approach.

To produce an estimate of the quantified annual cost savings associated with the proposed rule for purposes of Executive Order 14192, ACF assumes that the impacts of the proposed changes on costs at full implementation in 2031 extend in perpetuity. Under this assumption, ACF calculates annualized cost savings at a 7 percent discount rate relative to the baseline year, excluding transfers and adjusting the estimate to 2024 dollars consistent with OMB guidance for Executive Order 14192 accounting. The annualized cost savings at a 7 percent discount rate are approximately $0.94 billion. This amount reflects quantified reductions in regulatory compliance costs and program expenditures and does not include the administrative cost cap effect, for which the quantified effect is treated as a transfer because it reallocates Head Start resources within the program.

Separately, ACF estimates potential funded slot capacity using the broader set of ongoing quantified impacts, including cost reductions and program reinvestment effects, under the funded slots methodology described above. That funded slot estimate is not used as the Executive Order 14192 accounting value. This estimate is based on 2031 costs and does not assume future appropriations increases, cost-of-living adjustments (COLAs) needed to keep pace with increasing costs, or other funding changes that would affect the number of slots that could be supported in subsequent years.

These estimates represent potential changes in regulatory burden, program reinvestments and reallocations within the Head Start program, and associated impacts on funded slots. Actual realized impacts may differ depending on program-level decisions, state and local requirements, labor market conditions, and the extent to which programs choose to maintain existing practices even when they are no longer required by the Performance Standards.

Severability

The purpose of this Section is to clarify ACF's intent with respect to the severability of the provisions of this NPRM. As explained above, ACF proposes removing Sections of the Head Start regulations because we determined that doing so would make the regulations clearer, less burdensome, and more accessible to the public. To the extent that any portion of the proposed removals are declared invalid by a court, ACF intends for all other provisions of this proposed rule to remain in effect to the greatest extent possible to ensure that Head Start regulations remain as concise and accessible as possible. For example, if section 1301.01 Committees is deemed invalid by a court, all other provisions in 1301 can function independently of 1301.01. As another example, if section 1301.14 on the 5 percent administrative cap is invalidated by a court, all other provisions in 1301 can function independently of 1301.14. None of the provisions contained herein are central to an overall intent of the proposed rule, nor are any provisions dependent on the validity of other, separate provisions.

IV. Table

In this NPRM, we propose rescinding the Performance Standards as they currently exist and replacing them with a streamlined set of requirements that are not duplicative of the Head Start Act and other Federal statutes and regulations. We include the following table to help the public identify which current regulations we propose to remove entirely and which we propose to replace. We also indicate which current regulations will still be required by the Head Start Act, despite being removed or replaced in the proposed regulations. The table is not an exhaustive list of all other applicable Federal statute or regulations such as the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards that still govern aspects of program operation.

To understand the proposed requirements, it is essential to read them in full and reference the requirements in the Head Start Act, however, the table below is a tool to help reflect the relationship between the current regulations, proposed regulations, and the Head Start Act, at a high level.

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Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
1301.1	Purpose.	--	--	Removed
1301.2	Governing body.	--	642(c-d)	Removed*
1301.3	Policy council and policy committee.	--	642(c-d)	Removed*
1301.4	Parent committees.	1301.01	--	Replaced
1301.5	Training.	--	642(c-d)	Removed*
1301.6	Impasse Procedures.	--	--	Removed
1302.1	Overview.	--	--	Removed
1302.10	Purpose.	--	--	Removed
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)	Removed*

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
1302.12	Determining, verifying, and documenting eligibility.	1301.02	638; 640(m); 645(a)(1)(B)(i-v); 645(a)(2); 645A(b)(10); 645A(c)	Replaced*
1302.13	Recruitment of children.	--	642(c)(1)(E)(iv)(II); 645(c); 642(g)	Removed*
1302.14	Selection process.	--	642(c)(1)(E)(iv)(II); 641A(c)(2)(J);	Removed*
1302.15	Enrollment.	1301.03	640(m); 642(g); 645(c); 645(a)(1)(B)(iv); 642(d)(2)(C); 641A(h)(2)	Replaced*
1302.16	Attendance.	1301.03	642(d)(2)(C)	Replaced*
1302.17	Suspension and expulsion.	--	--	Removed
1302.18	Fees.	--	645(b)	Removed*
1302.20	Determining program structure.	--	645(a)(5); 645(d)(3)	Removed*
1302.21	Center-based option.	1301.05	640(k)(1)	Replaced*
1302.22	Home-based option.	--	645A(i)(1)	Removed*
1302.23	Family child care option.	--	637	Removed*
1302.24	Locally-designed program option variations.	1301.18	640(f)(1)	Replaced*
1302.30	Purpose.	--	--	Remove

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
				d
1302.31	Teaching and the learning environment.	1301.04	642(f)(2), 642(f)(4)	Replaced *
1302.32	Curricula.	--	642(f)(3)	Removed*
1302.33	Child screenings and assessments.	--	642(f)(5-6)	Removed*
1302.34	Parent and family engagement in education and child development services.	1301.06	642(b)	Replaced *
1302.35	Education in home-based programs.	--	645A(i)	Removed*
1302.36	Tribal language preservation and revitalization.	1301.17	--	Replaced
1302.40	Purpose.	--	--	Removed
1302.41	Collaboration and communication with parents.	--	642(b)	Removed*
1302.42	Child health status and care.	--	645A(b)(5); 642(f)(9); 645A(i)(2)(E)	Removed*
1302.43	Oral health practices.	--	--	Removed
1302.44	Child nutrition.	1301.04(b); 1301.07	--	Replaced
1302.45	Supports for mental health and well-being.	--	645A(b)(5); 642(f)(9)	Removed*
1302.46	Family support services for health,	1301.08	--	Replaced

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
	nutrition, and mental health.			
1302.47	Safety practices.	1301.09	--	Replaced
1302.50	Family engagement.	--	642(b)	Removed*
1302.51	Parent activities to promote child learning and development.	--	642(b)	Removed*
1302.52	Family partnership services.	--	642(b)	Removed*
1302.53	Community partnerships and coordination with other early childhood and education programs.	--	642(b)	Removed*
1302.60	Full participation in program services and activities.	1301.10	--	Replaced
1302.61	Additional services for children.	--	642(b)(14-15); 642(e)(2)(B)	Removed*
1302.62	Additional services for parents.	--	642)(b)	Removed*
1302.63	Coordination and collaboration with the local agency responsible for implementing IDEA.	--	642(e)(3)	Removed*

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
1302.70	Transitions from Early Head Start.	--	645A	Removed*
1302.71	Transitions from Head Start Preschool to Kindergarten.	--	642A	Removed*
1302.72	Transitions between programs.	--	642(e)(3)	Removed*
1302.80	Enrolled pregnant women.	1301.11(a)	--	Replaced
1302.81	Prenatal and postpartum information, education, and services.	1301.11(b)	--	Replaced
1302.82	Family partnership services for enrolled pregnant women.	--	642(b)	Removed*
1302.90	Personnel policies.	1301.12	644(a)(1); 648A(g); 641A(b)(4); 648A(a)(5); 648A(f); 653(a); 653(b); 641(d)(2)(K); 645A(h)	Replaced*
1302.91	Staff qualifications and competency requirements.	--	645A(h); 648A(a); 645A(i); 648A(c)	Removed*
1302.92	Training and professional development.	--	648A(a)(5); 648A(f)	Removed*

Current Regulation	Current Regulation Topic	Proposed Regulation	Act Citation(s)	Proposed Change *Indicates some or all current requirements remain in the Act
1302.93	Staff health and wellness.	--	--	Removed
1302.94	Volunteers.	--	--	Removed
1302.100	Purpose.	--	--	Removed
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)	Removed*
1302.102	Program goals, continuous improvement, and reporting.	1301.13	641A(e)(2); 641A(g); 642(c)(2)(A); 642(d)(2); 644(a)(2)	Replaced*
1303.1	Overview.	--	--	Removed
1303.2	Purpose.	--	--	Removed
1303.3	Other requirements.	--	--	Removed
1303.4	Federal financial assistance, non-Federal match, and waiver requirements.	--	640(b)	Removed*
1303.5	Limitations on development and administrative costs.	1301.14	--	Replaced
1303.10	Purpose.	--	644(a)(1)	Removed*

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
1303.11	Limitations and prohibitions.	--	644(e); 644(g)(3); 653; 654; 655; 656; 657A	Removed*
1303.12	Insurance and bonding.	--	--	Removed
1303.20	Establishing procedures.	--	641A(b)(4)(A)	Removed*
1303.21	Program procedures - applicable confidentiality provisions.	--	641A(b)(4)	Removed*
1303.22	Disclosures with, and without, parental consent.	--	641A(b)(4)	Removed*
1303.23	Parental rights.	--	641A(b)(4)	Removed*
1303.24	Maintaining records.	--	641A(b)(4)	Removed*
1303.30	Grant recipient responsibility and accountability.	--	641A(d); 642(a)	Removed*
1303.31	Determining and establishing delegate agencies.	--	637(3), 641A(d), 642(a)	Removed*
1303.32	Evaluations and corrective actions for delegate agencies.	--	641A(d)	Removed*

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
1303.33	Termination of delegate agencies.	--	641A(d)	Removed*
1303.40	Purpose.	--	--	Removed
1303.41	Approval of previously purchased facilities.	--	644(f)(1)	Removed*
1303.42	Eligibility to purchase, construct, and renovate facilities.	--	644(g)(1)	Removed*
1304.43	Use of grants funds to pay fees.	--	--	Removed
1303.44	Applications to purchase, construct, and renovate facilities.	1301.15	644(f)(2)	Replaced*
1303.45	Cost-comparison to purchase, construct, and renovate facilities.	1301.15	644(f)(2)(D)	Replaced*
1303.46	Recording and posting notices of Federal interest.	--	--	Removed
1303.47	Contents of notices of Federal interest.	--	--	Removed
1303.48	Grant recipient limitations on Federal interest.	--	--	Removed
1303.49	Protection of Federal interest in mortgage agreements.	--	--	Removed
1303.50	Third party leases and occupancy	--	--	Removed

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
	arrangements.			
1303.51	Subordination of the Federal interest.	--	--	Removed
1303.52	Insurance, bonding, and maintenance.	--	--	Removed
1303.53	Copies of documents.	--	--	Removed
1303.54	Record retention.	--	647(a)	Removed*
1303.55	Procurement procedures.	--	--	Removed
1303.56	Inspection of work.	--	644(g)(3)	Removed*
1303.70	Purpose.	--	--	Removed
1303.71	Vehicles.	1301.09	--	Replaced
1303.72	Vehicle operation.	--	--	Removed
1303.73	Trip routing.	--	--	Removed
1303.74	Safety procedures.	--	--	Removed
1303.75	Children with disabilities.	--	--	Removed
1304.1	Purpose.	--	641A(c); 646(a)	Removed*
1304.2	Monitoring.	--	641A(c)(1-2); 637(2)(C); 641A(e)(1)(B); 641A(e)(2)(A)	Removed*
1304.3	Suspension with notice.	--	646(a)(5)	Removed*

Current Regulation	**Current Regulation Topic**	**Proposed Regulation**	**Act Citation(s)**	**Proposed Change** **Indicates some or all current requirements remain in the Act*
1304.4	Emergency suspension without advance notice.	--	646(a)(5)	Removed*
1304.5	Termination and denial of refunding.	1301.19	646(3)	Replaced *
1304.6	Appeal for prospective delegate agencies.	1301.19	646(a)(1)	Replaced *
1304.7	Legal fees.	--	646(a)(4)(c); 646(a)(6)	Removed*
1304.10	Purpose and scope.	--	--	Removed
1304.11	Basis for determining whether a Head Start agency will be subject to an open competition.	1301.16	641(c); 647; 641A(c); 641A(a)(1); 641(d)(2); 641A(c)(2)(F)	Replaced *
1304.12	Grant recipient reporting requirements concerning certain conditions.	1301.13	--	Replaced
1304.13	Requirements to be considered for designation…	--	641(d)(2)	Removed*
1304.14	Tribal government consultation under the Designation Renewal System …	1301.17	641(c)(7)(B)	Replaced *
1304.15	Designation request, review and notification process.	--	--	Removed

Current Regulation	Current Regulation Topic	Proposed Regulation	Act Citation(s)	Proposed Change *Indicates some or all current requirements remain in the Act
1304.16	Use of CLASS: Pre-K instrument in the Designation Renewal System.	--	--	Removed
1304.17	Flexibility for Head Start Designation Renewal determinations in certain emergencies.	--	--	Removed
1304.20	Selection among applicants.	--	641(d)	Removed*
1304.30	Procedure for identification of alternative agency.	1301.17	646(e)(1)(A-B)	Replaced*
1304.31	Requirements of alternative agency.	--	--	Removed
1304.32	Alternative agency—prohibition.	--	646(e)(2)	Removed*
1304.40	Purpose.	--	648A(d)	Removed*
1304.41	Fellows program.	--	648A(d)	Removed*
1305.1	Purpose.	--	--	Removed
1305.2	Terms.	1301.20	637	Replaced*

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Similar to all sections of this NPRM, ACF requests public comment on how to support states in complying with statute in the absence of the proposed rescinded regulations found to be duplicative with statute, including what challenges states may face in interpreting and complying with statute.

V. Discussion of Proposed Rule

ACF proposes to rescind parts 1301 through 1305 in the current regulation and either completely rewrite or restructure them under subchapter B at 45 CFR Chapter XIII. The order proposed here removes parts 1302 through 1305 in the current regulation and redesignates new and remaining requirements in a new part 1301. The table provided in section IV., above, is intended to help the public readily locate current sections and provisions proposed for revision, removal, and renumbering.

Program Governance

The proposed new § 1301.01 reflects a revision to parent committee requirements by making parent committees optional and eliminating Federal prescriptions regarding committee structure and function. In current § 1301.4, programs must establish parent committees at each center and comply with specific requirements governing their structure and purpose. The proposed regulations at § 1301.01 would allow, but not require, programs to establish a parent committee comprised exclusively of parents of currently enrolled children to advise staff in developing and implementing local program policies, activities, and services to ensure they meet the needs of children and families. Programs would have the flexibility to determine the bylaws of any committee including but not limited to length of a committee member's term and election procedures.

These proposed changes at § 1301.01 seek to reduce administrative burden and duplication of requirements that already exist in the Act. The Act's governance provisions remain in effect regardless of these proposed regulatory changes (Sec. 642(c–d)). The statute requires the establishment of a governing body, a Policy Council and in instances when the recipient has subrecipients, Policy Committees. The Act specifies the roles and responsibilities of each body, the reports that must be shared with these governance groups and the composition requirements of each body (Sec. 642(c)). Under the proposed regulations, Head Start programs would continue to be required to have a Governing Body, Policy Council, and for recipients that have subrecipients, Policy Committees.

These proposed changes do not represent a departure from empowering parents as the lead decision makers for their children's education as the proposed regulation is simply returning to the statutory requirements, which include in Sec. 642(c) that membership of a program's governing body shall ''reflect the community to be served and include parents of children who are currently, or were formerly, enrolled in Head Start programs.'' This proposed rule continues to value and prioritize parental engagement.

Eligibility, Recruitment, Enrollment and Attendance

If finalized, this NPRM would rescind Part 1302 Subpart A of the current Performance Standards, often referred to as Eligibility, Recruitment, Selection, Enrollment, and Attendance (or ERSEA). This NPRM proposes requirements for Eligibility, Enrollment, and Attendance in §§ 1301.02 and 1301.03. The proposed changes in §§ 1301.02 and 1301.03 reflect multiple ACF priorities, including restoring flexibility to local Head Start programs; reducing burden for programs and families; and reducing duplication with relevant statutory requirements. Each of the proposed changes are explained in more detail in the paragraphs that follow.

Proposed Eligibility Requirements Aligned With Current Regulation

Multiple new proposed regulations under § 1301.02 align with current regulations. These represent important policies to maintain that, for the most part, are not separately detailed in statute.

New proposed § 1301.02(a) outlines that a pregnant woman or child is eligible for Head Start if they meet the eligibility requirements in Section 645(a)(1) of the Act. This provision is intended to address the requirement in Section 645(a)(1)(A) that the Secretary prescribes by regulation eligibility for participation in Head Start programs. It is ACF's position that the newly proposed language is sufficient to meet that statutory requirement.

New proposed § 1301.02(b) continues to specify that children in foster care are categorically eligible for Head Start services. New proposed § 1301.02(c)(3) specifies the type of documentation a program must secure to verify that a child is in foster care. Both proposed standards align with the current Performance Standards and do not represent a proposed change in policy (see current § 1302.12(c)(1)(iv) and (i)(4)).

New proposed § 1301.02(c)(1) clarifies the types of documentation programs must gather and use to determine family income for the relevant time period and whether such income meets requirements for eligibility. New proposed § 1301.02(c)(2) describes documentation requirements when a family is found eligible for Head Start due to receipt of or eligibility for public assistance. These standards are consistent with the current Performance Standards and do not represent proposed changes in policy (see current §§ 1302.12(i)(1) and (i)(2) and 1305.2).

Consistent with the current Performance Standards, new proposed § 1301.02(d) describes requirements to reverify a child's eligibility when they move from Early Head Start to Head Start Preschool (*see* current § 1302.12(j)(3)).

Proposed Eligibility Requirements Rescinded and Replaced From Current Regulation

Proposed § 1301.02(c)(4) specifies that self-attestation would no longer satisfy eligibility requirements. If finalized, this change would strengthen risk reduction strategies and mitigate the misuse of funds. Similar to all sections of this NPRM, ACF requests public comment on this proposed change.

Proposed § 1301.02(e) specifies requirements for eligibility determination records. Aligned with current regulation, the proposed paragraph would require programs to maintain such records for each participant while enrolled and for one year after they are no longer enrolled (see current § 1302.12(k)(1) and (k)(3)). Finally, in line with efforts to safeguard Federal funds, proposed § 1301.02(f) would require Head Start programs to make such records available to HHS upon request. Sharing such records must be done in accordance with relevant laws and regulations on protecting the confidentiality of personally identifiable information (PII). Note that Family Educational Rights and Privacy Act (FERPA) has exceptions, including for Federal audits/monitoring as well as law enforcement activities. Presumably, if agencies are adopting policies equivalent to FERPA, then similar exceptions would need to be included in those policies.

To further guard against fraud and misuse of limited Federal funds and to ensure the neediest children are served by Head Start programs, proposed § 1301.02(f) would require programs to report staff who violate eligibility determination regulations to their Office of Head Start Regional Office point of contact. This represents a proposed change in policy from the current requirement at § 1302.12(l) that gives programs the flexibility to determine policies and procedures for violating eligibility determination regulations.

To streamline Federal requirements and reduce duplication across regulations and statute, proposed § 1301.02(g) clarifies that children experiencing homelessness qualify for program eligibility (consistent with current regulations at § 1302.12(c)(1)(iii)) and that programs should address eligibility determinations for this population in accordance with the Act. If finalized, the proposed regulations would allow programs flexibility in documenting homelessness, but self-attestation would no longer meet eligibility requirements.

Programs are reminded that statute specifies that the Secretary shall issue rules to remove barriers to enrollment and participation of children experiencing homelessness, including allowing such children to apply, enroll in, and attend Head Start while required documentation is gathered within a reasonable time frame (see Sec. 640(m)). In other words, under the proposed regulations, programs must still comply with the statutory requirement to support enrollment of children experiencing homelessness.

Eligibility Requirements Proposed for Removal From Current Regulation

The proposed regulations for eligibility under § 1301.02 would reduce duplication in Federal regulatory requirements for Head Start eligibility and remove provisions that currently allow programs to go beyond statutory authority. While programs would still need to comply with all eligibility requirements specified in the Act, their proposed removal from the Performance Standards would reduce duplicative Federal regulatory requirements and ensure these requirements more closely align with statutory requirements and limitations on eligibility for Head Start services.

This NPRM proposes to remove the following requirements from current § 1302.12 because they are already detailed in statute: age requirements for eligibility for both Head Start Preschool and Early Head Start (described in Sec. 638 and 645A(c) of the Act); eligibility for a pregnant woman or child whose family income is equal to or below the Federal poverty line (see Sec. 645(a)(1)(B)(i) of the Act); eligibility for a pregnant woman or child whose family is eligible for public assistance, or would be in the absence of child care (see Sec. 645(a)(1)(B)(i) of the Act); flexibility to enroll up to 10 percent of children whose family income is over the income threshold (see Sec. 645(a)(1)(B)(iii)(I) of the Act); flexibility to enroll up to 35 percent of children whose family income is between 100 and 130 percent of the Federal poverty line (see Sec. 645(a)(1)(B)(iii)(II)), including requirements to justify such enrollment (see Sec. 645(a)(1)(B)(iv)); flexibilities in eligibility requirements for Migrant or Seasonal programs and for Indian Tribes (see *Further Consolidated Appropriations Act, 2024;* Pub. L. 118–47); eligibility requirements for communities with less than 1,000 individuals (see Sec. 645(a)(2)); eligibility duration for Head Start Preschool (see Sec. 645(a)(1)(B)(v)), including Migrant and Seasonal Head Start; and ensuring children in Early Head Start who are eligible for Head Start Preschool can receive those services if the family desires (see Sec. 645A(b)(10)). Regarding the requirements for those eligible for public assistance, programs are reminded that at the time of this publication, ''public assistance'' for Head Start eligibility is inclusive of Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), and Supplemental Nutrition Assistance Program (SNAP) (ACF–IM–HS–22–03).

A few eligibility-related standards are proposed for removal because they go beyond statutory authorization regarding eligibility. Specifically, the NPRM proposes to reserve eligibility for those who meet the stated income threshold, without incorporating a further expansion of eligibility by applying housing costs for eligibility determination purposes (current 1302.12(i)(1)(ii), (ii)(A), and (ii)(B)). The NPRM also strengthens program integrity by proposing to remove a provision in current § 1302.12(h) that permits programs to enroll a child without documentation of child age, if such documentation could not be provided by the family. We specifically request public comment on the proposed removal of this provision. Removal of these policies ensures programs are more closely aligning with statutory requirements and limitations on eligibility for Head Start services.

Enrollment and Attendance

The requirements proposed in § 1301.03 focus specifically on attendance and enrollment. Section 1301.03(a), which proposes to require programs to track attendance for each child, aligns with § 1302.16(a) of the current Performance Standards. Section 1301.03(b) specifies that all applicable Federal and state statutes and state regulations apply to attendance procedures regarding child safety concerns due to absence(s). This means programs must align their attendance procedures with a broader legal framework on attendance, such as the McKinney-Vento Homeless Assistance Act, the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA)/Section 504 of Rehabilitation Act, which are examples but not an exhaustive list. Section 1301.03(c), which proposes to require that a program maintain its funded enrollment level and fill any vacancy as soon as possible, but not to exceed 30 days, aligns with § 1302.15(a) of the current Performance Standards.

The requirements proposed in § 1301.03 would reduce the current burden on enrollment and attendance. Programs would continue to comply with requirements in the Act. The Act specifies that programs must enroll 100 percent of their funded enrollment, maintain an active waitlist, and engage in ongoing outreach to the community and activities to identify underserved populations (Sec. 642(g)); are permitted to provide more than one year of Head Start services to eligible children and can recruit and accept applications throughout the year (Sec. 645(c)); and must comply with enrollment-related reporting requirements if serving children under the 130 percent poverty line provision (Sec 645(a)(1)(B)(iv)). Lastly, the Act requires programs to ensure the sharing of accurate and regular information for the governing body and policy councils to use, specifically noting program enrollment reports, including attendance reports for children whose care is partially subsidized by another public agency (Sec. 642(d)(2)(C)).

The proposed changes to enrollment and attendance requirements in § 1301.03 produce significantly fewer Federal requirements for enrollment and attendance, because many of the requirements are not in the Act and they are proposed for removal in the NPRM.

These changes, if finalized, would greatly reduce administrative burden and increase program flexibility. Recipients are reminded that they are and will continue to be required to comply with all applicable state and local requirements that have a bearing on enrollment and attendance.

Other ERSEA-Related Requirements in Current Performance Standards

This NPRM also proposes to remove other Federal ERSEA-related requirements in current Part 1302, Subpart A. The following sections discuss in more detail these requirements in the current Performance Standards and how they would be impacted when these proposed changes are finalized.

Determining Community Strengths, Needs, and Resources

This NPRM proposes to remove the requirements in § 1302.11 of the current Performance Standards to avoid duplication with the Act's requirements and to reduce burden for programs. If these proposed changes are finalized, there would be significantly fewer Federal requirements related to determining community strengths, needs, and resources. Under the proposed regulations, programs would not be required to propose a service area, as this requirement is duplicative of the Notice of Funding Opportunity (NOFO) process. When applying for funding, a NOFO is posted by service area, and entities apply for the service area(s) outlined in the NOFO. The recipient's Notice of Award also specifies the service area the Federal funding supports, thus providing documentation of the agreement between the recipient and OHS.

The proposed regulations would no longer require programs to produce a complicated community needs assessment that meets current overly prescriptive standards, including how often programs must conduct the community assessment, what data elements must be included, and the timelines for review and updates of the community assessment.

However, the Act clearly requires use of a community needs assessment, and the Act addresses both how programs and the Secretary should use it. First, the Act requires programs to consider the community needs assessment for purposes of program design and designation as a Head Start program. A program must use their community assessment when applying to convert part-day slots to full-working-day sessions and if applying to convert Head Start preschool slots to Early Head Start slots (Sec 645(a)(4) and (5)(A)(ii)) to demonstrate that a shift in the use of funds is responsive to community need. Additionally, the Secretary must consider whether programs have undertaken a communitywide needs assessment when expanding Head Start and have reflected in their application a need to provide full-working-day or full-calendar-year services and collaborate with other child care providers (Sec. 640(g)(1)(C)).

Second, the Act also has several requirements related to the community assessment in the context of monitoring. Reviews must include an assessment of whether programs have addressed the communitywide strategic planning and needs assessment (Sec. 641A(c)(2)(D)) and programs may receive a corrective action if the program fails to address the communitywide needs assessment (Sec. 641A(e)(1)).

Third, the Act requires the use of the communitywide needs assessment for technical assistance, including programs developing an annual technical assistance and training plan based on their self-assessment and their communitywide strategic planning and needs assessment (Sec 642(h)). The Act also requires the Secretary, in providing Training and Technical Assistance (TTA), to assist programs in conducting and participating in communitywide strategic planning and needs assessment, including the needs of children experiencing homelessness and their families (Sec. 648(a)(3)(B)(iii)).

Lastly, programs must share information about program planning, policies, and operations with the governing body and policy council. One source of information is the communitywide strategic planning and needs assessment, including applicable updates (Sec 642(d)(2)(G)).

Selection Process

ACF proposes to remove the requirements in § 1302.12 of the current Performance Standards related to the selection process to allow programs greater flexibility in determining how to enroll children in their funded slots. Under these proposed changes, programs would still be required to have selection criteria, but not at the level of overprescription in the current Performance Standards. Note that programs could continue to consider the enrollment of children of staff members as part of their selection criteria, even though this standard is proposed for removal in this NPRM. The intent with the proposed removal of these requirements is not to take away a guidepost for meeting the Act's requirement for selection criteria and then find programs out of compliance; rather it is to be clear that programs have flexibility to develop criteria for filling their enrollment slots that is grounded in community need and best meets the needs of underserved populations.

As noted, the Act requires programs to have selection criteria and references selection criteria in several ways. First, in outlining the responsibilities of the governing body, the Act includes establishing procedures and criteria for recruitment, selection, and enrollment of children (Sec. 642(c)(1)(E)(iv)(II)). This means the establishment of selection criteria fall within the formal responsibilities of the agency's governing body. Second, the Act requires that monitoring reviews include a review and assessment of whether programs comply with eligibility requirements under section 645(a)(1) and whether programs have met the requirements for outreach and enrollment policies and procedures, and selection criteria (Sec. 641A(c)(2)(J)). Third, the Act requires the Secretary to issue regulations that prescribe eligibility for participation in Head Start, including that programs may (1) implement outreach and recruitment policies and procedures and (2) establish selection criteria that ensure programs serve children who are low-income and experiencing homelessness before serving children whose families have incomes below 130 percent of the poverty line or are over-income.

Lastly, the proposed removal of several provisions in § 1302.14 of the current Performance Standards reduces duplication with requirements included in the Act. The NPRM proposes to remove § 1302.14(b) related to the children eligible for services under IDEA, but the Act requires the Secretary to establish policies and procedures to assure that programs fill at least 10 percent of their actual enrollment slots with children eligible for IDEA (Sec. 640(d)(1)). As such, prior to a final rule taking effect, programs should expect guidance around the 10 percent enrollment requirement.

The NPRM also proposes to remove § 1302.14(c) related to waiting lists, but this base requirement does not change as the Act requires that programs maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations (Sec. 642(g)). As noted, recipients are required to abide by Federal and state laws that apply to the selection and enrollment of participants in Federally-funded programs.

Recruitment of Children

This NPRM proposes to remove § 1302.13 of the current Performance Standards, which addresses the recruitment of children, to avoid duplication with requirements in the Act and to allow programs more flexibility in how they recruit children and families to participate in Head Start programs. If the proposed changes are finalized, decisions on how best to engage eligible children and families would be at the discretion of local programs. Programs can continue to use the current practices when recruiting children and families and would be compliant with requirements if they do, but programs will no longer be required.

However, the Act includes several provisions that establish recruitment-related requirements and responsibilities, and programs will need to comply with these requirements even if the proposed changes are finalized. First, as noted in the discussion of current § 1302.12: Selection process, the Act requires the governing body to establish procedures and criteria for recruitment, selection, and enrollment of children (Sec. 642(c)(1)(E)(iv)(II)). Second, the Act states that programs should be permitted to recruit and accept applications for enrollment throughout the year (Sec. 645(c)). Lastly, in clarifying expectations related to full enrollment, the Act requires that a program enroll 100 percent of its funded enrollment and maintain an active waiting list at all times with ongoing outreach to the community and activities to identify underserved populations (Sec. 642(g)). The Act is clear that it is the responsibility of the governing body to establish selection criteria, that programs can recruit and accept children for enrollment throughout the year, and that programs must have ongoing outreach to the community, but the proposed removal of the requirements in current § 1302.13 gives programs more discretion in how they meet the requirements in the Act.

Suspension and Expulsion

This NPRM proposes to remove § 1302.17 of the current Performance Standards, which outlines the limitations on suspension and the prohibition on expulsion. The Act requires that Early Head Start programs ensure that children with documented behavioral problems, including problems related to prior or existing trauma, receive appropriate screening and referral (Sec. 645A(b)(6)), thus programs serving infants and toddlers must comply with this statutory requirement. The removal of these regulatory requirements would apply to both Head Start Preschool and Early Head Start programs and would allow them to determine their own disciplinary policies within the context of state and local licensing requirements.

The rationale for ACF's proposed removal of these requirements is twofold. First, when ACF included these requirements limiting suspension and prohibiting expulsion in its 2016 final rule revising the Performance Standards, many state child care licensing regulations either did not address suspension and expulsion explicitly or addressed them only indirectly through discipline policies. The landscape has changed, and a growing number of states have incorporated suspension and expulsion requirements directly into licensing regulations, quality standards, or state law. Second, the proposed removal of these Federal requirements restores state and local authority in recognition that effective Head Start programs can and do operate under varying approaches based on state and local contexts. These proposed changes are not an endorsement of suspension and expulsion as approaches to address persistent and serious behavioral concerns; rather, the intent is to allow programs to determine their own discipline policies, within the context of state and local licensing requirements. Recipients are reminded that they will continue to be required to comply with all applicable state and local requirements that have a bearing on suspension and expulsion.

Fees

This NPRM proposes to remove § 1302.18 of the current Performance Standards, which outlines the policy on fees, because it is duplicative of requirements in the Act. Section 645(b) of the Act, which aligns with § 1302.18, prohibits the Secretary from prescribing any fee schedule or otherwise provide for the charging of any fees for participation in Head Start programs. The Act notes that this prohibition does not prevent (1) families who participate in Head Start programs and who are willing and able to pay the full cost of participation from doing so, and (2) programs that provide full-working-day services in collaboration with other agencies from collecting a family co-payment to support extended day services, as long as the co-payment does not exceed the copayment charged to families with similar incomes and circumstances.

Education and the Learning Environment

The proposed regulations on education and the learning environment reflect ACF's commitment to providing flexibility to Head Start programs in how they implement services in the classroom context. The proposed regulations address teaching and learning environment (proposed § 1301.04), group size and ratio (proposed § 1301.05), and parent and engagement in education and child development services (proposed § 1301.06).

Teaching and Learning Environment

The proposed regulations for Teaching and learning environment (§ 1301.04) address requirements pertaining to language, nutrition and physical activity.

Language

The proposed regulation regarding language in § 1301.04(a) will require programs to conduct all education to children in English. Further, § 1301.04(a)(1) specifies that if a child's native language is not English, and the child does not speak English, a program must prioritize teaching English to the child. Under the proposed regulations in § 1301.17(d), an Indian Head Start agency will not be subject to § 1301.04(a) so long as the language being spoken relates to the furtherance of tribal heritage.

If finalized, these proposed changes would represent a shift from current Head Start regulations which require programs to support bilingualism, including both English and the home language for children who are dual language learners (see current § 1302.31(b)(2)) as the current requirements are at odds with E.O. 14224, *Designating English as the Official Language of the United States.* As discussed in the E.O., learning English opens doors economically for families and helps individuals better engage with their communities. The changes proposed in this NPRM help achieve these goals as a key part of a young child's education.

The Act includes several requirements aimed at supporting children and families with limited English proficiency (LEP), a term defined in the Act under Sec. 637 which includes children whose native language is not English or who come from an environment where another language affects English proficiency, and whose English difficulties may deny them success in an English-instruction classroom or full participation in society. Under Sec. 641A(a)(1)(B)(x), the Act requires the Secretary to modify, as necessary, standards for LEP children that must include progress toward the acquisition of the English language while also making meaningful progress in the broader domains (language, literacy, math, etc.). The Act requires programs to ensure that assessments are valid, reliable, and appropriately administered for LEP children, with necessary accommodations (Sec. 641A(b)(2)), provide outreach and information to parents of LEP children in a language they can understand, to the extent practicable, and establish procedures to identify LEP children and inform parents about instructional services, including English acquisition (Sec. 642(11) and Sec. 642(f)(10)), and build workforce capacity through training and technical assistance. In addition, the Act requires all recipients to establish goals and measurable objectives for educational services (Sec. 642(f)(9)).

In summary, if these proposed regulations are finalized, programs would be required to conduct all education to children in English (except for Tribal programs, so long as the language being spoken relates to the furtherance of Tribal heritage). However, Head Start programs will continue to be required to continue to comply with all language requirements, for LEP children and their parents, as detailed in the Act. In addition to alignment with E.O. 14224, these proposed changes would minimize non-essential multilingual services and redirect resources toward English-language education and assimilation.

Nutrition

The proposed regulation regarding nutrition in section § 1301.04(b) requires snack and meal times to be structured and used as learning opportunities that support teaching staff-child interactions and foster communication and conversations that contribute to a child's learning, development, and socialization. Additionally, the proposed regulation encourages programs to meet this requirement with family style meals when developmentally appropriate. These proposed nutrition regulations under the teaching and learning environment align to current § 1302.31(e)(2) and clarify and elevate key aspects of nutrition services and how they strengthen and reinforce education services. This emphasizes ACF's commitment to the Make America Healthy Again (MAHA) agenda through Head Start program services and places a spotlight on the role nutrition plays in promoting children's growth, development, and lifelong healthy habits.

In summary, if the proposed regulations are finalized, programs would continue to be required to use snack and meal times as learning opportunities that support teaching staff-child interactions and foster communication and conversations that contribute to a child's learning, development, and socialization. Additionally, the proposed regulation continues to encourage programs to meet this requirement with family style meals when developmentally appropriate.

Physical Activity

The proposed regulation regarding physical activity in section § 1301.04(c) requires programs to recognize physical activity as important to learning and integrate intentional movement and physical activity into curricular activities and daily routines in ways that support health and learning. A program must provide a minimum of 30 minutes of physical activity for every three and a half hours that t the child participates in the program. The proposed regulation also states that, weather permitting, the activity should take place outside. While the proposed policy aligns with existing requirements to "integrate intentional movement and physical activity into curricular activities and daily routines" it goes a step further by setting a minimum baseline for the duration that such activity must take place. Programs that exceed this baseline would still be within compliance with these proposed requirements.

For infants, physical activity may include a range of developmentally appropriate movements beyond prone positioning, such as supervised floor play and interactive movement. While "tummy time" is an important component of development, it is typically recommended in shorter intervals and does not represent the full scope of physical activity for infants. The proposed changes emphasize the importance of physical activity in young children's healthy development. Higher amounts of physical activity are associated with better indicators of bone health and reduced risk for excessive increases in weight in children 3 to 6 years of age.[1] Regular physical activity is crucial for physical, metabolic, and mental health, as well as for the proper development of the musculoskeletal system in children.[2] The proposed policy would ensure children receive a baseline amount of physical activity while attending Head Start programs.

Group Size and Ratio

The proposed regulations for group size and ratio (§ 1301.05) would require Head Start programs to establish and publish both a maximum group size and a ratio of children to staff that is consistent with applicable state and local laws and Child Care and Development Fund regulations. The published group size and ratio must be in a location and format visible to parents. Research indicates that staff-child ratios in early care and education settings demonstrates that state child care licensing regulations provide adequate supervision to protect children's health and safety while supporting normal developmental progress. Research has found few, if any consistent or statistically significant associations between child-staff ratios (within the ranges permitted under state licensing standards) and children's cognitive, language, or social emotional outcomes.[3] Therefore, the proposed regulations would replace Federally mandated staff-to-child ratios and group-size limits with state-established minimum standards that programs have the flexibility to either follow or remain more stringent.

Group size and ratio requirements are currently established only in regulation. The Performance Standards establish different group size and teacher-child ratio requirements for center-based Head Start Preschool (current § 1302.21(b)(3) and (b)(4)), center-based Early Head Start (current § 1302.21(b)(2)), and family child care (current § 1302.23(b)). Ratios and group sizes are currently differentiated within program option type depending on the age of children served.

Because the Act does not prescribe specific group size or staff-to-child ratios, the proposed regulations would effectively rescind the current requirements in the Performance Standards, and Head Start programs would no longer be required to adhere to these requirements. Rather, they would be required to maintain a group size and a ratio of children to staff that is consistent with applicable state and local licensing laws and Child Care and Development Fund regulations.

Currently, the Head Start ratio requirements are more restrictive than any state in the nation for three of the four categories of ratio requirements specified in the current performance standards, and in the remaining category, the ratio is more restrictive than every state other than Vermont and Massachusetts. Requirements are similarly more restrictive for group size, where the current Head Start regulations are more restrictive than every state in the nation for three of the four specified group size categories. The remaining category has a more stringent requirement for group size than every state other than Vermont. Thus, programs in all 50 states would be given the opportunity to serve more children if the program chose to do so, but programs would still have the right to remain at the current thresholds.

Additionally, programs would be required to publish the group size and ratio in a location and format visible to parents. Collectively, these proposed changes would allow programs to defer to state licensing laws for group size and ratios. This proposed change allows programs to align with the state and local requirements on ratios and groups

[1] Pate, R. R., Hillman, C. H., Janz, K. F., Katzmarzyk, P. T., Powell, K. E., Torres, A., & Whitt-Glover, M. C. (2019). *Physical activity and health in children younger than 6 years: A systematic review.* Medicine & Science in Sports & Exercise, 51(6), 1282–1291. *https://doi.org/10.1249/MSS.0000000000001940.*

[2] Veldman, S. L. C., Chin A Paw, M. J. M., & Altenburg, T. M. (2021). *Physical activity and prospective associations with indicators of health and development in children aged <5 years: A systematic review. International Journal of Behavioral Nutrition and Physical Activity, 18,* Article 6. *https://doi.org/10.1186/s12966-020-01072-w.*

[3] Perlman, M., Fletcher, B., Falenchuk, O., Brunsek, A., McMullen, E., & Shah, P. S. (2017). Child-staff ratios in early childhood education and care settings and child outcomes: A systematic review and meta-analysis. *PLoS One,* 12(1).

sizes that are best for their communities. Public posting of this information would support transparency for parents in their selection of the best early education arrangement for their child.

HHS acknowledges that the current ratio and group size requirements were adopted to promote child safety, support effective supervision and teacher-child interactions, and foster high-quality early learning environments. HHS continues to recognize the importance of these objectives and the research supporting them. However, the specific numerical thresholds currently prescribed in the Performance Standards were established decades ago based on the research and policy considerations available at that time. Since then, state early childhood systems have evolved significantly, including through more robust licensing and oversight requirements.

HHS has therefore reconsidered whether a single set of Federally prescribed ratio and group size thresholds is necessary to achieve these objectives in all program settings across the country. While HHS continues to recognize the benefits associated with smaller group sizes and lower staff-child ratios, HHS has determined that a single Federally mandated approach may unnecessarily limit program capacity and local flexibility. HHS notes that the current requirements are more restrictive than those applicable in nearly all state early childhood systems, and programs remain subject to applicable state and local requirements.

This proposal is also consistent with prior efforts to simplify requirements and provide greater flexibility to programs. In ACF's 2015 NPRM and 2016 final rule on Head Start, HHS retained the existing ratio and group size thresholds while modifying related requirements to simplify implementation and increase flexibility. HHS believes this proposal continues that approach by allowing programs to make staffing and classroom organization decisions based on local needs and circumstances while maintaining responsibility for providing safe, high-quality services.

Parent and Family Engagement in Education and Child Development Services

Proposed § 1301.06(a) would require center-based and family child care programs to structure education and child development services to recognize parents' roles as children's primary teachers and nurturers. This proposed regulation aligns to current § 1302.34(a) and demonstrates ACF's commitment to supporting families and ensuring programs prioritize the role of parents in the delivery of their education services. The strong emphasis on engaging parents in the context of the proposed streamlined regulatory framework spotlights the important role parents play in their child's development and growth and the partnership that programs need to forge to honor parents' decision making in regards to their child's education.

Next, proposed § 1301.06(b) would require programs to implement strategies to engage parents and family members in their children's learning and development and support parent-child relationships, including specific strategies for father engagement, and provide educational material and instruction that demonstrates healthy marriage as a positive good. Notably, the proposed regulations would add a new requirement to provide educational material and instruction that demonstrates the value of healthy marriage. This proposed change to current requirements reflects ACF's commitment to supporting strong families as the cornerstone of a healthy society.

The Act authorizes and encourages programs to provide family support and family strengthening services, which can include activities that support healthy relationships and marriage. Under the Act, Head Start programs must provide family and community partnership services designed to support parents in improving family well-being and achieving family goals (Sec. 642(b)). The Act permits programs to offer services that support family stability, including activities related to relationship-building and father involvement. This includes education on marriage and healthy relationships. The Act also emphasizes responsible father engagement and family strengthening as part of comprehensive services to families (Sec. 641(d)(2)(J)(vii)).

In summary, this NPRM promotes healthy marriage as a positive good and emphasizes the critical role of fathers. Under the proposed regulation, Head Start programs would be required to implement strategies to engage parents and family members in their children's learning and development and support parent child relationships, including specific strategies for father engagement, and have increased flexibility to so do. Additionally, if finalized, Head Start programs would newly be required to provide educational material and instruction that demonstrates healthy marriage as a positive good. These proposed changes would empower parents as their children's primary decision-makers and help to show how healthy married households often have better economic and social outcomes for children and adults.

Determining Program Structure

The proposed regulations remove existing limiting regulations regarding program options. As such, given that center-based, family day care (family child care), home-based services and locally-designed program options are outlined or defined in the Act programs will continue to be able to operate under these models with greater flexibility due to the removal of specific regulatory requirements.

The conversion process from Head Start Preschool to Early Head Start is not impacted as the statutory authority for conversion is maintained in the Act (Sec. 645(a)(5)(A)).

Center-Based Service Duration

Under the proposed regulations, the Performance Standards would no longer require programs to adhere to current center-based, Head Start Preschool service duration requirements (current § 1302.21(c)(2)). Instead, programs are still required to abide by the Act which sets a floor whereby the Secretary must allow such programs to align with the hours of service in regulation in 1994, as long as programs do not provide less than 3 hours of service per day and do not reduce the number of service days per week or per year required in 1994 (Sec. 640(k)(1)). When the current service duration requirements were finalized in 2016, ACF recognized that research generally supported the value of longer early education services for children, while also acknowledging that the evidence did not identify a clear threshold or specific combination of hours and days necessary to achieve positive child outcomes. Upon further consideration, ACF believes that prescribing a minimum annual number of service hours is not the most appropriate means of promoting positive outcomes for children. ACF believes that grant recipients, in partnership with their Policy Councils, are better positioned to determine service schedules that reflect the needs of their communities and families. Removing the service duration requirements as proposed in this NPRM will provide greater flexibility to design program schedules that reflect local family and community needs. To the extent that programs choose to reduce duration, ACF acknowledges that families may need to secure alternative child care arrangements, which could impose additional financial costs or lost work time for families. However, programs will also have the flexibility to develop operational hours that align with the needs of parents' work schedules, including maintaining their current hours of operation if desired.

Specifically, if the proposed regulations are finalized, the center-based, Head Start service duration requirements from 1994 would remain in place and stipulate that center-based preschool programs that operate four days per week must provide at least 128 days per year of planned class operations. Under the 1994 requirements, Center-based preschool programs that operate five days per week must provide at least 160 days per year of planned class operations. Those programs implementing a combination of four and five days per week must plan to operate between 128 and 160 days per year. All center-based preschool programs must provide a minimum of 32 weeks of scheduled days of class operations over an eight- or nine-month period. Every effort should be made to schedule makeup classes using existing resources if planned class days fall below the number required per year.

With respect to center-based EHS service duration, the proposed regulations would return to the requirements found in the Act, which specifies that EHS programs must provide ''continuous'' comprehensive child development and family support services (Sec. 645A(b)(1)). Even prior to the establishment of 1,380 hours policy in regulation in 2016, ACF has long interpreted this statutory requirement to mean the provision of full-day, year-round services for infants and toddlers in EHS programs. This interpretation better supports working parents, children, and families as a whole, aligning with Head Start's core mission of fostering healthy child development, strengthening the family unit and helping families rise out of poverty into sustained economic self-sufficiency. Under these proposed regulations, recipients would still have to comply with the requirement for continuous EHS service duration and any other applicable state and local requirements.

Center-Based Licensing and Facility Square Footage

Under the proposed regulations, the Performance Standards would no longer establish Head Start specific square footage and space arrangement requirements (see current § 1302.21(d)(2) and (3)). These requirements are not specified in the Act. Therefore, these changes, if finalized, would reduce administrative burden and increase program flexibility to determine whether and how to continue these practices. Recipients are reminded that they still will be required to comply with all applicable state and local requirements, including continuing any of these practices if mandated by state or local law or regulations.

Home-Based Option

With the exception of the proposed regulation at § 1301.05(a) already discussed previously, the proposed regulations remove regulatory requirements with respect to how to conduct the home-based program option as currently described in § 1302.22. As in other areas of the proposed regulations, this represents ACF's commitment to reducing regulatory burden and returning control to local programs. Under the proposed rules, hyper specific requirements regarding home visitor caseloads (current § 1302.22(b)), service duration (current § 1302.22(c)), and make-up requirements (current § 1302.22 (c)(3)) would be removed and those determinations will instead be made by local and state decisionmakers.

Furthermore, the proposed rule removes all of the Federal regulations found at § 1302.35 regarding home—based program design, instructional activities for home visits, curriculum, staff support, adapting curriculum, and group socialization structure. As the Act does not specify these requirements, the removal of these regulations would give programs greater flexibility in implementation.

Family Child Care Option

With the exception of the proposed regulation at § 1301.05(a) already discussed previously, the proposed regulations remove other requirements regarding the family child care program option as currently described in § 1302.23. The Act does recognize and define the program option ''Head Start family day care'' as ''Head Start services provided in a private residence other than the residence of the child receiving such services'' (Sec. 637). Therefore, Head Start recipients would still be authorized to provide services through the family child care program option; this is not a change from current policy.

Under the proposed rule family child care homes would still be required to accommodate children and families with disabilities (proposed § 1301.10 and current § 1302.23(a)(2)), as required by applicable Federal and state statutes and regulations regarding providing services for children with disabilities. Additionally, under the proposed rule, programs operating the family child care option would not be required to adhere to service duration requirements that specify a minimum of at least 1,380 hours of operations per year (current § 1302.23(c)) or have a child development specialist (current § 1302.23(e)). The requirement for 1,380 hours of service duration for family child care was added to the Performance Standards through a 2016 final rule. That final rule noted that, prior to this requirement being developed, nearly all Head Start family child care providers already provided longer service duration to families. Therefore, ACF believes that this regulation is unnecessary, as it is clear that family child care providers adapt well to the needs of working families without an overly prescriptive regulatory requirement. This NPRM will provide family child care programs the flexibility they need to design schedules that reflect local family and community needs, and ACF anticipates that many will choose to continue to offer longer hours of operation. If programs do choose to reduce duration, ACF acknowledges that families may need to secure alternative child care arrangements or may miss work time. However, programs will have the flexibility to develop operational hours that align with the needs of parents' work schedules, including maintaining their current hours of operation if desired.

Overall, the proposed removal of regulatory requirements under the family child care option aligns with ACF's efforts to reduce prescriptive Federal oversight on local programs and provide more autonomy to local programs to operate as they see fit, within the bounds of Federal and state statutes.

Locally-Designed Program Option Variations

The proposed regulations under § 1301.18(c) related to locally-designed program option variations are discussed in greater detail in the section of this preamble titled, *Program Flexibility.*

Curricula

The proposed regulations do not restate curricula expectations which are currently specified under § 1302.32, as the Act maintains that each Head Start agency must implement a standardized, research-based early childhood curriculum that promotes school readiness in language, literacy, mathematics, science, cognitive, social and emotional development, and physical development, and that is aligned with ongoing assessment, learning goals, and the Head Start Birth to 5 Early Learning Outcomes Framework (Sec. 642(f)(3)). Therefore under these proposed rules, programs would only be required to comply with the applicable curricula requirements as detailed in the Act.

Child Screenings and Assessments

This NPRM proposes to rescind current § 1302.33 Child screenings and assessments to remove duplication with the Act, reduce administrative burden, and restore more flexibility to local Head Start agencies to make decisions on how best to implement screening and assessment practices in their programs.

The Act requires that programs use research-based assessment methods to support the educational instruction and school readiness of children in the program (Sec. 642(f)(5)). The Act includes further specification that assessment methods should be developmentally appropriate, consistent with nationally recognized professional standards, administered by staff with appropriate training for such administration, and high-quality research-based measures (see Sec. 641A(b)(2)).

In addition, the Act requires programs to use research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for the child being assessed, to the maximum extent practicable, and aligned to the Head Start Early Learning Outcomes Framework (Sec. 642(f)(6)). In addition, some requirements related to the referral and support of children who may be or are eligible for services under IDEA still apply (see Services for Children with Disabilities for more details). Based on the requirements included in the Act, under the proposed regulations programs will continue to be required to conduct screenings and assessments for enrolled children.

In summary, under the proposed regulation programs would continue to be responsible for conducting screenings and assessments but will have additional flexibility in how these are implemented as long as they continue to meet the requirements specified in the Act.

Parent and Family Engagement in Education and Child Development Services

The proposed regulation in § 1301.6 would substantially reduce the hyper specificity currently required of programs with respect to parent and family engagement in education and child development services currently found at § 1302.34. This proposed change grants programs the flexibility to engage parents and families in ways that are best suited to individual needs and seeks to strike an appropriate balance between reducing regulatory burden on programs, while still recognizing the critical role of parents as children's first and lifelong educators and nurturers.

Programs will still be required to comply with relevant provisions of the Act. These include the statutory requirement that parents participate in the governance of Head Start programs, including through policy councils responsible for program direction (Sec. 642(c) and (d)), and are involved in the development, conduct, and overall program direction at the local level (Sec. 642(b)). Accordingly, while the proposed rule would remove hyper specific regulations (such as the group size requirement that the number of family members to staff that conduct the family partnership process and work on family, health and community engagement is no more than 40:1(current § 1305.52(d)(2))), core statutory requirements concerning parent involvement and governance under the Act will remain, but with much greater discretion and control on the part of local programs to implement the requirements as they and the families they serve see fit.

Health and Nutrition

The proposed regulatory changes related to Child Health and Nutrition reflect ACF's commitment to supporting the healthy development and nutrition of children served in Head Start programs. The proposed regulations address Child Nutrition (§ 1301.07) and Family Support Services for Health and Nutrition (§ 1301.08). The proposed regulations would require programs to have staff or consultants to support nutrition services, in alignment with current § 1302.91(e)(8)(iii), that promote development and learning and ensure that infants are held during bottle feeding. The proposed changes in this NPRM will would require programs to serve nutrient-dense, whole foods consistent with a healthy and nutritious diet, aligned to the program requirements of the Child and Adult Food Care Program (CACFP) or, where applicable, provide an opportunity for infants to be served breastmilk during the day. Similar to all sections of this NPRM, ACF requests public comment on the proposed changes, including whether any additional, and if so, what, supports programs may require to implement the proposed changes.

In addition, programs would need to collaborate with parents to promote children's health and well-being through nutrition and physical activity support services. Under the proposed regulations, this collaboration would include discussions regarding: the child's nutritional status; the importance of physical activity and healthy eating; the negative health consequences of sugar-sweetened beverages and grain-based desserts; and selecting and preparing nutritious foods within family budgets. This proposed regulation retains the core principles of Head Start to engage families and provide for the health, nutrition and well-being of children and families. Prescriptive requirements pertaining to nutrition are proposed in contrast to the otherwise de-regulatory approach of this NPRM to highlight the importance associated with healthy eating. Other nutrition-related provisions affecting the learning environment and program goals are addressed elsewhere in this preamble (see §§ 1301.04 and 1301.13).

The Act contains additional requirements that programs will continue to be required to comply with under the proposed regulations. The Act requires all recipients to establish goals and measurable objectives for health and nutritional services (Sec. 642(f)(9)). Statute requires programs to conduct screenings (Sec. 642(f)(6)); so, while the proposed regulations would no longer specify that programs must conduct hearing and vision screenings, this requirement will still apply due to statutory requirements. However, programs would have more flexibility on timeline and process for ensuring screenings are completed. Early Head Start programs must coordinate with other state and local entities to ensure a comprehensive array of services, including health and mental health services (Sec. 645A(b)(5)).

In addition, Section 657A of the Act outlines requirements for parental consent for nonemergency intrusive physical examinations. ACF recognizes that USDA's CACFP is an important source of Federal funding to support access to nutritious foods in Head Start programs. Programs must continue to use USDA as a funding source for meals and snacks and programs must comply with applicable regulations regarding nutrition and food safety.

While the Act establishes high-level requirements for these services, the proposed removal of multiple prescriptive requirements, including requirements to maintain a Health and Mental Health Services Advisory Committee, to obtain advance authorization for health, mental health, and developmental procedures, to have monthly mental health consultation, to assist children with daily teeth brushing, to conduct health determinations, to assist families in navigating health systems, and to facilitate access to health care and insurance, would provide recipients more flexibility to design and implement health, nutrition, and mental health services that best meet their communities' needs. Many mental Health regulations were introduced in a 2024 final rule to reinforce that mental health should be integrated into all aspects of the Head Start program, but upon further consideration, ACF believes these requirements were overly prescriptive and limit programs' ability to tailor services to the needs of their communities.

Safety and Transportation Practices

Licensing

This NPRM proposes to streamline safety and transportation requirements in the Performance Standards by removing regulations that duplicate state and local requirements. In proposed § 1301.09(a), programs would be required to be licensed by the state, tribal, or local entity and comply with all Federal and State statutes, and regulations regarding safety and transportation practices for children. If exempt, programs must meet CCDF basic health and safety requirements. While some states narrowly define ''licensing exempt'', for the purposes of this proposed rule, ACF considers all programs that are not required by the state to be licensed ''exempt'', including school-based and tribal programs that do not have an applicable licensing mechanism. Based on administrative data on service locations and licensing, ACF estimates that approximately 26 percent of Head Start service locations are not licensed under state child care licensing requirements. These locations commonly include programs that are license-exempt, operating under public school or local education agency authority; home-based or other non-center-based service models; and sites licensed, permitted, or overseen through another authority or partner rather than through the state child care licensing process. Smaller shares reflect sites that are closed or not yet operational, and locations in the process of obtaining or renewing licensure.

Preventing Lead Exposure

In proposed § 1301.09(b), programs would be required to prevent children from being exposed to lead in the water and paint of Head Start facilities. Research has indicated there are higher than acceptable rates of lead in the water of child care facilities,[4] and exposure to any amount of lead in early childhood is particularly detrimental for development.[5] This proposed requirement is not new for programs; it would replace current § 1302.47(b)(9), while giving programs and states greater flexibility on the specific pathways to prevent children from being exposed to lead.

Reducing Duplication With State and Local Systems

While the proposed rule would remove Federal requirements currently found in § 1302.47 (safety practices) and §§ 1303.70–1303.75 (transportation) because they are duplicative with state and local requirements. The Act requires programs to collaborate on the shared use of transportation and facilities with the Local Education Agency, in appropriate cases (Sec. (642(e)(4)(A)).

Under the proposed rule, programs continue to be required to meet all applicable state and local licensing and regulatory requirements pertaining to safety and transportation. These requirements include, but are not limited to, state transportation laws and vehicle safety standards, local building and fire codes, state child abuse and neglect reporting laws, state and local emergency preparedness requirements, and state requirements for use of child safety restraints in moving vehicles. Licensing exempt and programs that are not required to be licensed such as school-based or Tribal programs must meet CCDF's basic health and safety requirements. These include but are not limited to core safety requirements such as building safety, child protection and emergency preparedness. This proposal would return primary licensing and regulatory authority to states and eliminate regulations where Federal duplication of state and local standards exists.

While the proposed rule would remove overly specific and detailed Federal requirements for transportation services in current Part 1303 Subpart F, such as the requirement to have at least one bus monitor while transporting children, programs would remain permitted and encouraged to offer transportation services under the proposed rule. The proposed rule would also remove overly prescriptive safety requirements related to facilities, equipment and materials, safety training, hygiene practices, administrative safety procedures, and disaster preparedness in current § 1302.47.

Programs must continue to meet applicable state and local licensing and other regulatory standards including USDA food safety standards. Programs may voluntarily continue any practices from the current Performance Standards that support child safety, even if not required by state or local regulation, and programs retain discretion to implement safety practices that exceed minimum state and local requirements. Head Start programs will remain accountable for ensuring the safety of enrolled children. The Act requires the Secretary to monitor programs (Sec. 641A(c)), and HHS retains authority to issue deficiencies when monitoring reveals a systemic or substantial material failure that poses a threat to the health or safety of children or staff (Sec. 637(2)(A)(i)).

Services for Children With Disabilities

The proposed § 1301.10 ''Services for children with disabilities'' would require programs to comply with all applicable Federal and state statutes and regulations regarding providing services for children with disabilities. This Section is proposed to replace Part 1302 Subpart F of the current Performance Standards. This proposal is intended to reduce duplication of regulations while still maintaining the protection required for children with disabilities in statute.

Additionally, the Act has multiple requirements that pertain to services with children with disabilities that will still apply to programs. The Act requires Head Start programs to establish effective procedures for timely referral of children with disabilities to the State or local agency providing services under IDEA and collaborate with that agency (Sec. 642(b)(14)). It also requires that programs establish effective procedures for providing necessary early intervening services to children with disabilities prior to an eligibility determination by the State or local agency responsible for providing services (Sec. 642(b)(15)). The Act also requires Head Start agencies to coordinate with the local education agency and programs offering services under Part C of IDEA and Early Head Start programs must ensure formal linkages with providers of early intervention services for infants and

[4] Triantafyllidou, S., Gallagher, D., & Edwards, M. (2020). Assessing risk and mitigation options for lead in drinking water in U.S. child care facilities. Environmental Research, 181, 108907; Redmon, J. H., et al. (2022). *Lead levels in tap water at licensed North Carolina child care facilities, 2020–2021.*

[5] Centers for Disease Control and Prevention (CDC). (2024). Lead exposure and health effects in children; Wehby, G. L. (2025). *Early-life low lead levels and academic achievement in childhood and adolescence.;* Lanphear, B. P., Hornung, R., Khoury, J., et al. (2005). *Low-level environmental lead exposure and children's intellectual function: An international pooled analysis.*

toddlers with disabilities (Sec. 642(e)(3)). Lastly, the Act specifies that programs must work with schools to support children's entry into Kindergarten and to facilitate and seek the involvement of parents of participating children in activities designed to help such parents become full partners in the education of their children—these requirements are not specific to children with disabilities but apply to them and all other children enrolled in the program (Sec. 642)(b)).

Furthermore, the Act requires the Secretary to establish policies and procedures that will ensure recipients provide early support services (educational and behavioral) to children who may have disabilities, *before* a formal IDEA eligibility determination is made and promptly refer children to the appropriate state or local IDEA agency and collaborate to coordinate services for children with special needs (Sec. 640(d)). While these requirements are no longer specified in the proposed regulations, if this proposed rule becomes final, the Secretary would issue policies and procedures to ensure these requirements are met.

Under proposed § 1301.10 programs would continue to be held to all Federal and state requirements to support children with disabilities and the core requirements of those services do not change under the proposed regulations. That said, the proposed changes would provide programs with additional flexibility to carry out these requirements. For example, the Act requires programs to help parents become full partners in the education of their children and create linkages to other agencies, the program will have flexibility with these proposed changes to do that in a way that best meets the needs of enrolled families as long as they are compliant with all other state and Federal laws and regulations.

Family Engagement and Program Transitions

Family Engagement

The proposed rule includes requirements for family engagement as they pertain to education services (proposed § 1301.06) and health and nutrition (proposed § 1301.08). These proposed regulations are discussed in more detail in Education and the Learning Environment and Health and Nutrition, respectively.

In addition, this NPRM proposes to rescind current 1302 Subpart E—Family and Community Engagement Program Services to reduce duplication with the Act and increase program flexibility. The Act establishes as a central obligation for Head Start agencies that they actively involve families and members of the community in the life of the program. To meet this requirement, Head Start programs must actively engage parents and community members as meaningful partners in shaping and carrying out the program, ensuring they have a direct role in decisions and program design (Sec. 642(b)(1–2)). Programs are expected to establish strong, accessible processes that support parents as full participants in their children's education, including offering transportation when appropriate (Sec. 642(b)(3)). They must provide family-focused supports such as literacy services, parenting education, and substance abuse counseling, and conduct individualized family needs assessments in clear, understandable language. Programs are also required to conduct community outreach to attract new volunteers, ensure information is accessible to offer family literacy services and parenting skills training families (Sec. 642(b)(4–5)). The Act also requires programs to provide a family needs assessment (Sec. 642(b)(7)) and support to help parents secure assistance from public and private sources (Sec. 642(b)(12)).

Per the Act, Head Start agencies may also provide additional supports to parents, including training in basic child development, assistance in developing literacy and communication skills, opportunities for parents to share experiences with other parents, health services information, including maternal depression, regular in-home visitation, and other activities designed to help parents become full partners in their children's education (Sec. 642(b)(6)).

Under this NPRM many of the requirements in current 1302 Subpart E would still apply either through the proposed regulations or because they are required by the Act as summarized above. Other hyper specific requirements are proposed for removal and would no longer be Federal Head Start requirements which would increase program flexibility to better meet the needs specific to the families that are being served.

While the Act requires family needs assessments (Sec. 642(b)(7)) the specific requirements in current regulation would no longer apply (current § 1302.52) and programs would have flexibility to implement family needs assessments in ways that best meet the needs of their community. Overall, these changes seek to reduce duplication between program regulations and the Act and increase program flexibility.

Community Engagement

This NPRM proposes to rescind current 1302 Subpart E—Family and Community Engagement Program Services to reduce duplication with the Act and increase program flexibility.

The Act requires Head Start programs to actively collaborate and coordinate with public and private organizations in its community to improve the availability and quality of services for children and families (see Sec. 642(e)). This means working closely with the local schools, which children will attend after Head Start, school districts, businesses, community-based and faith-based organizations, museums, and libraries to build community support and strengthen school readiness efforts. In communities where both Head Start and public prekindergarten programs operate, the agencies must coordinate their activities. This includes working together to identify eligible children and align services. Head Start agencies must also coordinate with a range of other programs that serve young children and families, such as child care assistance programs, child welfare and foster care services, programs serving children experiencing homelessness, family literacy initiatives, and early intervention and special education services. In addition, per the Act, Head Start programs must take steps to work with local educational agencies and schools to share transportation and facilities when appropriate, reduce duplication of services, improve efficiency, expand access for underserved children, and exchange information about noneducational services such as health and social supports (see Sec. 642(e)). Finally, the Act requires Head Start agencies to enter into a written memorandum of understanding with the local entities responsible for managing publicly funded preschool programs in their service area, if one exists (see Sec. 642(e)).

While this NPRM proposes to rescind the regulations on Community Engagement (current § 1302.53), the majority of these requirements would continue to apply through the requirements specified in the Act, including coordinating and collaborating with public and private entities (*e.g.,* schools, other early childhood programs, health, mental health, child welfare) to improve the availability and quality of services to Head Start children and families (Sec. 642(e)). In proposing to rescind the regulations at current § 1302.53, this NPRM removes prescriptive guidance for how programs should operationalize their coordination and collaboration, including that programs should participate in state Quality Rating and Improvement Systems (QRIS).

With respect to QRIS specifically, while there is some evidence that participation in QRIS leads to increases in quality ratings particularly based on indicators or structural quality.[6] Other academic research [7 8] has generally found weak or inconsistent association between QRIS ratings and children's developmental outcomes. Overall, there is not clear evidence that the QRIS infrastructure and strategies developed by states have had a meaningful impact on driving quality that produces child outcomes. Under the proposed regulations, programs would retain the flexibility to participate in their State or local QRIS and share relevant data with state systems, as long as doing so does not violate any state or Federal statutes or regulations, but the regulations would no longer tell programs they should participate. These proposed changes to regulations on Community Engagement greatly reduce duplication between the regulations and the Act and restore needed flexibility to programs to make determinations on how to coordinate with state partners and systems.

Program Transition Supports

This NPRM proposes to rescind current 1302 Subpart G—Transition Services from the Performance Standards and does not propose new regulations on the topic of transition services. However, the Act includes several requirements for supporting families in transitions that will still apply to programs that ACF will hold programs accountable to through monitoring.

The Act directs Head Start agencies to take specific actions to promote continuity of services and effective movement of children from Head Start into elementary school settings (see Sec. 642A). Each Head Start agency must take steps to enable children to maintain the developmental and educational gains achieved in Head Start and to build upon those gains in further schooling by coordinating with the local educational agency. Agencies are required to establish ongoing communication channels between Head Start staff and their counterparts in the schools and promote the continued involvement of parents in their children's education as children transition to elementary school. Agencies must help prepare parents to be involved with schools, school personnel, and school-related organizations.

The Act also requires programs to coordinate and collaborate with other entities providing early childhood education (Sec. 642(e)(3)). This collaboration should, among other things, be used to support the transition of children between early childhood programs; however, the Act does not specify requirements of what this process looks like, which gives programs the opportunity to choose how best to structure these transition practices. In addition, section 645A requires Early Head Start programs to develop and implement a systematic procedure for transitioning children and parents from an Early Head Start program to a Head Start program or other local early childhood education and development program.

In summary, this NPRM proposes to remove regulations on transition services that are largely duplicative of requirements outlined in the Act. The Act includes specific, detailed requirements about supporting families transitioning to kindergarten. The requirements in the Act regarding supporting children transitioning from Early Head Start to Head Start and from Head Start to other early childhood programs are less restrictive than the requirements in the current regulations which give programs more flexibility and reduces administrative burden.

Services for Pregnant Women

This NPRM proposes to streamline requirements for providing services to pregnant women to reduce administrative burden, while still ensuring programs provide important support to pregnant and postpartum women. Under the proposed § 1301.11, programs would continue to be required to provide newborn visits and offer comprehensive supports through referrals that at a minimum includes nutritional counseling and food assistance. In addition, the proposed rule maintains the current requirement to provide 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.

The Act requires recipients to provide for family involvement, including conducting an individualized needs assessment for each participating family (see Sec. 642(b)). This is inclusive of enrolled pregnant women so under the proposed regulation, this requirement will still apply. While the proposed removal of current § 1302.82 removes some specific Federal requirements around this process for pregnant women, the overarching requirements from the Act will remain.

For example, while newborn visits will continue to be required, the NPRM proposes to no longer require programs to schedule the newborn visit within two weeks of birth. This proposed change provides much needed flexibility to programs to determine when to schedule the newborn visit with families.

The NPRM proposes to remove requirements to reduce administrative burden, including the requirement that programs conduct health care determinations and facilitate access to health insurance for pregnant women, to provide services that help reduce barriers to healthy maternal and birthing outcomes, and to track all services provided to enrolled pregnant women. Several of these requirements were introduced in a 2024 final rule in an effort to address maternal health-related challenges and infant health needs during the early postpartum period. Upon further consideration, ACF no longer believes that Federally prescribed requirements regarding services to enrolled pregnant women are necessary to achieve the goals of the Early Head Start program and impose administrative burdens on grant recipients. While these requirements are proposed to be removed, if finalized, programs would not be prevented from providing currently specified services to pregnant women, but would no longer be required to do so by Federal regulations.

This proposed rule also removes a requirement in current § 1302.80(f) that programs provide services that help reduce barriers to healthy maternal and birthing outcomes for each family, including services that address disparities across racial and ethnic group in alignment with E.O. 14151 *Ending Radical And Wasteful*

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[6] Gomez, C. J., Whitaker, A. A., & Cannon, J. S. (2023). Do early care and education programs improve when enrolled in quality rating and improvement systems? Longitudinal evidence from one system. *Early Education and Development, 34*(5), 1236–1253. *https://doi.org/10.1080/10409289.2022.2105624.*

[7] Markowitz, A. J., Bassok, D., & Player, D. (2020). Simplifying quality rating systems in early childhood education. *Children and Youth Services Review, 112,* 104947. *https://doi.org/10.1016/j.childyouth.2020.104947.*

[8] Hong, S. L. S., Howes, C., Marcella, J., Zucker, E., & Huang, Y. (2015). Quality rating and improvement systems: Validation of a local implementation in LA County and children's school-readiness. *Early Childhood Research Quarterly, 30*(Part B), 227–240. *https://doi.org/10.1016/j.ecresq.2014.05.001.*

Government DEI Programs And Preferencing. The proposed removal of this requirement is responsive to feedback from programs after the release of the 2024 final rule that addressing disparities in birth outcomes is beyond the scope of what programs can reasonably be expected to do.

Management Systems and Administrative Costs

The proposed regulatory changes on Management Systems and Administrative Costs reflect ACF's commitment to fiscal stewardship, federalism, and regulatory streamlining. Consistent with the principles of restoring authority to state and local programs and reducing unnecessary regulatory burden, these proposed regulations address Personnel and Records Policies (proposed § 1301.12), Program Goals, Continuous Improvement and Reporting (proposed § 1301.13), and Limitations on Administrative Costs (proposed § 1301.14).

Personnel and Records Policies

The proposed regulation at § 1302.12(a) on personnel policies would continue to require programs to comply with all Federal and state statutes and regulations regarding staff, contractor, and volunteer background checks, including work authorization, staff standards of conduct, and other affiliated human resource requirements. In proposed § 1302.12(b) programs would be required to establish policies, protections, and rights equivalent to those in FERPA, 20 U.S.C. 1232g, for the confidentiality of any personally identifiable information (PII) in child records.

Finally the proposed regulation also introduces a new requirement in § 1301.12(c) related to staff hiring considerations. Under this provision, programs may not require or incentivize the attainment of postsecondary education credits, hours, or credentials unless they can demonstrate that such educational attainment is necessary for the position based on specified skills that can only be acquired through a particular postsecondary education pathway. Programs must also provide explicit alternatives for demonstrating required skills, including assessments, industry-recognized credentials, or relevant work experience, rather than relying solely on postsecondary educational attainment. This requirement is intended to promote skills-based hiring practices, expand access to employment opportunities for individuals without traditional postsecondary credentials, and help ensure that education requirements are directly tied to the competencies needed to perform the job.

The proposed changes streamline requirements currently found in 1302 Subpart I—Human Resources Management by eliminating prescriptive regulations not mandated by statute (*e.g.,* staffing requirements for dual language learners and volunteer requirements) and removing duplicative requirements found in the Act and other regulations (*e.g.,* establishing personnel policies and standards of conduct). Programs will still be required to comply with the Act and all other applicable Federal and state statutes. In addition to retaining these statutory protections, the proposed revisions remove certain regulatory provisions that exceed or duplicate those requirements, as described below. This NPRM does not address the removal from the Performance Standards of all the wages and benefits requirements in current § 1302.90(e) and (f) because they have been proposed for removal by ACF in a separate NPRM, *Restoring Flexibility to Support Head Start Program Access,* which was published in the **Federal Register** for a 30-day public comment period on May 12, 2026. ACF is considering public comments on the proposed rescission of the wages and benefits requirements from that NPRM and will address them in a final rule.

Child Safety and Background Checks

The proposed regulations remove restrictive Federal process mandates and provide programs greater flexibility in developing personnel policies and standards of conduct that reflect local community needs. However, statutory requirements related to staff accountability and background checks will remain in effect. As described in the Act, programs must adopt rules that ensure full staff accountability in matters governed by law, regulation, or agency policy (Sec. 644(a)(1)). Programs must also continue to conduct interviews, verify references, and obtain required State, tribal, or Federal criminal record checks before hiring staff (Sec. 648A(g)). In addition, programs remain subject to applicable state requirements aligned with the Child Care and Development Block Grant Act of 2014, including criminal background check requirements for all child care staff members.

The proposed revisions would eliminate existing prescriptive regulatory requirements, including those related to performing background checks. Many of these regulatory requirements related to background checks, such as requiring programs to conduct subsequent background checks every five years following the initial background check, were introduced in a 2016 final rule to highlight the importance of protecting child safety and to complement the background check requirements in the Child Care and Development Block Grant Act of 2014. Although ACF continues to regard child safety as a paramount responsibility, upon further consideration, these highly prescriptive Federal requirements impose unnecessary administrative burden on grant recipients, create duplicative screening requirements, and reduce local flexibility in personnel practices. However, programs would continue to be required to comply with all other applicable Federal, State, Tribal, and local laws governing criminal background screening.

Staff Qualifications and Professional Development

Under the proposed regulations, the Performance Standards would no longer contain any specific requirements for staff qualifications and professional development beyond those expressly required by statute. The Act requires programs to meet qualification requirements for specified staff positions, including those for education managers, education coordinators, mentor teachers, curriculum specialists, Head Start Preschool center-based teachers and assistant teachers, and Early Head Start center-based teachers (see Sec. 648A(a) and 645A(h)). All other staff qualification requirements that expand beyond statutory language currently found at § 1302.91 (*e.g.,* Head Start director, Family Child Care provider, coaches, family service staff, and health professional qualification requirements) would be removed under the proposed regulations.

In a 2016 final rule, ACF introduced several additional staff qualification requirements beyond those expressly required by statute, in an effort to increase staff quality. However, at the time, ACF acknowledged that the available research did not support the need for specific degree requirements for certain positions. In general, education requirements of classroom staff are not strongly related to quality or child outcomes; research finds that increased qualifications do not consistently correlate to better child outcomes.[9] There is not significant or

[9] Yang, X., Abdul Rahman, M.N., & Sun, Y. (2025). The impact of teachers' qualifications on development outcomes in early childhood: a

Continued

meaningful research on educational requirements of other staff roles and their relationship to quality or child outcomes. Upon further consideration, ACF believes that these non-statutory qualification requirements unnecessarily restrict grant recipients' ability to recruit and retain qualified staff and may limit programs' ability to respond to local workforce conditions and community needs. ACF now believes that, for positions not subject to qualification requirements in statute, grant recipients are better positioned to determine the combination of education, training, experience, competencies, and other qualifications necessary for effective service delivery. Removing these requirements will reduce barriers to hiring, expand the pool of qualified candidates, and provide important flexibilities for programs to determine the needed qualifications for staff positions and return qualifications to what Congress authorized in the Act.

Programs must continue to meet statutory requirements related to professional development for staff. This includes creating and regularly evaluating professional development plans for all full-time Head Start employees who provide direct services to children (Sec. 648A(f)). Programs must also continue to ensure each classroom teacher completes at least 15 clock hours of professional development annually (Sec. 648A(a)(5)). The Act continues to require Mentor Teachers (648A(b)) which align to coaching requirements. Programs also remain required under statute to establish plans to assist limited English proficient children in making progress toward English language acquisition and toward attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B) (Sec. 641(d)(K)).

In alignment with E.O. 14151 *Ending Radical And Wasteful Government DEI Programs And Preferencing,* the proposed revisions also eliminate prescriptive regulatory requirements that require staff, consultants, or contractors demonstrate familiarity with the ethnic backgrounds and heritages of families served; and require at least one classroom staff member or home visitor to speak the non-English language spoken by a majority of children in a class or program.

Confidentiality and Records Protections

Under the proposed regulation, current 1303 Subpart C—Protections for the Privacy of Child Records would be replaced with proposed § 1301.12(b), which would require that a program establish policies, protections, and rights equivalent to those in FERPA, 20 U.S.C. 1232g, for the confidentiality of any personally identifiable information (PII) in child records. This will give programs the flexibility to establish their own policies and procedures provided that they are equivalent to FERPA.

Furthermore, the Act requires programs to protect personally identifiable information in child records through policies, protections, and rights equivalent to those provided to parents under the Family Educational Rights and Privacy Act (FERPA) (Sec. 641A(b)(4)(A)). Accordingly, under the proposed regulation, programs would be afforded flexibility to establish their own confidentiality policies and procedures, provided those policies are equivalent to FERPA. Programs must also continue to comply with confidentiality provisions under Part B or Part C of IDEA to protect personally identifiable information in records of children who are referred to, or found eligible for, services under IDEA.

Staff Health and Wellness

The proposed revisions remove prescriptive regulatory requirements concerning staff health and wellness that are not expressly required by statute. Requirements proposed for removal include staff breaks, staff health exams, and provision of mental health information to staff; programs will now have increased flexibility in these areas. In addition to the Act requirements, programs remain required to comply with the Americans with Disabilities Act, section 504 of the Rehabilitation Act, and all other applicable Federal, state, and local laws and regulations related to staff health and wellness.

Program Goals, Continuous Improvement, and Reporting

The proposed regulations on program goals, continuous improvement, and reporting (§ 1301.13) promote child safety and the delivery of effective, high-quality program services. The proposed regulations would continue to require programs to establish goals and measurable outcomes, including provision of evidence-based education, health, nutritional, and family engagement services to further promote the school readiness of enrolled children. The proposed regulations specify that educational services must be evidence-based, reflecting the importance of using proven practices to improve child outcomes. Programs will continue to be required to conduct a self-assessment of their progress towards meeting such goals and submit the findings to ACF (as required by current § 1302.102). In addition, the proposed regulation would continue requiring programs to report any incident regarding circumstances affecting the financial viability of the program, breaches of personally identifiable information, or program involvement in legal proceedings, or any matter for which notification or a report to State, Tribal, or local authorities is required by applicable law. The proposed regulations maintain the requirement to submit to HHS any significant incident that affects the health and safety of a child that occurs in the setting where head start services are provided immediately, but no later than, seven calendar days following the incident.

The proposed changes would streamline requirements currently found in 1302 Subpart J—Program Management and Quality Improvement by removing duplicative requirements found in the Act and other regulations. Although these requirements are not explicitly restated in the proposed regulation, programs are required to comply with the Act and all other applicable Federal and state statutes. The statutory and other legal requirements summarized below will continue to apply.

Consistent with the Act, programs are required to establish school readiness goals that are aligned with the Head Start Child Outcomes Framework: Ages Birth to Five, state and tribal early learning standards, as appropriate, and the requirements and expectations of the schools Head Start children will attend (Sec. 641A(g)(2)(A)). Programs will also still be required to establish and implement a system of ongoing oversight to ensure the effective implementation of the Performance Standards, including child safety, and compliance with other applicable Federal regulations (Sec. 641A(g)(3)).

In addition, programs will still be required to annually publish and disseminate a report in accordance with section 644(a)(2) of the Act. If applicable, programs must submit a quality improvement plan as required under section 641A(e)(2) of the Act.

Programs will remain subject to statutory requirements governing services for children with disabilities and must provide services through collaboration with IDEA, as described in sections 640(d) and 642(b)(14)–(15) of the Act, consistent with section 504 of the Rehabilitation Act and the

systematic literature review. *International Journal of Early Years Education, 33*(2), 426–445. *https://doi.org/10.1080/09669760.2025.2451301.*

Americans with Disabilities Act (Sec. 640(d)(2)).

In addition, programs will still comply with applicable provisions of the OMB Uniform Guidance (2 CFR part 200), including requirements related to financial management (2 CFR 200.302) and internal controls (2 CFR 200.303).

Finally, programs will still be required to comply with applicable State, Tribal, and local mandatory reporting laws concerning reasonably suspected or known incidents of child abuse and neglect, consistent with the Child Abuse Prevention and Treatment Act (CAPTA) and any other applicable Federal laws.

In addition to streamlining requirements, the proposed changes remove prescriptive requirements not mandated by statute and restore flexibility to local programs. Under the proposed regulations programs would no longer be required to adhere to prescribed data aggregation and analysis processes for child-level assessment data, including the requirement to conduct subgroup analysis. Instead, programs would continue to conduct annual self-assessments and use data for continuous improvement as required by statute, while gaining flexibility to analyze child-level data when and how it best informs local decision-making and program improvement. The proposed changes also eliminate requirements that programs implement prescriptive coordinated approaches and procedures at the beginning of each program year. Programs will continue to collaborate with schools, child care providers, disability services, and other community partners as required by statute, while eliminating prescriptive coordination procedures and timelines that do not account for local partnership contexts. These proposed eliminations provide programs with flexibility to develop management and reporting systems that best meet local community needs while maintaining compliance with all statutory accountability and quality standards, including continued reporting to state and local authorities under Federal child protection laws.

Limitations on Administrative Costs

The proposed regulation on administrative costs (§ 1301.14) would reduce the allowable costs to develop and administer a Head Start program from 15 percent to 5 percent of the total approved program cost, which includes both Federal costs and non-Federal match. ACF considered administrative cost limitations in other Federal grant programs and found that 5 percent caps are used in several HHS programs with many Head Start programs already operating within this range. At a time when needs exceed available resources, this proposed regulation prioritizes direct service delivery and ensures that more Federal dollars reach children and families in communities throughout America. Programs would retain the flexibility to allocate costs within the 5 percent limit to best support their operational and administrative needs.

The proposed changes streamline requirements currently found in 1303 Subpart A—Financial Requirements by removing duplicative requirements found in the Act and other regulations. Although these requirements are not explicitly restated in the proposed regulation, programs will still be required to contribute 20 percent of the total approved program cost as non-Federal match, as described in section 640(b) of the Act, which provides that Federal financial assistance will not exceed 80 percent of the total approved program cost. While the proposed regulations do not restate the specific cost categorization and delineation procedures currently found at § 1303.5(a)(2), programs remain subject to all applicable provisions of the OMB Uniform Guidance (2 CFR part 200) regarding financial management and administration, including applicable cost categorization and reporting requirements.

This NPRM proposes a broader waiver provision at § 1301.18. Under that proposed regulation, programs may request a waiver of any regulatory requirement, including the administrative cost cap and non-Federal match, provided (1) the request is submitted in writing to HHS; (2) does not relate to nutrition, physical activity, or eligibility requirements; (3) does not violate any Federal statutes; and (4) demonstrates that the waiver will not negatively impact the health or safety of children in care. These proposed regulatory changes would streamline financial requirements for grant recipients, reduce duplication across the Act and other Federal regulations, maximize resources for direct service delivery, and safeguard efficient use of taxpayer dollars. The proposed waiver language would still allow for HHS to determine which waivers to grant, but allows for programs to submit waivers on a variety of components of operation.

Separately, this NPRM proposes to eliminate current 1303 Subpart B—Administrative Requirements that are duplicative of requirements already established in the Act and other Federal regulations, while making clear that programs remain fully subject to all applicable provisions of the Act and other Federal and state statutes. Although these regulatory sections are proposed for elimination, grant recipients will still be required to adhere to sections 644(e), 644(g)(3), 653, 654, 655, 656, and 657A of the Act. These sections pertain to union organizing, the Davis-Bacon Act, limitations on compensation, nondiscrimination, unlawful activities, political activities, and obtaining parental consent. In addition, recipients must continue to observe standards of organization, management, and administration that will ensure that all program activities are conducted in a manner consistent with the purposes of the Act and the objective of providing assistance effectively, efficiently, and free of any taint of partisan political bias or personal or family favoritism (Sec. 644(a)(1)). Finally, recipients will still be required to carry sufficient insurance coverage and maintain adequate fidelity bond coverage consistent with applicable provisions of the OMB Uniform Guidance (2 CFR part 200). Together, these eliminations reduce regulatory redundancy and administrative burden without diminishing any program accountability or financial integrity obligation.[10]

Facilities

Proposed § 1301.15 specifies the requirements related to the application and eligibility to purchase, construct, and renovate facilities. Proposed § 1301.15(a) would continue to require programs to submit an application for funds to purchase, construct, or renovate a facility. Proposed § 1301.15(b) aligns with current § 1303.42(d), which states that prior to applying for such funds, grant recipients must establish that the proposed construction of a facility is more cost-effective than the purchase of available facilities or renovation of an existing facility. These proposed regulatory changes advance ACF's priorities of promoting quality early learning environments and practicing fiscal stewardship. They also further the goals of streamlining regulations and reducing administrative burden.

The proposed regulations would continue to require programs to submit an application for funds to purchase, construct, or renovate a facility. Prior to applying for such funds, grant recipients would continue to be required to establish that the proposed construction of a facility is more cost-effective than the purchase of available facilities or renovation of an existing facility.

[10] OECD (2025), *OECD Regulatory Policy Outlook 2025*, OECD Publishing, Paris, *https://doi.org/10.1787/56b60e39-en.*

This NPRM would simplify and significantly streamline the facilities application process by removing from regulation requirements not mandated by statute. For example, the proposed changes would remove from regulation the requirement that programs complete 20-year useful life cost comparisons, agree to minimum lease terms (30 years for purchase/construction and 15 years for renovation), and adhere to strict filing deadlines for legal documents, among others outlined in § 1303.44 of the current performance standards. HHS acknowledges that the requirements in § 1303.44 were adopted to support review of facilities applications, ensure cost-effective use of Federal funds, and protect the Federal interest in facilities funded under the Head Start program. HHS continues to believe these are important objectives. However, HHS has determined that the specific procedural requirements currently prescribed in regulation are not necessary to achieve those objectives. HHS can evaluate facilities proposals, protect the Federal interest, and ensure responsible stewardship of Federal funds through case-by-case review and application requirements established by the Secretary. Accordingly, HHS proposes to remove these prescriptive requirements from regulation to provide greater flexibility and reduce administrative burden while maintaining appropriate oversight of facilities investments.

The application would outline the uniform procedures for requesting facilities related approvals. HHS would specify requirements for facilities applications at the Secretary's discretion.

The proposed regulatory changes also remove duplicative provisions that restate requirements in the Act and other Federal regulations. Although such requirements are not explicitly stated in the proposed regulation, programs will still be required to adhere to the Act, OMB Uniform Guidance, and all other applicable Federal and State statutes and regulations. These include but are not limited to: meeting eligibility criteria requiring that facilities be available to Indian Tribes, rural, or low-income communities; being located within the designated service area; and demonstrating necessity due to lack of suitable facilities (Sec. 644(g)(1)); describing efforts to coordinate or collaborate with other providers in the community to seek assistance, including financial assistance, prior to using funds as described in Section 644(f)(2); at a minimum, meeting or exceeding State and local licensing requirements and ensuring continued compliance (Sec. 641A(a)(1)(D)); retaining records which fully disclose financial assistance and other records of cost required for an effective audit (Sec. 647(a)); adhering to the access requirements of the Americans with Disabilities Act, section 504 of the Rehabilitation Act, and the Flood Disaster Protection Act of 1973; and complying with National Historic Preservation Act of 1966. Programs will also still be required to follow all applicable parts of the Uniform Guidance such as insurance coverage (2 CFR 200.310), real property (2 CFR 200.311), property trust relationship (2 CFR 200.316), and retention requirements for records (2 CFR 200.334) regardless of whether these proposed changes are finalized.

This NPRM removes duplicative procedural detail, while preserving all statutory safeguards and Federal property protections. In total, these proposed changes condense 17 regulatory sections (currently found at § 1303.40–1303.56) into a single streamlined provision (§ 1301.15), meaningfully reducing administrative burden on programs and allowing them to focus their time and resources on serving children and families.

Designation Renewal

The proposed regulatory changes in § 1301.16 on Designation Renewal reflect ACF's commitment to improved outcomes for children and families, regulatory streamlining, and fiscal stewardship. The proposed changes in this NPRM are consistent with the values of prioritizing high-impact investments based on evidence and results.

Basis for Determining if an Agency Is Subject to Open Competition

Consistent with the current Head Start Designation Renewal System (DRS) implemented by ACF, the proposed regulation in § 1301.16 would continue to require a Head Start agency to compete for its next five years of funding if ACF determines that such agency is not delivering a high-quality and comprehensive Head Start program that meets the educational, health, nutritional, and social needs of the children and families it serves, or is not meeting program and financial management requirements and standards described in section 641A(a)(1) of the Act. Mostly consistent with current regulations at § 1304.11, this NPRM proposes for a Head Start agency to be required to compete for its next five years of funding if one or more of the following conditions existed during the award period of the current grant:

- Two or more deficiencies identified across Federal monitoring reviews conducted under section 641A(c)(1)(A), (B), (C), or (D) of the Act;
- Failure to produce suitable results towards achieving program goals for improving the school readiness of children, as required by section 641A(g)(2) of the Act, based on a review conducted under section 641A(c)(1)(A), (C), or (D) of the Act;
- Determination that the agency is not delivering classroom quality as measured under section 641A(c)(2)(F) of the Act;
- Revocation of the agency's license to operate a Head Start center or program by state or local licensing authorities;
- Suspension from the Head Start program, after an initial opportunity to show cause, that has not been overturned or withdrawn;
- Debarment from receiving Federal or state funds from any Federal or state department or agency or has been disqualified from the Child and Adult Care Food Program;
- Risk of failing to continue functioning as a going concern within the current project period;
- Two or more audit findings of material weakness or questioned costs associated with Head Start funds in audit reports submitted to the Federal Audit Clearinghouse; or
- Any other measure as specified in the Head Start Act.

The proposed changes would reduce administrative burden by simplifying and streamlining the designation renewal process to focus on outcomes rather than prescriptive compliance procedures not mandated by statute. Under the current regulations, agencies can be required to compete based on whether they established school readiness goals that meet detailed specifications (current § 1304.11(b)(1)), and took prescribed steps to achieve those goals, including aggregating and analyzing child assessment data at least three times per year and documenting specific analysis procedures (current § 1304.11(b)(2)). Under the proposed regulation, the relevant condition on school readiness goals would instead focus on whether the agency produced suitable results towards achieving its program goals for improving the school readiness of children, as required by the Act. This proposed approach would focus on evidence and results and would provide programs with flexibility to determine the best methods for achieving goals and assessing outcomes, while still maintaining accountability for delivering measurable improvements in school readiness.

Similarly, current regulations (§§ 1304.11(c) and 1304.16) specify the CLASS: Pre-K instrument as the instrument ACF uses to measure classroom quality within the context of the DRS. Under current regulations (§ 1304.11(c)), agencies can be required to compete based on classroom quality scores using the CLASS: Pre-K instrument with specific numerical thresholds. The proposed regulation retains classroom quality as a condition under the DRS, consistent with sections 641(c)(1)(D) and 641A(c)(2)(F) of the Act, which require that Head Start classroom quality be assessed using a valid and reliable research-based observational instrument and that the results of such observations be considered as part of the DRS. However, this NPRM proposes to remove from regulation both the requirement to use CLASS: Pre-K as the sole measure of classroom quality and the associated CLASS: Pre-K thresholds that trigger competition. Although ACF anticipates continuing to use CLASS: Pre-K as the observational tool to assess classroom quality for the foreseeable future, this proposed change to regulations provides ACF with flexibility to possibly use other methods to measure and assess classroom quality in the future. Safeguarding effective instruction in Head Start classrooms remains a key component of quality assessment under the proposed regulation.

The proposed changes also strengthen fiscal stewardship by restructuring fiscal-related conditions for greater clarity and appropriate accountability. Current regulations at § 1304.11(g) combine two distinct fiscal criteria, (1) risk of failing to continue functioning as a going concern and (2) two or more audit findings of material weakness or questioned costs associated with Head Start funds, into a single condition. Under current regulations, an agency meeting either or both fiscal criteria would be considered to have met one condition. The proposed regulation will separate these into two independent fiscal conditions: agencies at risk of failing to continue functioning as a going concern (proposed § 1301.16(e)), and agencies with two or more material audit findings or questioned costs associated with their Head Start funds (proposed § 1301.16(f)). This proposed change would ensure that each fiscal concern is independently evaluated and appropriately assessed. Under the proposed regulation, an agency with both fiscal concerns would now meet two separate conditions rather than one combined condition, reflecting the cumulative seriousness of multiple fiscal management concerns. In addition, the proposed regulation retains deficiencies and revocation of license as conditions without change and includes a provision allowing for competition based on any other measure specified in the Head Start Act, preserving the Secretary's statutory authority to evaluate program quality comprehensively.

Separately, the proposed regulation would retain deficiencies, suspensions, and revocation of license as conditions without change and includes a provision allowing for competition based on any other measure specified in the Head Start Act, preserving the Secretary's statutory authority to evaluate program quality comprehensively.

Finally, this NPRM proposes to simplify the designation renewal section to include only the conditions that would require a recipient to compete for their next five years of funding. Under this proposed regulatory change, purely procedural and administrative requirements would be removed or relocated. The proposed changes will eliminate and/or relocate multiple sections, as described in the paragraphs that follow.

Reporting requirements concerning certain conditions (current § 1304.12) would be addressed in the proposed Program goals, continuous improvement, and reporting (proposed § 1301.13).

Tribal government consultation (current § 1304.14) would be addressed in the proposed ''Tribes'' section (proposed § 1301.17). Consistent with the government-to-government relationship and unique considerations for tribal grant recipients, the proposed regulation would maintain the existing consultation process if a Tribe meets one or more DRS criteria (Sec. 641(c)(7)(B)) and reiterates that non-Indian Head Start agencies are ineligible to carry out an Indian Head Start program unless there is no other option, and then only until an Indian Head Start agency becomes available (Sec. 641(e)).

Requirements to compete for designation for a five-year grant (current § 1304.13): will be eliminated under the proposed regulatory changes. While not restated in the proposed regulation, agencies remain required to submit an application that demonstrates that it is the most qualified entity to deliver a high-quality and comprehensive Head Start program. The application must address the criteria for selection listed in section 641(d)(2) of the Act.

Designation request, review and notification process (current § 1304.15) would be eliminated under the proposed regulatory changes. While these procedural requirements are not restated in the proposed regulation, a grant recipient must continue to submit applications as required by the Secretary (see Sec. 641(b)). ACF will continue to provide timely notice and adequate opportunities for agencies to respond to designation renewal determinations, consistent with all application and notification requirements under section 641 of the Act.

Selection among applicants (current § 1304.20) would be eliminated under the proposed regulatory changes. While not restated in the proposed regulation, ACF will continue to consider the applicable criteria under Section 641(d) of the Head Start Act when selecting an agency to provide Head Start Preschool, Early Head Start, Migrant or Seasonal Head Start, or Tribal Head Start Preschool or Early Head Start services.

Tribes

Proposed section 1301.17 would align with provisions in the Act for Tribal programs but would streamline and reorganize the requirements specific to Tribal programs in one section. These proposed requirements reiterate the existing requirement that Tribal programs have a reevaluation process if they meet one or more DRS criteria (Sec. 641(c)(7)(B)) and that non-Indian Head Start agencies are ineligible to carry out an Indian Head Start program unless there is no other option, and then only until an Indian Head Start agency becomes available (Sec. 641(e)). The requirements proposed in § 1301.17 outline the process by which a Tribal program may designate an alternate agency to provide Head Start services to Tribal members if there is a relinquishment, termination, or denial of refunding (Sec. 646(e)(1)(A–B)) and specifies that the alternative agency must meet all requirements established in the Head Start Act and cannot be prohibited from designation as detailed in Sec. 646(e)(2). These proposed regulations are more streamlined and concise than what is in current § 1304.30 of the Performance Standards. Proposed § 1301.17(d) is new language that proposes to exempt Tribal programs from the English-only provision in proposed § 1301.04(a) if the language being spoken relates to the furtherance of tribal heritage.

The Act includes provisions specific to Tribal programs that will remain in effect, even though they are not included in the proposed regulations. The Act requires the Secretary to conduct annual consultations with tribal governments operating Head Start programs to address issues that affect service delivery, to publish a **Federal Register** notice before consultations, and to issue a detailed report to all Tribal governments within 90 days (Sec. 640(l)(4)). The Act also requires training and technical assistance be provided by staff with knowledge of and experience in working with Indian populations (Sec. 640(l)(3)(A)), appointment of a national Indian Head Start Collaboration Director (Sec. 640(l)(3)(B)), and studies and reporting specific to Indian and Alaska Native populations (Sec. 649(k)).

Tribal programs would also continue to have flexibilities provided in the Act even though they are not included in the proposed § 1301.17. Tribal programs operating both Early Head Start and Head Start programs may reallocate funds between programs at their discretion to address population fluctuations (Sec. 645(d)(3)). Additionally, section 238 of the Further Consolidated Appropriations Act, 2024 amended the Head Start Act to allow Tribal programs to consider eligibility for Head Start services regardless of income and establish selection criteria to prioritize Tribal children, and those statutory flexibilities will remain in place under the proposed regulations.

There are multiple provisions in the current Performance Standards that address flexibilities for Tribal programs that would no longer be relevant because the NPRM proposes to remove those restrictive sections and grant that flexibility to all Head Start programs. For example, current § 1302.11(a)(1)(i)–(ii) allows Tribal programs the flexibility to define service areas based on where members of the Indian tribes reside. This flexibility would no longer be needed under the NPRM, because the NPRM proposes to remove the requirements in current § 1302.11. Additionally, current § 1302.53(b)(4) allows Tribal programs to determine whether to participate in Quality Rating and Improvement Systems and state education data systems; this flexibility would no longer be needed, as the NPRM proposes to remove requirements related to coordination with other programs and systems. Lastly, current § 1302.36 allows Tribal Head Start programs to integrate efforts to preserve, revitalize, restore, or maintain the Tribal language for enrolled children into program services. This flexibility would no longer be relevant because the proposed § 1301.17(d) exempts Tribal programs from the English-only requirement in proposed § 1301.04(a).

Program Flexibility

Proposed § 1301.18 would significantly expand the flexibilities available to Head Start programs, if finalized. Proposed § 1301.18(a) would allow programs to request a waiver for almost any requirement in the entirety of proposed § 1301, as long as a waiver would not negatively impact the health or safety of children and would not violate any Federal or State laws. The exception, as noted in proposed § 1301.18(b), is that requirements in the proposed regulations relating to nutrition, physical activity, or eligibility would not be eligible for a waiver. All waiver requests are subject to approval by HHS. Proposed § 1301.18(c) would align with the flexibility provided in current § 1302.24 in the Performance Standards that programs can request to operate locally-designed options (LDO) to better meet the unique needs of their communities. Note that while the proposed LDO flexibility aligns with the concepts outlined in current § 1302.24(a) and (b), the more specific requirements in the current § 1302.24(c)(1)–(5) regarding ratios, group size, and duration are proposed for removal to give local programs further flexibility in operationalizing an LDO.

While the Act provides the Secretary of HHS with waiver authority for a small subset of requirements, including operating locally-designed options (Sec. 640(f)(1)), waiving non-Federal share (Sec. 640(b)), exceeding the current 15 percent cap for administrative costs (Sec. 644(b)(2)), filling at least 10 percent of actual enrollment slots with children eligible for IDEA (Sec. 640(d)(4)), and meeting teacher qualification requirements (Sec. 648A(a)(4)), proposed § 1301.18 would broaden waiver flexibility beyond those explicitly stated in the Act. The rationale for this proposed change is to increase flexibility for state and localities to deliver Head Start services in a manner that is responsive to their local context, while still maintaining the emphasis on health, nutrition, physical exercise, and eligibility requirements, which are the requirements in the proposed § 1301.18 programs would not be able to waive. HHS would not grant waiver requests for requirements that are mandated by the statute where the statute does not allow for a waiver.

The current Performance Standards that reiterate and expand upon the flexibilities provided in the Act are no longer relevant because the flexibility proposed in § 1301.18 provides a more blanket waiver authority. For this reason, ACF proposes removal of these provisions in the current Performance Standards that address more specific flexibilities. For example, § 1304.17 in the current Performance Standards, which provides flexibility for DRS determinations in cases of certain emergencies when data may not be available, is proposed for removal in the NPRM. Additionally, the current Performance Standards mentioned in the prior paragraph that mirror the flexibilities included in the Act, are proposed for removal because they are duplicative of the Act. For example, § 1302.14(b) requires programs to fill 10 percent of their actual enrollment with children eligible for services under IDEA. This provision is proposed for removal because the flexibility is provided in the Act, and proposed § 1301.18 allows for more expansive flexibilities than both the Act and the current Performance Standards.

Appeals and Other Federal Procedures

The proposed changes on Appeals and Other Federal Procedures are consistent with ACF's commitment to faithfully administer programs consistent with statute and congressional intent. By reducing duplication and unnecessary administrative burden, the proposed regulation consolidates appeals provisions under § 1301.19.

The proposed regulation on appeals would continue to honor an agency's right to appeal a final decision by ACF to terminate financial assistance or deny refunding of an application. The Departmental Appeals Board procedures in 45 CFR part 16, govern notice and appeal rights and establish a fair and impartial process for review of final agency decisions in cases properly before the Departmental Appeals Board. Similarly, if a Head Start Agency denies, or fails to act on a prospective agency's funding application, prospective delegate agencies will retain the right to appeal within 30 days of the agency's decision or 120 days after the agency's inaction on the prospective delegate's application. Head Start agencies will continue to be required to respond to both ACF and the prospective delegate agency within 30 days of the filed appeal. As with current practice, the decision rendered by ACF would be final and not subject to additional appeals.

The proposed changes remove redundant regulatory text that restates statutory requirements and procedures already contained in section 646 of the Act and 45 CFR part 16. Rather than repeating these requirements, the proposed regulation explicitly cross-references the governing statutory and regulatory authorities. Additionally, the proposed regulation eliminates non-statutory procedural requirements and timelines.

Monitoring

While the discussion of monitoring (current § 1304.2) is proposed for removal from the NPRM, ACF remains statutorily required to conduct monitoring reviews at least once during each three-year period, as described in section 641A(c) of the Act. Additionally, if a grant recipient meets one or more of the criteria for a deficiency as defined in section 637(2) of the Act, ACF must continue to inform the grant recipient of the deficiency and require correction in accordance with section 641A(e) of the Act. The proposed removal of § 1304.2 would not alter ACF's statutory monitoring authority, its obligation to address deficiencies, or the process by which ACF would notify and consult with agencies to address deficiencies.

Suspension

This NPRM proposes to remove current § 1304.3 and § 1304.4 related to suspension with notice and suspension without notice. However, ACF remains authorized under Section 646(a)(5) of the Act to suspend financial assistance for up to 30 days, or longer in limited circumstances involving multiple and recurring deficiencies, provided that ACF gives notice and an opportunity to show cause why financial assistance should not be suspended.

In emergency situations, such as those involving risk to property, misuse of funds, criminal violations, or threats to health and safety, ACF remains authorized, under Section 646(a)(2) of the Act, to suspend financial assistance without prior notice and opportunity to show cause.

In all cases grant recipients must continue to adhere to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200. Restrictions on incurring new obligations during suspension and the allowability of necessary and otherwise allowable costs continue to be governed by 2 CFR 200.375, and cost sharing or matching requirements, including third-party in-kind contributions, remain governed by 2 CFR 200.306.

Under these proposed changes related to suspension in § 1301.19 there would be significantly fewer bureaucratic processes, because many of the requirements are not in the Act and they are proposed for removal in this NPRM. Under the proposed rule, ACF would no longer be required to follow specific requirements for suspension notices beyond those required by statute.

Termination, Denial of Refunding, and Legal Fees

Similarly, this NPRM proposes to remove §§ 1304.5, 1304.6 and 1304.7 from the Performance Standards. ACF remains authorized under section 646(a)(3) of the Act to terminate financial assistance or deny refunding to a grant recipient after providing reasonable notice and an opportunity for a full and fair hearing. Grant recipients retain the right to file an appeal within 30 days of receiving notice and to receive a hearing within 120 days of filing such appeal.

While these statutory authorities and protections remain unchanged, the proposed rule removes regulations that exceed or duplicate statutory requirements. Specifically, this NPRM eliminates prescriptive procedural provisions not explicitly required by statute, such as specific procedures for termination and denial of funding (§ 1304.5), procedures for appeal for prospective delegate agencies (§ 1304.6) and policies regarding the allowability of legal fees (§ 1304.7). The proposed removal of these overly prescriptive procedural provisions aligns with an overall goal of this NPRM to ensure that the only requirements that exist in regulation are those that are required by the Act. ACF will provide additional information for recipients on procedures for termination and denial of funding, appeals for prospective delegate agencies, and legal fees in forthcoming sub-regulatory guidance. ACF does not intend to change existing policies or procedures on these topics.

With respect to legal fees, the proposed regulation does not create new authority or modify existing practice. Although current 1304.7 is proposed for removal from this NPRM, consistent with section 646(a)(4)(C) of the Act, grant recipients may not charge to their grant legal fees or other costs incurred in appealing termination, reduction, or denial decisions. However, ACF retains existing authority under section 646(a)(6) to reimburse reasonable and customary legal fees if the grant recipient prevails.

Head Start Fellows Program

The proposed regulations remove discussion of the Head Start Fellows Program (current § 1304.40 and § 1304.41) since these requirements are largely duplicative of those outlined in the Act. However, the Secretary retains authority to establish a program of fellowships in accordance with Section 648A(d) of the Act.

Delegate Agencies

This NPRM proposes to rescind 1303 Subpart D- Delegation of Program Operations because these regulations are, in large part, duplicative of the requirements in the Act. Under the Act, a Head Start agency is empowered to transfer Federal funds and delegate powers to other agencies when doing so will improve efficiency, effectiveness, or otherwise further program goals (Sec. 642(a)). The statute makes clear that the authority to transfer funds and delegate powers includes the ability to transfer and delegate for component projects when appropriate to support program objectives.

The Act further outlines specific procedures that each Head Start agency must establish concerning its delegate agencies (Sec. 641A(d)). These procedures must include mechanisms for evaluating delegate agencies, procedures for defunding a delegate agency, and procedures that allow a delegate agency to appeal a defunding decision. Once these procedures are in place, the agency must evaluate each delegate agency in accordance with those procedures and inform the delegate agency of deficiencies identified through that evaluation that must be corrected. If a delegate agency's performance is found to be deficient, the Head Start agency is required to take action, which can include initiating steps to terminate the delegate agency's designation or conducting monthly monitoring visits to the delegate agency until all identified deficiencies are corrected or until the Head Start agency decides to defund the delegate agency. The statute also places constraints on when a Head Start agency may terminate a delegate agency or reduce its service area by requiring the agency to show cause or demonstrate the cost-effectiveness of the decision before doing so.

While the proposed regulations do not include current § 1303.30, under the proposed regulation the grant recipient retains legal responsibility and authority and bears financial accountability for the program when services are provided by delegate agencies.

While this proposed rule would remove regulations regarding delegate agencies in an effort to eliminate duplication between the regulation and the Act, most requirements regarding delegate agencies would remain in place through the Act. The proposed rule would also remove reporting and procedural requirements to increase program flexibility and reduce administrative burden.

In summary, these proposed revisions to regulations on appeals and other Federal procedures remove duplicative and non-statutory procedural details, while preserving all statutory authorities, notice requirements, appeal rights, and due process protections mandated by the Head Start Act and 45 CFR part 16. The changes are intended to reduce unnecessary administrative burden and procedural rigidity without altering substantive rights or enforcement authority and faithfully administer programs consistent with statute and congressional intent.

Definitions

Replacing the current § 1305.2 definitions with the proposed § 1301.20 definitions would remove any unused or commonly understood defined terms in the Head Start regulations. For ease of viewing the proposed regulations in relation to the current regulations on Definitions, please view the comprehensive comparison table below:

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§ 1305.2 Term	In Proposed § 1301.20?	Defined in Head Start Act?	Notes on Change
ACF	No	No	Term not used in proposed regulation – Removed
Act	No	No	Term not used in proposed regulation – Removed
Agency	Yes	No	Retained
Aggregate child-level assessment data	No	No	Term not used in proposed regulation – Removed
Allowable alternate vehicle	No	No	Term not used in proposed regulation – Removed
Budget period	No	No	Term not used in proposed regulation – Removed
Case plan	No	No	Term not used in proposed regulation – Removed
Child-level assessment data	No	No	Term not used in proposed regulation – Removed
Child records	No	No	Term not used in proposed regulation – Removed
Child restraint system	No	No	Term not used in proposed regulation – Removed
Child with a disability	No	Yes	Term defined in statute -- Removed
CLASS: Pre-K	No	No	Term not used in proposed regulation – Removed
Commercial Driver's License	No	No	Term not used in proposed regulation – Removed
Construction	Yes	No	Retained
Continuity of care	No	No	Term not used in proposed regulation – Removed
Deficiency	No	Yes	Term defined in statute -- Removed

Delegate agency	No	Yes	Term defined in statute -- Removed
Denial of Refunding	Yes	No	Retained
Development and administrative costs	Yes	No	Retained
Disclosure	No	No	Term not used in proposed regulation – Removed
Double session variation	No	No	Term not used in proposed regulation – Removed
Dual benefit costs	No	No	Term not used in proposed regulation – Removed
Dual language learner	No	No	Term not used in proposed regulation – Removed
Early Head Start	Yes	Yes	Retained
Enrolled	Yes	No	Retained
Enrollment year	No	No	Term not used in proposed regulation – Removed
Facility	Yes	No	Retained
Family	Yes	No	Retained
Federal interest	No	No	Term not used in proposed regulation – Removed
Federal Motor Vehicle Safety Standards (FMVSS)	No	No	Term not used in proposed regulation – Removed
Financial viability	Yes	No	Retained
Fixed route	No	No	Term not used in proposed regulation – Removed
Foster care	Yes	No	Retained
Full-working-day	No	No	Term not used in proposed regulation – Removed
Funded enrollment	Yes	No	Retained
Going concern	Yes	No	Retained
Grant recipient	Yes	No	Retained
Head Start	Yes	Yes	Retained
Head Start agency	Yes	Yes	Retained
Head Start Early Learning Outcomes Framework	No	Yes – Referenced / Authorized	Term not used in proposed regulation – Removed
Head Start Preschool	Yes	Yes	Retained
Homeless children	No	Yes – Referenced / Incorporated	Term defined in statute -- Removed
Home visitor	No	No	Term not used in proposed regulation – Removed
Hours of planned class operations	No	No	Term not used in proposed regulation – Removed

Housing costs	No	No	Term not used in proposed regulation – Removed
Income	Yes	No	Retained
Indian Head Start agency	Yes	Yes	Retained
Indian tribe	No	Yes	Term defined in statute -- Removed
Individualized Education Program	No	No (defined in IDEA)	Term not used in proposed regulation – Removed
Individualized Family Service Plan	No	No (defined in IDEA)	Term not used in proposed regulation – Removed
Legal status	No	No	Term not used in proposed regulation – Removed
Local agency implementing IDEA	No	No	Term not used in proposed regulation – Removed
Major renovation	No	No	Term not used in proposed regulation – Removed
Migrant family	No	No	Term not used in proposed regulation – Removed
Migrant/Seasonal HS Program	No	Yes – Authorized	Term defined in statute -- Removed
Minor renovation	No	No	Term not used in proposed regulation – Removed
Modular unit	No	No	Term not used in proposed regulation – Removed
National Driver Register	No	No	Term not used in proposed regulation – Removed
Parent	Yes	No	Retained
Participant	Yes	No	Retained
Personally identifiable information (PII)	Yes	No	Retained
Poverty line	No	Yes	Term defined in statute -- Removed
Program	Yes	No	Retained
Program costs	Yes	No	Retained
Purchase	Yes	No	Retained
Real property	No	No	Term defined in statute -- Removed
Recruitment area	No	No	Term not used in proposed regulation – Removed
Relevant time period	Yes	No	Retained
Repair	No	No	Term not used in proposed regulation – Removed
Responsible HHS official	No	No	Term not used in proposed regulation – Removed
School readiness goals	Yes	Yes –	Retained

		Referenced / Required	
School bus	No	No	Term not used in proposed regulation – Removed
Service area	No	No	Term not used in proposed regulation – Removed
Staff	Yes	No	Retained
State	No	Yes	Term defined in statute -- Removed
Suspension	No	No	Removed
Termination of grant/delegate agreement	No	Yes – Authorized (not defined)	Removed
Total approved costs	Yes	No	Retained
Transportation services	No	No	Term not used in proposed regulation – Removed
Verify	No	No	Removed

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In summary, the proposed changes would preserve core statutory program and fiscal definitions while eliminating definitions that are either commonly accepted or are tied to terms that are no longer found in the proposed regulations.

VI. Regulatory Process Matters

ACF has examined the impacts of the proposed rule under *Executive Order 12866, Executive Order 13563, Executive Order 13132,* the Regulatory Flexibility Act (*5 U.S.C. 601–612*), and the Unfunded Mandates Reform Act of 1995 (*Pub. L. 104–4*). Executive Orders 12866 and 13563 direct us to assess all benefits, costs, and transfers of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits.

Section 3(f) of *Executive Order 12866* defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $100 million or more, or adversely affecting in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities; (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. The Office of Information and Regulatory Affairs has determined that this proposed rule is a significant regulatory action under section 3(f)(1) of Executive Order 12866 and we have prepared a Regulatory Impact Analysis (RIA). This proposed rule, if finalized, is anticipated to be a deregulatory action under *Executive Order 14192.*

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), see 5 U.S.C. 605(b), as amended by the Small Business Regulatory Enforcement Fairness Act, requires Federal agencies to determine, to the extent feasible, a rule's impact on small entities, consider regulatory options for reducing any significant impact on a substantial number of such entities, and explain their regulatory approach. The term ''small entities,'' as defined in the RFA, includes small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Under this definition, many Head Start grant recipients, particularly nonprofit organizations and certain local governmental entities, may be considered small entities. A rule is generally considered to have a significant economic impact on a substantial number of small entities if it has at least a three percent impact on revenue for at least five percent of such entities.

To provide context for the potential number of entities that may meet or exceed Small Business Administration size standards, we conducted a screening analysis using Head Start funding levels and organizational type. The applicable SBA size standard for Child Day Care Services (NAICS 624410) is based on average annual receipts and is currently $9.5 million. Because data on total organizational receipts are not available, we compared Head Start grant funding levels to this threshold as a conservative proxy. Separately, we identified agencies that are nonprofit organizations, which may qualify as small entities under the RFA definition.

We then combined these two screens to identify agencies that meet at least one of these criteria. Based on this combined screening, approximately 1,450 (95 percent) of agencies either have Head Start funding levels below the $9.5 million threshold, are nonprofit organizations, or meet both conditions. Taken together, these counts provide an upper-bound estimate of the number of entities that may be considered small entities for purposes of this analysis. However, for entities with Head Start funding below the threshold, this method does not determine whether the entity qualifies as small, because such entities may have additional revenue from other funding sources. As a result, this analysis does not represent a definitive classification of small entities under the RFA.

The proposed rule primarily reduces and streamlines existing regulatory requirements and is expected to reduce administrative burden and provide greater operational flexibility for Head Start grant recipients. One provision of the proposed rule reduces the allowable administrative cost cap from fifteen percent to five percent of total approved program costs. This change may require some entities to adjust how administrative and programmatic costs are allocated within existing funding levels, and it may have a particularly significant impact on Head Start programs classified as small entities. This change is intended to direct a greater share of Head Start resources toward services for children and families. Approximately 3.7 percent of Head Start grants currently operate at or below a five percent administrative cost threshold. In addition, as discussed in the RIA, an additional 27.7 percent of grants currently operate above 5 percent but below 10 percent administrative costs. The proposed rule's broader reductions and streamlining of regulatory requirements are expected to reduce administrative workload and may support programs in transitioning toward the proposed cap while maintaining service delivery. If needed, programs may request a waiver of the administrative cost cap pursuant to proposed § 1301.18, subject to HHS review and approval. However, given the possible impact on small businesses, below we provide an initial regulatory flexibility analysis.

The proposed requirement for English-only instruction may affect a subset of programs, particularly those serving high proportions of dual language learners. Based on available data, ACF estimates that approximately 33.4 percent of non-tribal Head Start classrooms may be impacted by this requirement. While ACF does not expect this requirement to result in a significant economic impact for most entities, impacts may be more concentrated in certain programs, including those serving predominantly non-English-speaking communities (*e.g.,* Migrant and Seasonal Head Start programs). ACF recognizes that this requirement may result in additional costs or operational challenges for programs serving dual language learners or operating in predominantly non-English-speaking communities. At the same time, this requirement reflects Administration priorities and broader Federal policy emphasizing the importance of English language acquisition for early learners, including supporting children's ability to participate in English-language educational settings and engage with community institutions.

Initial Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act (5 U.S.C. 603), ACF has prepared this Initial Regulatory Flexibility Analysis to assess the potential economic impact of the proposed rule on small entities and to consider significant alternatives that would minimize such impacts. The proposed reduction of the allowable administrative cost cap from 15 percent to 5 percent of total approved program costs may require some entities to adjust administrative and programmatic cost allocations. Based on program budget data, this change corresponds to an estimated reduction in allowable administrative expenditures of approximately $754,343,701 annually. The extent of impact will vary depending on existing cost structures and may be more pronounced for smaller programs. About half of Head Start grants (about 50 percent) serve 200 or fewer children, representing smaller-scale operations that may have more limited ability to distribute fixed administrative costs. These smaller grants span a range of organizational types, including nonprofit organizations, school systems, governmental entities, and Tribal programs, many of which may meet the RFA definition of small entities.

ACF considered regulatory alternatives to minimize potential impacts on small entities, including setting the administrative cost cap at 10 percent rather than 5 percent and applying an exemption for programs funded to serve 200 or fewer Head Start slots. Under a 10 percent cap, estimated reductions in allowable administrative expenditures would be approximately $146,002,007 annually, reflecting a smaller change from current administrative spending levels. This smaller reduction is driven in part by the fact that many programs currently operate below the 15 percent cap and closer to the 10 percent level; as a result, the adjustment required on the part of programs under a 10 percent cap is more limited than under a 5 percent cap. Such a change may also prove less burdensome for small entities. ACF also considered exempting smaller programs (those with 200 or fewer Head Start funded slots) from the proposed cap.

ACF expects that reductions in administrative burden associated with other provisions of the proposed rule may partially offset the impact of the administrative cost cap. While some entities, particularly smaller programs, may experience adjustment needs, ACF has also provided for the availability of waivers (proposed § 1301.18), which may allow programs to address specific circumstances where compliance with the administrative cap of 5 percent would present undue operational challenges. ACF determined that the proposed approach appropriately balances regulatory burden, program efficiency, and the objective of maximizing resources available for services to children and families. These considerations inform ACF's broader assessment of the overall economic effects of the proposed rule on small entities. Like all components of this NPRM, ACF will accept public comment on these alternatives under consideration for the policy change on the administrative cap for small entities.

Overall, ACF expects that the proposed rule will reduce regulatory burden and associated costs for Head Start grant recipients, allowing recipients the flexibility to reinvest funds into other areas, including the potential to serve more eligible children within existing operational budgets. While certain provisions, such as the reduction in the administrative cost cap, may require adjustments for some entities, the combined effects of the proposed rule are expected to reduce overall compliance burden. To the extent that impacts vary across entities, including smaller entities, such variation is expected to reflect differences in organizational structure, existing cost allocations, and local implementation decisions rather than the imposition of new regulatory compliance requirements.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (*Pub. L. 104–4,* section 202(a)) requires us to prepare a written statement, which includes estimates of anticipated impacts, before publishing "any rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year." The current threshold after adjustment for inflation is $193 million, using the most current (2025) Implicit Price Deflator for the Gross Domestic Product. This proposed rule, if finalized, will not result in unfunded mandates that meet or exceed this amount. Head Start grant recipients receive over $12 billion annually in Federal funding to implement the requirements of the program, including policy changes as a result of this proposed rule.

Federalism Assessment Executive Order 13132

Executive Order 13132 requires Federal agencies to consult with State and local government officials if they develop regulatory policies with Federalism implications. Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government close to the people. This proposed rule, if finalized, would not have substantial direct impact on the states, on the relationship between the Federal government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of *Executive Order 13132,* it is determined that this action does not have sufficient Federalism implications to warrant the preparation of a Federalism summary impact statement.

Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a policy or regulation may negatively affect family well-being. If the agency determines a policy or regulation negatively affects family well-being, then the agency must prepare an impact assessment addressing seven criteria specified in the law. ACF believes it is not necessary to prepare a family policymaking assessment (see *Pub. L. 105–277)* because the action it takes in this proposed rule does not have any impact on the autonomy or integrity of the family as an institution.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) of 1995, *44 U.S.C. 3501 et seq.,* minimizes government-imposed burden on the public. In keeping with the notion that government information is a valuable asset, it also is intended to improve the practical utility, quality, and clarity of information collected, maintained, and disclosed.

The PRA requires that agencies obtain OMB approval, which includes issuing an OMB number and expiration date, before requesting most types of information from the public. Regulations at *5 CFR part 1320* implemented the provisions of the PRA and § 1320.3 defines a ‘‘collection of information,’’ ‘‘information,’’ and ‘‘burden.’’ PRA defines ‘‘information’’ as any statement or estimate of fact or opinion, regardless of form or format, whether numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic, or other media (*5 CFR 1320.3(h)*). This includes requests for information to be sent to the Government, such as forms, written reports and surveys, recordkeeping requirements, and third-party or public disclosures (*5 CFR 1320.3(c)*). ‘‘Burden’’ means the total time, effort, or financial resources expended by persons to collect, maintain, or disclose information.

The proposed rule will affect the information collection approved under OMB control number 0970–0148. ACF will revise the associated PRA package for the Head Start Performance Standards (Performance Standards) to align with the regulatory changes.

VII. Regulatory Impact Analysis

Summary

The changes to the Performance Standards in this proposed rule would produce substantial net reductions in regulatory compliance costs across Head Start programs, primarily by eliminating or streamlining prescriptive Federal requirements related to eligibility, recruitment, selection, enrollment, and attendance (ERSEA); education; staffing; service duration; health services; and administrative requirements. Major quantified cost reductions stem from increased flexibility in staffing models (*e.g.,* removal of Federal ratio requirements, requirements for a coaching system, and certain staff roles), reduced administrative and reporting requirements (including for community assessments and data aggregation), and a decrease in allowable administrative spending (from 15 percent to 5 percent), alongside smaller savings in facilities, transportation, and safety requirements. Consistent with the Head Start program structure, where Federal funds must be used to deliver services, these cost reductions in certain areas are expected to function largely as resource reallocations (transfers) that may support expanded enrollment, enhanced service delivery, or other program priorities.

Because the proposed rule would increase local program discretion, this RIA applies behavioral adjustment thresholds (low, primary, high scenarios) to estimate impacts of the proposed policy changes, which are intended to reflect varying degrees of possible program response: lower adjustment assumptions are used where external constraints (*e.g.,* state licensing requirements, physical infrastructure, operational limitations) may limit operational changes by programs, while higher adjustment assumptions are applied where historical stakeholder feedback indicates that existing requirements have been particularly burdensome and programs are more likely to scale back activities in response to policy changes. ACF assumes that the proposed policy changes are implemented over a five-year time horizon and the total cost reductions would be realized upon full implementation in year five. Unless otherwise noted, wage and compensation inputs based on 2025 BLS or PIR data are adjusted by 2 percent to express estimates in constant 2026 dollars before applying fringe benefit adjustments. Fringe benefits are assumed to represent 24 percent of total compensation.

For purposes of this analysis, ACF assumes that the wage and non-wage benefit requirements established in the 2024 final rule will not take effect, but that other provisions of the 2024 final rule will take effect. This reflects the proposed rescission of the wage and non-wage benefit requirements through the proposed rule ‘‘Restoring Flexibility to Support Head Start Program Access’’ (91 FR 25842). Accordingly, the estimated cost reductions presented in this analysis are measured relative to a baseline in which those requirements are not implemented. However, we also present a sensitivity analysis to consider the impacts of this proposed rule if all requirements of the 2024 final rule are fully implemented or if this proposal is finalized before the rescission proposal.

Overall, this analysis shows that the proposed changes would reduce compliance costs and give programs more flexibility, allowing resources to shift toward direct services, though implementation may vary by program. As with all other sections of this NPRM, we invite public comments on the assumptions made in this RIA that underline the quantitative and qualitative discussions of costs and benefits of the proposed policy changes.

Education and the Learning Environment

Overview

Part 1302 Subpart C of the current Performance Standards requires programs to support both English acquisition and home language development for dual language learners. The proposed rule would require that all education for Head Start children be conducted in English, except for American Indian and Alaska Native (AIAN) Head Start programs that are using their tribal language in the program to further tribal heritage.

This proposed change introduces one-time implementation costs for certain non-tribal programs that currently provide primary instruction in languages other than English or primarily serve dual language learners. AIAN programs are excluded from this estimate consistent with the proposed exemption.

Additionally, Part 1302 Subpart B of the current Performance Standards establishes detailed requirements for program structure, including center-based ratios and group sizes, center-based service duration requirements, home-based service duration and caseload limits, and requirements for child development specialists in family child care settings.

The proposed rule would remove certain Federal ratio, duration, and caseload requirements and defer to applicable state requirements or local program design, thereby increasing flexibility and reducing prescriptive Federal standards.

A. One-Time Costs With Requirement for English-Only Instruction

We estimate that 33.4 percent of non-tribal Head Start service locations (including classrooms, family child care homes, and group socialization sites) with available language-related data are operated by programs that primarily serve dual language learners (*i.e.,* at least 50 percent of children in the program speak or are learning a language other than English at home) or where the reported primary language of instruction is not English. This reflects 18,767 [11] classrooms that will be potentially impacted with one-time costs to implement the changes necessary to comply with this requirement. To implement English-only instruction, affected classrooms may need to replace curriculum and instructional materials and books that contain non-English content. Per proposed § 1301.18, programs may request a waiver of these requirements, subject to HHS review and approval. ACF invites comment on the proposed waiver process, including circumstances under which programs may seek waivers from the proposed English-language instruction requirements.

The cost methodology assumes the estimated cost of replacing classroom materials at $2,500 per classroom. This is based on the costs of replacing frequently used curricula and related teaching materials, estimated at $2,000, and an estimated additional cost of $500 for classroom materials that have words, such as educational toys and books. We multiply this estimate of $2,500 by the estimated number of affected classrooms (18,767) for an estimated one-time cost total of $46,917,500.

Table 1. One-Time Costs for Materials and Curriculum Associated with English-Only Instruction

Estimated cost of replacing materials per classroom	$2,500
Estimated number of classrooms with primary instruction in a language other than English or 50% or more dual language learners served	18,767
Estimated one-time cost to replace classroom materials	$46,917,500

We also estimate potential one-time costs associated with teacher retraining, recruitment, or administrative adjustments for the same classrooms discussed previously. Using PIR data, there are 103,186 preschool classroom teachers, preschool assistant teachers, and infant/toddler classroom teachers across Head Start Preschool and Early Head Start, of which an estimated 34,464 teachers and assistant teachers are in potentially affected classrooms.

We assume a per-teacher retraining or recruitment cost of $3,000 reflecting moderate targeted professional development (*e.g.,* English-language instruction training and support), or recruitment process expenditures (*e.g.,* job board posting, screenings and interviews, onboarding, overhead). This estimate reflects a blended assumption that some affected teachers would require retraining while others may need to be replaced. For recruitment-related costs, ACF considered estimates used by the Centers for Medicare & Medicaid Services (CMS),[12] which assumed recruitment and hiring costs of approximately $5,000 per worker based on inflation-adjusted estimates of direct hiring costs and recruitment expenditures. ACF does not adopt the full CMS estimate because the proposed rule anticipates that some affected teachers would be retained and retrained rather than replaced. For retraining costs, ACF assumes approximately $1,000 per teacher, reflecting moderate professional development activities and training materials associated with implementing English-language instruction requirements. This assumption reflects targeted training intended to support existing staff in adapting instructional practices. Accordingly, ACF adopts a blended estimate of $3,000 per teacher, representing a midpoint between lower-cost retraining activities and higher-cost recruitment and onboarding activities associated with staff replacement. Under the primary scenario, we assume 50 percent of teaching positions in affected classrooms incur retraining or recruitment costs, representing moderate behavioral adjustment. The low scenario assumes 25 percent, and the high scenario assumes 75 percent. We apply higher adjustment assumptions to this policy change relative to other policy changes in this proposed rule, as we expect some programs may need to make significant changes to classroom staffing to comply with this proposed requirement.

[11] This figure is based on the PIR to identify programs where at least 50 percent of children in the program speak or are learning a language other than English at home, and based on administrative data on service locations and their class level data provided to identify classrooms or groups of children served where the primary language of instruction is not English.

[12] Centers for Medicare & Medicaid Services (CMS), *Medicare and Medicaid Programs; Omnibus COVID–19 Health Care Staff Vaccination,* 86 FR 61555, 61668 (Nov. 5, 2021). CMS assumed recruitment and hiring costs of approximately $5,000 per worker, based on inflation-adjusted hiring cost estimates of $4,000 for lower-skilled workers and $6,000 for higher-skilled workers. Available at: *https://www.federalregister.gov/d/2021-23831/p-642.*

We multiply this estimate of $3,000 per teacher times the share of teaching staff for the given scenario (n= 34,464 teachers). Under these assumptions, estimated one-time staffing-related costs are approximately $25,848,093 under the low scenario, $51,696,186 under the primary scenario, and $77,544,279 under the high scenario.

Inputs for estimating another key portion of transition costs once again include 34,464 baseline Head Start staff, as well as ratios of 25-percent, 50-percent, and 75-percent. Also used here is an estimate of $8,000 in per-employee welfare harm of employment disruption (updated to 2026 dollars from estimates reflecting normal economic conditions, as reported in Table 1 of Kuminoff et al., 2015 [13]). If roughly one-third of affected teachers experience employment disruption, rather than retraining, the resulting upfront cost they experience is approximately $139 million, with a range from $69 million to $208 million.

ACF recognizes that English-only instruction may result in additional costs or burden not described here for programs serving dual language learners or operating in predominantly non-English-speaking communities.

Table 2. One-Time Staffing Costs Associated with English-Only Instruction

Scenario	Behavioral Assumption (Teachers Affected)	Estimated One-Time Cost
Primary	50% of teachers	$51,696,186
Low	25% of teachers	$25,848,093
High	75% of teachers	$77,544,279

B. Removal of Head Start Group Size and Ratios

Under the current regulation, the maximum group sizes and staff-child ratios for center-based settings are specified by age group. These findings indicate that replacing the current prescriptive Federal standards with deference to state licensing requirements will not impede children's development or leave children unsafe, while enabling programs to allocate resources more efficiently toward direct services and expanded enrollment. The proposed rule would remove these specific Federal ratio requirements and defer to applicable state licensing and Child Care and Development Fund (CCDF) requirements.

To estimate potential reductions in personnel costs, we compare the reported number of teachers under current Head Start ratio requirements and compare it to the number required under applicable state maximum ratios. By using the maximum ratio of children to adults under state ratios, this analysis represents a maximum adjustment in behavior, which we later use as the upper bound on the potential impacts of this rule change. This analysis is conducted at the state level, using PIR data on number of teachers and enrollment by single-year age groups, and state licensing ratios identified through a comprehensive research of ratios required by licensing for each state.

For each state and age group, we calculate the number of teachers required under state ratios by dividing the number of enrolled children in each single-year age group by the maximum number of children permitted per adult. Because state ratios do not align to single-year age groups, we converted state age ranges into one-year groups and averaged ratios across the months covered within each group. When multiple ratios applied to the same month, we used the least strict ratio to avoid double-counting. For limited data gaps (*e.g.,* ages 5 or older and select U.S. territories), we applied averages from available data to ensure those slots were included. Once state ratios were standardized to calculate the number of teachers required in each single-year age group, we then used the number of children served in each one-year age group by state and territory (as reported in the PIR) to estimate the total number of teachers required under state and territory ratios for the specific one-year age ranges. After taking a sum of the number of teachers required in each age range for each state and territory, we applied a reduction of approximately 13 percent to account for the fact that the reported data on the number of children served in each age range by state and territory reflects cumulative enrollment.

By reducing the estimated number of teachers by 13 percent, we adjust for the difference between cumulative enrollment reported in the PIR and funded enrollment. Because cumulative enrollment includes children who enter and exit programs during the year, it exceeds the number of children enrolled at any given point in time. The 13 percent adjustment reflects the difference between cumulative enrollment and funded enrollment and is intended to align the teacher estimate with the number of children occupying funded slots during the program year.

The following example illustrates the methodology used to estimate the number of teachers required under state licensing ratios. Using Texas as an example, the analysis applies the state's maximum child-to-staff ratio for each age group to the number of children served in that age group, as reported in the PIR. The resulting estimates are summed across age groups to determine the total number of teachers required under state ratios. Because PIR enrollment data reflect cumulative enrollment over the course of the program year, including children who enter and exit programs during the year, the total is then reduced by 13 percent to align the estimate with funded enrollment levels, which more closely reflect the number of children served at a given point in time.

[13] Kuminoff, N.V., Schoellman, T., & Timmins, C. (2015), Environmental regulations and the welfare effects of job layoffs in the United States: A spatial approach, *Review of Environmental Economics and Policy,* 9(2): 198–218.

Table 3. Example Calculation of Teachers Required Under Texas Child-to-Staff

Ratios

Age Group	Children Served in Texas (PIR)	Texas Maximum State Ratio (Children per Adult)	Teachers Required
Under age 1	4,702	5.92	794
Age 1	6,517	7.36	885
Age 2	9,517	11.00	865
Age 3	25,027	15.00	1,668
Age 4	23,403	18.00	1,300
Age 5 and older	284	22.00	13
Total before adjustment	**69,450**	—	**5,525**
13 percent cumulative enrollment adjustment	—	—	(718)
Total after adjustment	—	—	**4,807**

We compare this figure to the number of teaching staff currently reported in the PIR, broken out by teaching staff type (*e.g.,* preschool classroom teachers, preschool assistant teachers), and multiply the number of staff by their respective average annual salaries as reported in the PIR, adjusted by 2 percent to express the estimates in constant 2026 dollars, and then apply a 24 percent fringe adjustment to estimate the teaching personnel expenditures at current levels. We calculate the difference between the number of teaching staff reported in the PIR and the total estimate of the number of teachers required by state ratios to identify the estimated maximum potential reduction in the teaching workforce. We calculate the proportional reduction in the teacher workforce by dividing the difference in teaching staff by the current reported teaching staff, and we apply this ratio to the estimated teaching personnel expenditures to arrive at the maximum potential reduction in personnel expenditures.

Recognizing that not all programs may immediately or fully adjust to state maximum ratios, we apply behavioral multipliers to reflect different levels of response. ACF recognizes that any steps towards lower ratios will lead to lower cost per child costs, which will improve program efficiency. The table below illustrates the low estimate assumes 25 percent of the maximum potential reduction is realized in year five, representing minimal behavior change. The primary estimate assumes 50 percent realization in year five. The high estimate assumes 75 percent realization, representing significant behavior change in year five. These estimates are calculated by multiplying the respective percent realizations by the maximum potential reduction in personnel expenditures. ACF assumes that the proposed policy changes are phased in over the five-year time horizon and fully implemented in year five.

Results from this analysis are presented in the following table. Under the primary scenario, the annual reduction in personnel expenditures associated with ratio flexibility is estimated at $668,299,826, with corresponding low and high estimates of $334,149,913 and $1,002,449,739, respectively.

Table 4. Annual Reduction in Personnel Expenditures from Removal of Ratio

Requirements

Scenario	Behavioral Adjustment Towards Maximum State Ratio Requirements	Estimated Annual Reduction
Primary	50% realization	$668,299,826
Low	25% realization	$334,149,913
High	75% realization	$1,002,449,739

The estimated reduction in teaching staff can be used to estimate the potential change in the average number of children per teacher. Under the maximum adjustment scenario, the estimated number of teachers required under state licensing ratios is approximately 24 percent lower than the number of teaching staff currently reported in the PIR (80,078 compared to 105,423). Holding enrollment constant, this implies an increase of approximately 32 percent in the average number of children per teacher. Under the primary scenario, which assumes programs realize 50 percent of the maximum adjustment, the increase in the average number of children per teacher would be approximately 16 percent. Actual changes would vary across programs and states depending on staffing decisions and the extent to which programs adjust toward state licensing ratios.

No adjustments were made to these estimates for the proposed removal of the Head Start per-child facility square footage requirements. Although related, any effects from the removal of these requirements are expected to be marginal because state licensing standards already align closely with, or in some cases exceed, current Head Start center-based requirements of 35 square feet of usable indoor activity space per child and 75 square feet of outdoor play space per child. While a small number of states permit lower space standards in limited circumstances, many states impose more stringent requirements that would already apply to Head Start programs operating in those states. For example, Texas requires 80 square feet of outdoor space per child, the District of Columbia and Rhode Island require 45 square feet of indoor space for infants and toddlers, and Illinois increases required square footage depending on whether sleep and play areas are combined and whether cribs are used. As a result, in many states, about 30 to 40 states depending on the measure, licensing standards already meet or exceed Head Start space benchmarks, making the proposed removal of the Federal per-child facility requirement negligible for this estimate.

C. Removal of Center-Based Head Start Preschool Duration and Program Schedule Requirements

The current regulation requires that at least 45 percent of Head Start Preschool center-based funded enrollment receive 1,020 annual hours of planned class operations and establishes minimum days and hours for remaining slots. The proposed rule removes this Federal duration requirement for Head Start Preschool. Early Head Start is excluded from this analysis because, as discussed in the preamble of this NPRM, the Act specifies that EHS programs must provide ''continuous'' comprehensive child development and family support services, which ACF has long interpreted to mean a full day and full year of services for infants and toddlers in EHS center-based programs.

To estimate potential reductions in personnel costs associated with reduced duration, we compare median annual hours of operation using administrative data reported on program schedules of operation, weighted by funded enrollment, prior to the 2016 final rule that introduced these requirements on program duration (fiscal year 2015 used to characterize the analytic baseline) to median annual hours, weighted by funded enrollment, from fiscal year 2025. In fiscal year 2015, estimated median annual hours of operation were 960 hours, and estimated median annual days of operation were 162 days; both of these figures are weighted by funded enrollment. After computing the weighted median hours of operation per child per year, we calculated the difference between the fiscal year 2025 median and the fiscal year 2015 median, which is 132 hours per child per year. This difference of 132 hours represents the maximum potential reduction in annual hours of operation, from which the subsequent calculations are computed.

While some programs will reduce their duration, Head Start programs primarily serve working families who rely on consistent care, and programs must continue meeting these needs to sustain enrollment—particularly as early childhood options expand. Accordingly, we assume a range of behavioral adjustments in response to this proposed policy change. The low estimate assumes a 25 percent reduction of the 132-hour gap (33 hours), the primary estimate assumes a 50 percent reduction (66 hours), and the high estimate assumes a 75 percent reduction (99 hours). These represent low, primary, and high behavioral adjustments, respectively.

Using 2025 PIR data, the average annual salary for Head Start Preschool classroom teachers is $62,746 and for assistant teachers is $42,272, after adjusting the PIR salary data by 2 percent to express the estimates in constant 2026 dollars and applying a 24 percent fringe adjustment. Multiplying by the number of teachers reported in the PIR (32,262 classroom teachers and 35,881 assistant teachers) yields total annual teacher compensation of approximately $3,541,086,867.

Applying the percentage reduction in annual hours to total compensation yields estimated reductions of approximately $107,010,867 under the low estimate, $214,021,734 under the primary estimate, and $321,032,601 under the high estimate. ACF assumes that the proposed policy changes are implemented over a five-year time horizon and these cost reductions would be fully realized upon implementation in year five.

These reductions reflect reduced required instructional hours and associated staffing time. Resources made available through reduced duration requirements may be redirected toward other program priorities or expanded enrollment.

Table 5. Annual Reduction in Teacher Compensation from Removal of Head Start Preschool Duration Requirements

Scenario	Reduction in Hours	Percent Reduction of Total Teacher Compensation	Estimated Annual Reduction
Primary	66 hours	6.04%	$214,021,734
Low	33 hours	3.02%	$107,010,867
High	99 hours	9.07%	$321,032,601

In addition to these estimated reductions in program expenditures, the proposed changes may also affect how families arrange child care, although these impacts are not quantified in this analysis. The proposed removal of Head Start Preschool duration requirements may result in changes to the number of hours of care provided to enrolled children, depending on program-level implementation decisions. To the extent that program hours change, families may adjust their arrangements by using a mix of formal child care, informal supports, or parental care, based on their individual preferences and local availability of options.

The extent of these adjustments is uncertain and likely to vary across communities and households. Key factors include the availability and affordability of alternative child care, local labor market conditions, program implementation decisions, and access to informal care networks. Due to this variability, ACF has not quantified these impacts but recognizes that families may respond in different ways, consistent with their needs, resources, and local conditions. These factors are also discussed further below in the section on Non-Quantified Impacts (Costs and Benefits).

D. Removal of Home-Based Service Duration and Caseload Requirements

The current regulation prescribes minimum numbers of home visits and group socializations and limits home visitor caseloads. The proposed rule would remove these Federal duration and caseload requirements.

For purposes of this estimate, we assume that states do not impose significant independent requirements on home-based service duration or home visitor caseloads.

We assume that, in response to removal of Federal duration and caseload requirements, programs may adjust the number of home visits per year as well as the number of families assigned per home visitor (caseloads), resulting in a reduced overall need for home visiting staff. Using PIR data, there are 5,556 home visitors reported. The average annual salary for home visitors is $62,373, after adjusting the PIR salary data by 2 percent to express the estimates in constant 2026 dollars and applying a 24 percent fringe adjustment.

We estimate potential reductions in the home visitor workforce under three scenarios as outlined in the following table. Current standards establish minimum expectations for visit frequency and duration (*e.g.,* weekly visits of defined length), which shape staffing and service delivery. Absent these requirements, we anticipate programs will likely shorten home visits, increase caseloads, and adjust staffing. Accordingly, the scenarios reflect significant changes to staffing costs.

The low estimate assumes a 25 percent reduction in the home visitor workforce, the primary estimate assumes a 50 percent reduction, and the high estimate assumes a 75 percent reduction. The low estimate represents minimal behavioral adjustment, while the high estimate reflects significant restructuring of home-based service delivery.

Table 6. Annual Reduction in Personnel Expenditures from Removal of Home-Based Duration and Caseload Requirements

Scenario	Workforce Reduction Assumption	Estimated Annual Reduction
Primary	50%	$173,272,194
Low	25%	$86,636,097
High	75%	$259,908,291

Under these assumptions, estimated annual reductions in personnel expenditures are approximately $86,636,097 under the low estimate, $173,272,194 under the primary estimate, and $259,908,291 under the high estimate.

E. Removal of Requirement for Child Development Specialist Role

The current regulation mandates that family child care providers partner with child development specialists. The proposed rule would remove this requirement.

Using PIR data, there are 570 child development specialists reported. Because salary data for this role are not separately reported in the PIR, we use the average annual salary for family child care providers as a proxy adjusted by 2 percent to express the estimate in constant 2026 dollars and then adjusted for fringe benefits, resulting in an estimated annual compensation of $67,123.

We assume the proposed policy change in this NPRM will result in many programs reducing or eliminating staffing for this role. Therefore, the low estimate assumes a 25 percent reduction in this workforce, the primary estimate assumes a 50 percent reduction, and the high estimate assumes a 75 percent reduction.

Under these assumptions, estimated annual reductions in personnel expenditures are approximately $9,564,986 under the low estimate, $19,129,973 under the primary estimate, and $28,694,959 under the high estimate.

Table 7. Annual Reduction in Personnel Expenditures from Removal of Child Development Specialist Requirement

Scenario	Workforce Reduction Assumption	Estimated Annual Reduction
Primary	50%	$19,129,973
Low	25%	$9,564,986
High	75%	$28,694,959

Safety and Transportation Practices

A. Removal of Requirement for Bus Monitors on Board at All Times

The proposed rule would remove the regulatory requirement that at least one bus monitor be present on vehicles transporting Head Start children at all times. Current regulations governing vehicle operation require programs that provide transportation services to ensure that a bus monitor is on board during transportation services.

The proposed change would provide programs with greater flexibility to determine how to structure transportation staffing based on local operational considerations, safety practices, and state or local transportation regulations.

This proposed regulatory change would reduce costs for programs that currently employ personnel to fulfill the Federal bus monitor requirement. Programs that determine a bus monitor is not necessary under their transportation model may reduce staffing costs associated with these positions. ACF acknowledges that programs may choose to continue employing bus monitors to comply with applicable state or local requirements.

To estimate potential reductions in personnel expenditures, the analysis first estimates the number of bus monitors currently associated with Head Start transportation services. According to the PIR, a total of 94,230 children received transportation to and from classes. This analysis estimates the number of bus monitors at the grant level by dividing the number of transported children for each grant, by an assumed ratio of 20 children per bus monitor and rounding the result upward to account for whole staff positions. This ratio is based on the capacity ranges of Type A buses. Based on this approach, the estimated number of bus monitors associated with Head Start transportation services is 5,130.

Compensation for bus monitors is estimated using the Bureau of Labor Statistics Occupational Employment and Wage Statistics for School Bus Monitors (SOC 33–9094), May 2025 mean annual wage of $35,150. Adjusting for a 2 percent inflation rate to achieve 2026 dollars results in a mean annual wage of $35,853. This analysis then applies a 24 percent adjustment to account for fringe benefits, resulting in an estimated annual compensation of $47,175 per bus monitor which reflects a fully loaded hourly compensation rate of $22.68.

Because bus monitoring responsibilities are frequently performed by staff who hold multiple roles within Head Start programs (*e.g.,* teachers, aides, etc.) or part-time staff, the analysis assumes that removal of the requirement would affect an average of one-third of a full-time equivalent position per monitor rather than eliminating a full staff position in every case. To account for uncertainty regarding program responses to this policy change, the analysis models three behavioral scenarios reflecting different levels of reduction in bus monitoring hours. The low scenario assumes programs reduce bus monitor staffing hours by 25 percent, representing minimal behavioral change. The primary scenario assumes a 50 percent reduction in hours. The high scenario assumes a 75 percent reduction, representing more substantial adjustment in transportation staffing practices.

These scenario assumptions are set based on evidence that Head Start programs have historically reduced transportation services in response to cost pressures and regulatory burden. The added flexibility is expected to enable programs to continue offering transportation in a more cost-efficient manner, which many are likely to adopt. Under the primary scenario, assuming a 50 percent reduction in hours devoted to bus monitoring, the estimated annual reduction in personnel expenditures is approximately $39,931,279. Under the low scenario, assuming a 25 percent reduction in hours devoted to bus monitoring, the estimated reduction is approximately $19,965,639. Under the high scenario, assuming a 75 percent reduction in hours, the estimated reduction is approximately $59,896,918.

Table 8. Estimated Annual Cost Reduction in Personnel Expenditures from Removal of Bus Monitor Requirement

Scenario	Estimated Reduction
Primary (50% reduction in hours)	$39,931,279
Low (25% reduction in hours)	$19,965,639
High (75% reduction in hours)	$59,896,918

These estimates reflect potential reductions in staff time associated with the proposed removal of the Federal bus monitor requirement. Actual cost reductions may be smaller if programs retain bus monitors to comply with state or local transportation regulations or to maintain existing safety practices. As with other personnel-related adjustments discussed in this RIA, any reductions in staffing time may allow programs to reallocate resources to other program activities.

Health and Mental Health Services

The current standards require programs to conduct health determinations, assist families in navigating health systems, facilitate access to health care and insurance for pregnant women within specified timeframes, conduct tooth brushing activities, and provide mental health supports for children and families, including ongoing mental health consultation at least monthly. The proposed rule would remove specific Federal requirements across these areas.

To estimate the annual reduction in costs associated with these removals, we use FY 2025 budget line-item reports for health contractual services ($40,966,609 total reported across all Head Start grant applications) and personnel costs for health and mental health services ($177,357,309 total reported across all Head Start grant applications). These FY 2025 amounts are adjusted by 2 percent to express the estimates in constant 2026 dollars before applying the scenario multipliers, resulting in $41,785,941 for health contractual services and $180,904,455 in personnel costs for health and mental health services. These categories include expenditures associated with health, mental health, and nutrition-related personnel and consultants to the extent such costs are reported by grant recipients and therefore reflect the primary budget categories through which nutrition consultation and related services are funded. Because these expenditures are reported in aggregate, ACF is unable to separately identify or estimate the costs associated solely with nutrition and health consultants. See the Non-Quantified Impacts discussion of nutrition-related provisions for additional discussion regarding anticipated impacts and costs associated with those requirements. We sum these amounts and apply multipliers of 25 percent (low), 50 percent (primary), and 75 percent (high). Head Start programs remain responsible for ensuring the provision of health, mental health, and related services per the Act and must also continue to comply with applicable state and local requirements. In addition, staff will still need ongoing support to address children's challenging behaviors; therefore, programs are likely to retain staff for these supports. If they choose, programs may maintain health and mental health services as currently implemented in their programs, if this best fits the needs of their families and communities. Accordingly, we apply scenarios that anticipate more moderate behavioral adjustments in this area.

This analysis also reflects the removal of requirements introduced in the 2024 final rule related to monthly mental health consultation, which were previously estimated to result in approximately $64 million in annual costs and reflected the cost of providing regular mental health consultation and related supports.[14] The current NPRM proposes to modify those requirements, along with removal of additional prescriptive provisions, so the estimates presented here reflect a broader set of changes to health and mental health service delivery rather than a direct one-to-one reversal of the prior estimate from the 2024 final rule.

Table 9. Annual Reduction in Health and Mental Health Services Costs

Scenario	Contractual Health Services	Personnel (Health + Mental Health)	Multiplier	Estimated Annual Cost Reduction
Primary (50%)	$41,785,941	$180,904,455	0.50	$111,345,198
Low (25%)	$41,785,941	$180,904,455	0.25	$55,672,599
High (75%)	$41,785,941	$180,904,455	0.75	$167,017,797

Under the primary scenario, the estimated annual reduction is approximately $111.3 million. Under the low and high scenarios, the estimated annual reductions are approximately $55.7 million and $167.0 million, respectively.

These reductions reflect flexibility for programs to redesign service delivery in alignment with the Act, state licensing requirements, and local health systems, while maintaining focus on core health and nutrition outcomes. Overall, ACF continues to anticipate a net reduction in costs as previously estimated due to the removal of prescriptive health and mental health requirements.

Family Service Worker Caseloads

The current family engagement standards require that the planned number of families assigned to staff conducting the family partnership process be no greater than 40 families per staff member, subject to limited waivers. The proposed rule would remove the 40:1 caseload limit that was introduced in a final rule published in 2024, restoring discretion to local programs to determine family services staffing patterns that are better aligned with family needs and available resources.

Based on the same methodological framework used in the 2024 final rule but incorporating updated data and baseline assumptions, we estimate that 2,170 additional family services staff would be required to meet the 40:1 ratio under current requirements.

The 2024 final rule estimated approximately $125 million in annual costs associated with implementing the 40:1 family service worker caseload requirement using similar

[14] This dollar estimate is what was published in the 2024 final rule analysis and is not adjusted to 2026 dollars.

methodological assumptions. The estimates presented here build on that approach but incorporate updated 2025 PIR data on family service worker staffing levels and do not apply the same assumptions regarding associated benefits, as the baseline for this analysis assumes rescission of those requirements. These adjustments result in differences between the estimates, which is why the 100 percent scenario presented here does not directly align with the $125 million estimate from the 2024 final rule.

We employ the assumption of a $40,000 average annual salary used in the 2024 final rule, this analysis applies a 2 percent annual inflation adjustment for two years to express the salary in 2026 dollars, resulting in an average annual salary of $41,616. Fringe benefits are assumed to represent 24 percent of total compensation; therefore, this analysis divides wages by 0.76 to estimate fully loaded compensation, resulting in a fully loaded average annual salary of $54,758. Because this requirement has not yet taken effect, we estimate future cost reductions associated with eliminating the anticipated need for these additional staff.

This model applies scenarios with high behavioral adjustments because programs have yet to implement this requirement and ACF recognizes there are challenges with hiring and retaining family services staff based on program feedback. Accordingly, the added flexibility through the removal of the 40:1 ratio requirement is expected to enable programs to continue offering family support services in a more cost-efficient manner, which many programs are likely to maintain. We apply reduction scenarios of 50 percent, 75 percent, and 100 percent of the projected 2,170 positions, while adjusting for 24 percent fringe.

Table 10. Annual Reduction in Family Service Worker Costs

Scenario	Reduction in Additional Staff	Estimated Annual Cost Reduction
Primary (75%)	1,628	$89,120,314
Low (50%)	1,085	$59,413,543
High (100%)	2,170	$118,827,085

Under the primary scenario, the estimated annual reduction is approximately $89.1 million. Under the low and high scenarios, estimated reductions are approximately $59.4 million and $118.8 million, respectively. ACF assumes that the proposed policy changes are implemented over a five-year time horizon and these cost reductions would be fully realized upon implementation in year five.

These reductions reflect that programs will likely determine alternative staffing configurations to meet family needs without a Federally prescribed caseload ratio. Without a Federally specified caseload limit, family service workers may structure services differently, which may affect the intensity or frequency of individualized support provided to families.

Management Systems and Administrative Cost

Overview

This proposed rule would rescind requirements in Part 1302 Subpart I related to staff qualifications and certain human resources policies. It would remove specific Federal qualification requirements for several non-education staff positions, remove prescriptive requirements to implement a coordinated coaching strategy for education staff, and remove requirements related to staff breaks that were introduced in a 2024 final rule. These changes are intended to restore discretion to local programs, reduce Federally prescribed staffing constraints, and allow programs to align staffing models with local labor market conditions and state requirements, while continuing to comply with statutory requirements under the Act. Certain education staff qualification requirements remain in the Act, including those applicable to Head Start Preschool teachers, preschool assistant teachers, Early Head Start teachers, and education managers or coordinators, while the proposed revisions would remove regulatory qualification requirements for other specified roles.

The proposed rule includes requirements related to program-level aggregation and analysis of child assessment data that align to current regulation in that they would continue to require programs to establish program goals, conduct self-assessments, and submit findings to HHS but the proposed regulations do not include the specified minimum frequency in current § 1302.102(c)(2)(ii).

In addition, the proposed rule would reduce the cap on allowable costs to develop and administer a Head Start program under § 1303.5 from 15 percent to 5 percent of total approved program costs.

A. Removal of Staff Qualification Requirements for Non-Education Staff

Under the current Performance Standards at § 1302.91, specific minimum qualifications apply to certain management and service delivery positions. These include requirements related to education and credentials for roles such as Head Start directors; fiscal officers; management staff overseeing family, health, and disability services; home visitors; family child care providers; and family services staff.

The proposed rule would remove these Federal qualification requirements for these roles, allowing programs to determine appropriate qualifications, consistent with state, tribal, and local laws and their own operational needs.

The economic effect of removing these qualification requirements is expected to reduce average personnel expenditures as vacancies are filled and compensation aligns more closely with the qualifications of newly hired staff, who may hold lower credentials than currently required. The estimated reduction in compensation is presented below; however, reductions related to health staff and coaches are not included in this estimate, as they are addressed in other sections of this RIA.

To estimate the potential reduction in compensation, the analysis first determines a potential ‘‘floor salary’’ for each position by applying a percentage reduction to the current average salary for that position. Under the baseline scenario, we assume that management staff hold at minimum bachelor's degrees, which aligns with requirements under the current performance standards. For management staff positions that previously required a baccalaureate degree, the analysis uses data from the National Center for Education Statistics' National Teacher and Principal Survey of Public School Principals (2020–21) to estimate differences in compensation by education level. Based on that distribution, the analysis estimates that the reduction in salary from a bachelor's degree to no degree for a management position in education is approximately six percent. Accordingly, a six percent reduction is applied to current average salaries for Head Start management positions to estimate the potential floor salary, which assumes no degree requirements for these roles. For positions that previously required a Child Development Associate credential, the analysis uses PIR data on EHS classroom teacher salary differentials by credential level and estimates a nine percent reduction from CDA to no credential. That nine percent reduction is applied to the relevant staff categories to estimate the potential salary floor, which assumes no credential requirements for these roles.

For each position, the salary difference is calculated by subtracting the estimated floor salary from the current average salary. This difference represents the maximum potential per-position reduction if all staff in that role were replaced with individuals holding no credential. Recognizing that programs are unlikely to terminate existing staff or replace all staff with individuals holding no credentials to realize these savings but may instead adjust hiring practices by filling vacancies at lower salary rates, three adjustment scenarios are modeled. The narrow range for the scenarios (10 to 50 percent) reflects that changes to staffing patterns are expected to be limited through attrition and hiring decisions. In the low scenario, 10 percent of positions move toward the estimated floor; in the primary scenario, 30 percent; and in the high scenario, 50 percent. The total reduction for each scenario is calculated by multiplying the per-position salary difference by the number of staff in that role and then by the applicable scenario adjustment percentage and summing across all affected positions.

Average salary inputs are derived from the PIR, except for family services staff, which are based on salary assumptions used in the 2024 final rule analysis. Where PIR salary data are used, ACF applies a 2 percent inflation adjustment to express estimates in constant 2026 dollars before applying fringe benefits. Counts of staff are also derived from the PIR. This analysis applies a 24 percent fringe adjustment to all salary estimates. These inputs are shown in the following table.

Table 11. Average Annual Salary and Count of Staff by Position

Staff Position	Average Annual Salaries, adjusted for constant 2026 dollars and 24% fringe	Count of Staff
Head Start Director	$151,266	1,807
Fiscal Officers	$165,479	1,665
Family Services Management Staff	$95,240	2,219
Health Services Management Staff	$83,859	1,913
Disability Services Management Staff	$93,969	1,571
Home Visitors	$62,373	5,556
Family Child Care Providers	$67,123	2,237
Family Services Staff	$54,758	16,340

The estimated annual reduction in personnel expenditures associated with removal of non-education staff qualification requirements is presented in the following table.

Table 12. Estimated Annual Reduction in Personnel Expenditures from Removal of Non-Education Staff Qualification Requirements

Scenario	Estimated Annual Reduction
Primary (30% adjustment toward floor)	$56,557,211
Low (10% adjustment toward floor; minimal behavioral change)	$18,852,404
High (50% adjustment toward floor; significant behavioral change)	$94,262,018

In the low estimate, which reflects minimal behavioral change in how programs currently operate in relation to these roles, annual reductions in staff salaries due to lowered qualifications are estimated at approximately $18.8 million. In the primary estimate, reflecting moderate adjustment in staffing patterns, annual reductions are estimated at approximately $56.6 million. This primary estimate is considered most representative, as programs are likely to still hire candidates that have comparable educational attainment for their role as their predecessor, rather than intentionally seeking and hiring candidates with no degrees for these positions. In the high estimate, reflecting more substantial adjustment in hiring practices, annual reductions are estimated at approximately $94.3 million.

B. Removal of Coaching Requirement for Education Staff

Current § 1302.92(c) requires programs to implement a research-based coordinated coaching strategy for education staff, including intensive coaching for identified staff. The proposed rule would remove these requirements, thereby reducing the level of prescriptive Federal expectations regarding coaching structures and allowing programs greater flexibility in how instructional support is delivered, including associated staffing or contractual arrangements. ACF notes that programs must continue to meet statutory requirements related to mentor teachers under section 648A(b), which may overlap with certain coaching functions, though these statutory requirements allow much more flexibility for programs in implementation of coaching supports.

Although programs may continue to provide coaching at their discretion or to align with the Act, the proposed removal of the regulatory requirements is expected to reduce the intensity and frequency of coaching activities in some programs. In this analysis, these changes are operationalized as a reduction in the number of staff or contracted personnel dedicated to coaching-type services, which may result in lower expenditures associated with coach salaries and related fringe benefits. The analysis assumes an average annual compensation of $50,000 per coach, expressed in constant 2026 dollars, and applies a 24 percent adjustment for fringe benefits, resulting in an average total compensation of $65,789. Based on PIR data, 5,432 individuals currently provide coaching services.

The total baseline annual compensation associated with coaching staff is calculated by multiplying 5,432 coaches by $65,789, resulting in approximately $357.4 million. Because some programs may continue coaching activities and maintain instructional support functions through mentor teachers as required by the Act, three adjustment scenarios are modeled. The wider adjustment range (25 percent to 75 percent) reflects that, unlike staffing changes tied to education qualifications, coaching is a program activity that may be integrated into broader instructional support roles and can generally be scaled back in intensity more quickly following the removal of regulatory requirements, including through reductions in dedicated staff or contracted services. In the primary scenario, 50 percent of coaching expenditures are reduced. In the low scenario, 25 percent of expenditures are reduced, reflecting less significant behavioral change. In the high scenario, 75 percent of expenditures are reduced, reflecting more substantial reduction of coaching activities.

Table 13. Estimated Annual Reduction in Coaching Expenditures

Scenario	Reduction Percentage	Estimated Annual Reduction
Primary	50%	$178,684,211
Low (minimal behavioral change)	25%	$89,342,105
High (significant behavioral change)	75%	$268,026,316

Under the primary scenario, annual reductions are estimated at approximately $178.7 million. Under the low scenario, annual reductions are approximately $89.3 million. Under the high scenario, annual reductions are approximately $268.0 million.

Variations in the extent to which programs continue to use coaching, including through mentor teacher roles or other instructional supports, may influence instructional support structures and how programs monitor and support teaching practices.

C. Removal of Staff Break Requirement

A Head Start final rule in 2024 introduced a requirement that programs provide regular breaks of adequate length and frequency to staff, including classroom staff, during hours worked. This requirement would go into effect for programs in August 2027. The proposed rule would remove this and related requirements, so programs would not be required to comply with this policy by August of 2027.

The cost estimate for the staff break requirement in the 2024 final rule was based on assumptions regarding the number of affected staff, the duration and frequency of breaks, and how programs would provide coverage. The analysis assumed approximately 108,869 education staff, with an average of 28 minutes of break time per shift and 180 shifts per year, resulting in approximately 5,049 minutes of break time per staff annually, or about 9.2 million total hours of break time across all education staff.

Because detailed data on existing break policies were not available, the analysis assumed that 20 percent of programs already provided breaks under baseline conditions. Of the remaining programs, it was assumed that 50 percent would accommodate break requirements by shifting workloads among existing staff, while the remainder would provide coverage by hiring additional staff, referred to as ''floaters,'' compensated at rates comparable to assistant teachers without credentials.

Applying these assumptions, the analysis estimated that approximately 2.7 million hours of additional break coverage would be required annually. Valuing this time using assistant teacher wages, including fringe benefits, resulted in an estimated annual cost of approximately $64 million in the 2024 final rule. This analysis adjusts that estimate by 2 percent annually for two years to express the estimate in constant 2026 dollars, resulting in an estimated future annual reduction of approximately $66.6 million.

Using the same cost assumptions from the prior rule, adjusted by 2 percent annually for two years to express the estimate in constant 2026 dollars, the removal of the requirement is estimated to reduce future annual expenditures by approximately $66.6 million. This estimate does not model alternative adjustment ranges, as it reflects the removal of a previously estimated compliance cost using the same underlying assumptions from the 2024 final rule, adjusted to constant 2026 dollars, rather than new behavioral responses.

Table 14. Estimated Future Annual Reduction from Removal of Staff Break Requirement

Activity	Estimated Annual Reduction
Removal of Required Staff Breaks	$66,585,600

D. Removal of Requirements Related to Data Use in Program Management

Under the current regulations, programs must establish a comprehensive and structured approach to program goals, monitoring program performance, and continuous improvement, while using data to assess progress and inform decision-making. This includes, as part of these approaches, aggregating and analyzing child-level assessment data multiple times per year, as well as reviewing data related to professional development, family engagement, and service delivery. In addition, programs must conduct a comprehensive community assessment at least once during the five-year grant period and review and update it annually to reflect significant changes in the community. Programs are required to use community assessment data to inform key program decisions, to identify community resources to support partnerships and coordinate services, and to guide strategic planning and continuous improvement efforts.

This proposed rule would streamline program goals, improvement, and reporting requirements. Programs must still set measurable goals for education, health, nutrition, and family engagement, assess their progress, and report findings to HHS, but would remove detailed and prescriptive requirements related to data collection, analysis, and use. Specifically, it would eliminate requirements for programs to aggregate and analyze child-level assessment data at specified intervals, as well as requirements to systematically analyze data related to professional development, family engagement, and other program services for continuous improvement. It would also remove prescriptive continuous improvement processes tied to specific data inputs and timelines. In addition, the proposed rule would include requirements related to community assessment that align to current regulations but do not include the specified frequency for conducting a comprehensive assessment and the requirement to annually review and update it. These changes are intended to reduce administrative burden, provide greater flexibility to programs in how they use data and community information to inform improvement, and would reduce ongoing compliance burden associated with use of data in program management.

The economic effects of these changes are expected to reduce total staff time associated with data use in program management for the 1,526 Head Start agencies. Based on the Supporting Statement for the Paperwork Reduction Act (OMB Control Number 0970–0148), programs spend an average of 79 hours per year in the collection and use of data for monitoring program performance, continuous improvement efforts, and conducting their self-assessment, as well as conducting a comprehensive community assessment at least once during the five-year grant period including an annual review and update to identify significant changes in community demographics, needs, and resources.

To estimate the reduction in expenditures associated with reduced staff time for these activities, we examined salary data on education and child care administrators from the BLS. The hourly compensation rate applied in this analysis is based on the BLS Occupational Employment and Wage Statistics for Education and Childcare Administrators, Preschool and Daycare (SOC 11–9031), May 2025 mean hourly wage of $31.15, from which this analysis applies a 2 percent inflation adjustment to express the estimate in constant 2026 dollars, resulting in a mean hourly wage of $31.77. This analysis then applies a 24 percent adjustment to account for fringe benefits, resulting in $41.81 per hour.

We calculated the baseline annual cost of data use in program management by multiplying 1,526 Head Start agencies by 79 hours per year of administrator staff time and by $41.81 per hour. To estimate reductions, three adjustment scenarios are modeled. The adjustment range (25 percent to 75 percent) reflects that programs have flexibility in the frequency and intensity of data collection and use as part of their approach to program management and decision-making. In the primary scenario, programs reduce staff time spent on these activities by 50 percent. In the low scenario, programs reduce staff time by 25 percent, reflecting minimal behavioral change. In the high scenario, programs reduce staff time by 75 percent, reflecting more substantial adjustment in these approaches.

Table 15. Estimated Annual Reduction from Removal of Data Aggregation and Community Assessment Requirements

Scenario	Agencies	Hours per Year	Hourly Rate (incl. fringe)	Reduction Percentage	Estimated Annual Reduction
Primary	1,526	79	$41.81	50%	$2,519,975
Low (minimal behavioral change)	1,526	79	$41.81	25%	$1,259,988
High (significant behavioral change)	1,526	79	$41.81	75%	$3,779,963

Under the primary scenario, annual reductions are estimated at approximately $2.5 million. Under the low scenario, annual reductions are approximately $1.3 million. Under the high scenario, annual reductions are approximately $3.8 million. The extent to which programs make changes in the frequency and intensity of using data as part of program management may influence how programs identify trends and the extent to which this informs continuous improvement strategies.

E. Reduction of Allowable Administrative Costs From 15 Percent to 5 Percent

Current § 1303.5 limits allowable costs to develop and administer a Head Start program to 15 percent of total approved program costs, inclusive of both Federal and non-Federal match. The proposed rule would reduce this cap from 15 percent to 5 percent of total approved program costs. Using program budget line-item data reflecting 2025 administrative cost allocations at 2026 funding levels, adjusted by 2 percent to express the estimates in constant 2026 dollars, this analysis first calculates the current share of total budgets allocated to administrative costs. These data indicate that administrative costs represent approximately 11.2 percent of total program budgets under the baseline scenario.[15]

In addition to program-specific data, ACF also considered administrative cost limitations applied in other Federal grant programs to assess the reasonableness of the proposed 5 percent cap. Across a range of human services and workforce programs, administrative cost limits commonly fall between 5 and 15 percent. Within Head Start specifically, approximately 3.7 percent of grants currently operate at or below a 5 percent administrative cost threshold, indicating that a small subset of programs are already functioning within this range.

ACF also examined the distribution of grants with administrative cost allocations above 5 percent but below 10 percent to assess how close additional programs are to the proposed threshold. Approximately 7.9 percent of grants currently operate between 5 percent and 7.5 percent administrative costs, and approximately 19.8 percent operate between 7.5 percent and 10 percent. ACF recognizes that relatively few grants currently operate at or below the proposed 5 percent cap. However, these data indicate that additional grants operate above 5 percent but below 10 percent administrative costs, suggesting that some programs may be closer to the proposed threshold than others. The extent to which programs can transition to the proposed cap will depend on current cost structures, program size, service area, administrative arrangements, and the availability of waiver relief where appropriate.

ACF also considered whether grants operating in more urban, metropolitan, or rural areas may face different opportunities to consolidate administrative functions. For this analysis, ACF used 2020 ZIP Code Rural-Urban Commuting Area (RUCA) classifications developed by the U.S. Department of Agriculture's Economic Research Service. ZIP Code RUCA codes are derived from census tract RUCA codes and classify ZIP codes based on urbanization and commuting patterns. ACF used the ZIP Code of the Head

[15] Many of the other provisions proposed in this document would have the potential to reduce spending on direct services, so a ratio estimate (of administrative costs to total program budgets) that accounts for the other provisions might be higher than 11.2 percent. As this percentage increases, so do the effects of the proposed administrative cost cap, including shifts of program funds—estimated to be $754 million if the baseline ratio is 11.2 percent—and transition costs.

Start agency location for this analysis; however, ACF recognizes that the agency location may differ from the locations where services are actually provided, particularly for grants that operate multiple sites or serve broad geographic areas. ACF classified grants with ZIP Code RUCA codes 1 through 3 as metropolitan or urban commuting areas, reflecting metropolitan core areas and areas with high or low commuting flows to a metropolitan urban area. Grants with ZIP Code RUCA codes 4 through 10 were classified as rural or nonmetropolitan areas, including micropolitan, small town, and rural areas.

Based on this analysis, among grants with matched ZIP Code RUCA classifications, approximately 63 percent of Head Start grants are located in metropolitan or urban commuting areas, and approximately 37 percent are located in rural or nonmetropolitan areas. Approximately 3.7 percent of grants in metropolitan or urban commuting areas operate at or below 5 percent administrative costs, compared to approximately 3.6 percent of grants in rural or nonmetropolitan areas. ACF recognizes that programs in areas where Head Start services are geographically clustered may have more opportunities to consolidate administrative functions, while programs serving more remote or dispersed communities may face different implementation considerations.

ACF also examined whether current administrative cost percentages varied by grant funding size or program type. This analysis did not show a meaningful relationship between total grant funding and administrative cost percentage; average and median administrative percentages were generally similar across grant-size categories. Smaller grants were somewhat more likely to report administrative costs at or below 5 percent; however, grant size did not appear to explain differences in administrative cost percentages. Administrative cost percentages also appeared broadly similar across HS Preschool-only, EHS-only, and combined HS Preschool/EHS grants, with only modest differences across program types.

Several HHS programs operate with a 5 percent administrative cost limit, including the Child Care and Development Fund (CCDF), the Substance Use Prevention and Treatment Block Grant (SAPT), the Community Mental Health Services Block Grant (MHBG), and the Community Services Block Grant (CSBG). These programs support decentralized service delivery systems that rely on State, local, and subrecipient entities to administer benefits and oversee program operations.

To quantify the potential fiscal impact of this proposed change on Federal Head Start funding, total Head Start funding is defined as the sum of Head Start Preschool base, Early Head Start base, and Training and Technical Assistance funds in FY 2025 funds planning data, adjusted by 2 percent to express the estimates in constant 2026 dollars, is $12,166,833,883. Applying the baseline 11.2 percent administrative allocation results in approximately $1,362,685,395 in administrative costs across all Head Start programs. If administrative costs are capped at 5 percent, allowable administrative expenditures would be approximately $608,341,694. The difference between these amounts represents the estimated annual change in the distribution of Federal Head Start expenditures under the proposed cap.

Table 16. Estimated Annual Change in Federal Administrative Expenditures from Administrative Cost Cap Revision

Total Federal Head Start Funding	Baseline Admin Costs (11.2%)	Admin Costs at 5%	Estimated Annual Change
$12,166,833,883	$1,362,685,395	$608,341,694	$754,343,701

The estimated annual change in administrative expenditures is approximately $754.3 million. Programs may need to adjust administrative and programmatic cost allocations to comply with the proposed cap, and the extent of these adjustments will vary depending on existing cost structures, program size, and local requirements. Rather than representing a direct reduction in overall program costs, this policy is expected to shift how funds are allocated within programs, including toward direct services that promote the health, safety, and well-being of children and families. Because this policy establishes a fixed cap, no separate low or high behavioral scenarios are modeled as it reflects a regulatory constraint rather than behavioral adjustment.

If programs anticipate undue challenges with complying with this proposed change in the administrative cost cap, they have the option under proposed § 1301.18 to request a waiver of this requirement. It is at ACF's discretion to review and approve such requests, which may provide flexibility for programs facing implementation constraints. ACF invites comment on the proposed waiver process, including circumstances under which programs may seek waivers from the administrative cost limitation and the extent to which such flexibility would support implementation of the proposed cap.

F. Additional Considerations Affecting Administrative Costs

In addition to the quantified changes associated with lowering the administrative cost cap from 15 percent to 5 percent, several other provisions of the final rule may affect administrative expenditures. Many of these provisions were assessed individually as having marginal fiscal impact relative to the larger cost drivers discussed in this RIA and therefore were not separately quantified as administrative cost adjustments. However, when considered collectively, these changes are expected to influence administrative spending patterns and may affect how programs allocate administrative resources and structure operations while continuing to support effective service delivery for children and families.

Several proposed regulatory revisions are expected to affect administrative processes and workload requirements; many are not separately quantified in this analysis because their impacts are considered individually modest.

Proposed changes to recruitment and attendance requirements may also change administrative practices.

Programs may align attendance accountability practices more closely with state licensing standards, resulting in potential changes in administrative time devoted to follow-up procedures. The proposed removal of certain prescriptive supervision requirements, to the extent those requirements differ from state licensing standards, may likewise change associated administrative oversight and documentation requirements.

Certain requirements related to waitlists and enrollment procedures are proposed for removal from the Performance Standards; programs must continue maintaining waitlists, both as a practical necessity for managing enrollment and because it is required by the Act. Similarly, certain Federal training requirements are proposed for removal; programs will likely continue to provide trainings, either because they remain required by the Act or state licensing frameworks, or because programs determine that such training is necessary to support safe and effective operations. In some states, child abuse and neglect reporting training is embedded within broader professional development hour requirements or required at hire or periodically rather than annually; even in these circumstances, ACF assumes that overall changes in administrative costs associated with training will be modest.

Taken together, ACF anticipates that programs may adjust administrative structures and processes by streamlining and consolidating processes, aligning more closely with state licensing and statutory requirements, and exercising increased local discretion. Although many of these individual changes were assessed as marginal relative to the larger quantified fiscal impacts in this RIA, their combined effect may influence administrative expenditures and resource allocation decisions within programs.

Furthermore, the combination of the quantified changes discussed throughout this RIA and the additional proposed streamlining effects described above are expected to provide programs with multiple avenues to restructure administrative functions and move toward compliance with the proposed cap in a manner consistent with ACF's commitment to effective service delivery and responsible stewardship of Federal resources.

Facilities

The proposed rule would remove several regulatory provisions governing applications for the purchase, construction, or renovation of facilities using Head Start grant funds. Under the current regulations, programs seeking such funding must submit extensive documentation as part of the facilities application process.

The proposed regulatory changes would remove certain prescriptive documentation requirements and are expected to reduce administrative burden in the application process for programs that pursue facilities funding by reducing the effort associated with preparing and submitting supporting materials. The extent to which existing facilities applications would be revised to align with the policy changes proposed in this NPRM is yet to be determined and removal of these requirements does not necessarily mean they will be fully removed from the facility application process.

The estimated reduction in administrative burden is calculated by applying existing burden estimates associated with preparation of facilities funding applications and adjusting those estimates to reflect a reduction in effort due to simplified application requirements.

Using PRA estimates associated with the Performance Standards (OMB Control Number 0970–0148, August 2024), the calculation assumes that the number of Head Start programs potentially affected by the regulatory change is 250 grants on an annual basis. Based on burden estimates from the Supporting Statement for the Performance Standards, programs spend an average of 40 hours preparing facilities-related grant application materials annually. The hourly cost of staff time is estimated using the BLS Occupational Employment and Wage Statistics for Education and Childcare Administrators, Preschool and Daycare (SOC 11–9031), which reports a May 2025 mean hourly wage of $31.15, from which this analysis applies a 2 percent inflation adjustment to express the estimate in constant 2026 dollars, resulting in a mean hourly wage of $31.77. When this analysis applies a 24 percent fringe adjustment, the estimated fully loaded hourly cost for staff time is $41.81.

The analysis assumes that simplification of the application process would reduce the number of staff hours required by 20 percent. This assumption reflects a moderate reduction in effort, recognizing that facilities funding applications remain complex and that some documentation will likely continue to be required in practice.

The total reduction in administrative burden is therefore calculated by multiplying the number of programs by the average hours spent preparing application materials, by the hourly wage rate including fringe benefits, and by the expected 20 percent reduction in hours required to complete the application.

Table 17. Estimated Cost Reduction with Facilities Funding Applications

Number of Grants	Hours per Grant per Year	Hourly Wage (with Fringe)	Reduction Factor	Total Cost Reduction
250	40	$41.81	0.20	$83,613

The reduction in administrative burden associated with the facilities application process results in an estimated cost reduction of approximately $83,613 annually.

Summary of Overall Estimated Cost Reductions, Costs, and Program Reinvestments

The proposed rule would remove or streamline a number of regulatory requirements governing program operations, staffing structures, service delivery models, and administrative procedures. This RIA estimates the resulting reductions in regulatory burden and personnel expenditures across several categories, including reductions in staffing, service duration requirements, program oversight activities, and administrative processes. Unless otherwise noted, all cost estimates are presented in constant 2026 dollars; estimates related to funded slots discussed in the ''Increase in Funded Slots Capacity'' section are presented in nominal dollars to reflect inflation-adjusted program costs.

Across all quantified categories where behavioral scenarios were modeled (excluding behavioral scenarios that are one-time costs), the estimated annual net reduction in program expenditures is approximately $1.5 billion under the primary scenario, with a range of $722 million under the low scenario and $2.2 billion under the high scenario. These estimates reflect the combined effects of reductions in personnel expenditures associated with staffing flexibility, reductions in administrative burden associated with documentation and reporting requirements, and reductions in other operational costs across multiple areas of program operations.

In addition to the scenario-based estimates, certain provisions generate quantified impacts that are estimated as relatively fixed amounts rather than behavioral scenarios. This includes reductions associated with the simplification of facilities application documentation, resulting in a fixed annual reduction of $83,613. Additionally, the estimated annual change associated with the administrative cost cap is $754,343,701. Rather than representing a reduction in overall Head Start spending, this estimate reflects a reallocation of expenditures within the program. Under the proposed cap, these funds would no longer be available for administrative costs and could instead be directed toward direct services, expanded enrollment capacity, or other allowable uses. Accordingly, ACF characterizes this impact as a program reinvestment within Head Start rather than a reduction in overall program funding.

When these fixed reductions, program reinvestments, and scenario-based estimates are considered together, the total estimated annual quantified impact associated with the proposed rule is approximately $2.2 billion under the primary scenario, with a range of approximately $1.5 billion under the low scenario and approximately $3.0 billion under the high scenario.

As a sensitivity analysis, ACF considered an alternative baseline in which the wage and non-wage benefit requirements from the 2024 final rule are fully implemented. Under that rule, compensation levels would increase, affecting both the cost of remaining staff and the value of any reductions in staffing or hours.

Holding behavioral responses constant, higher compensation levels would increase the dollar value of estimated cost reductions, as reductions in staffing or hours would occur at higher wage levels. Based on estimates from the 2024 final rule, this corresponds to an increase of approximately 19 percent. Applying this relationship as a simplifying assumption, the quantified impacts presented in this RIA would be approximately 19 percent higher under this alternative baseline. For example, total estimated cost reductions of $2.2 billion would increase to approximately $2.64 billion under the primary scenario.

This sensitivity analysis is illustrative and does not incorporate the phased implementation schedule of the 2024 rule or potential changes in program behavior, including staffing changes, under a higher-cost baseline. It also does not account for the corresponding increase in costs for remaining staff. Accordingly, the net effect on total program costs could differ from this percentage-based estimate. ACF uses the primary baseline, which excludes the 2024 wage and benefit requirements, for all central estimates to maintain consistency with the proposed regulatory framework.

These estimates represent potential changes in regulatory burden, program expenditures, and resource allocation associated with the proposed removal or modification of Federal regulatory requirements. Actual realized cost reductions may differ depending on program implementation decisions, state licensing requirements, local labor market conditions, and the extent to which programs choose to maintain existing practices even when they are no longer required by Federal regulation.

In addition to the recurring annual net cost reductions described above, the proposed rule is also expected to result in future cost savings associated with provisions of the 2024 final rule that have not yet taken effect and certain one-time implementation costs. These costs are primarily associated with transitioning to English-only instruction in affected classrooms and include both fixed costs, such as the replacement of curriculum and instructional materials, estimated at approximately $46.9 million, and scenario-based costs related to staffing adjustments, including retraining or recruitment. The estimated scenario-based one-time staffing costs are approximately $25.8 million under the low scenario, $51.7 million under the primary scenario, and $77.5 million under the high scenario. These costs occur during the initial implementation period rather than on an ongoing basis. As such, they are presented separately from the recurring cost reductions and do not offset the annualized savings estimates described in this section.

Future cost savings associated with the removal of the staff break requirement and family service worker caseload requirement reflect avoided costs that would otherwise be incurred beginning in 2027 under the 2024 final rule. These savings are presented separately from ongoing annual reductions for clarity. Some quantified impacts presented in this analysis reflect reductions in regulatory compliance costs, while others reflect reallocations of Head Start expenditures. In particular, the estimated impact associated with the proposed administrative cost limitation represents a program reinvestment effect in which expenditures previously allocated to administrative activities may be redirected toward direct services and other programmatic uses. These impacts are presented separately to distinguish changes in expenditure allocation from reductions in regulatory costs.

Table 18. Summary of Estimated Annual Cost Reductions, Program

Reinvestments, and One-Time Costs

Category	Low Scenario	Primary Scenario	High Scenario
Scenario-Based Annual Net Reductions	$722,454,598	$1,463,761,599	$2,205,068,600
Fixed Annual Reductions	$83,613	$83,613	$83,613
Administrative Cost Cap Program Reinvestments	$754,343,701	$754,343,701	$754,343,701
Total Annual Net Reductions and Reinvestments	$1,476,881,912	$2,218,188,913	$2,959,495,914
One-Time Costs – Curriculum and Materials	$46,917,500	$46,917,500	$46,917,500
One-Time Costs – Staff Retraining or Recruitment (Scenario-Based)	$25,848,093	$51,696,186	$77,544,279
Transition and Implementation Costs (One-Time)	$1,531,124	$2,551,874	$3,572,623
Future cost savings - Staff breaks	$66,585,600	$66,585,600	$66,585,600
Future cost savings - Family service workers caseload (Scenario-Based)	$59,413,543	$89,120,314	$118,827,085

Additional one-time administrative costs associated with transition and implementation are presented separately in the table above and are estimated at approximately $1.5 million to $3.6 million (primary estimate: $2.6 million). Further detail on these costs is provided in the transition and implementation section that follows.

Time Horizon of Estimated Cost Reductions, Costs, and Program Reinvestments

Consistent with OMB Circular A–4, regulatory impacts are evaluated over a multi-year period to reflect how costs and benefits accrue over time. This requires assumptions regarding the timing of implementation and the pattern of realized effects.

For this analysis, ACF assumes that economic impacts begin in 2027 and that the proposed policy changes are implemented gradually over a five-year period, reaching full implementation in Year 5. This phased approach is consistent with Head Start grant cycles and reflects that programs may require time to adjust staffing models, service delivery structures, and administrative processes in response to the proposed regulatory changes.

Under this assumption, the savings estimates in Table 19 increase incrementally over time, with approximately 20 percent of recurring cost reductions realized in 2027, increasing by 20 percentage points annually until full implementation is reached in 2031.

Table 19 presents the quantified impacts using Circular A–4 accounting categories by distinguishing savings, costs, and transfers over the five-year time horizon. Savings reflect recurring cost reductions expected to accrue over the five-year implementation period. Costs reflect one-time implementation costs associated with the proposed rule. Transfers reflect the estimated administrative cost cap effect, which represents a program reinvestment within Head Start from administrative costs to direct services or other allowable programmatic uses, rather than a reduction in overall program spending.

Table 19 excludes avoided future costs associated with the staff break and family service worker caseload requirements because those requirements have not yet taken effect and would be rescinded before implementation. These avoided costs are presented separately in Table 18 and are not included in the Circular A–4 savings totals below.

Table 19. Savings, Cost and Transfer Accounting, Per Circular A-4 (Five-Year Time Horizon, Constant Dollars)

Year	Low	Primary	High
Savings, 2027	$145 million	$293 million	$441 million
Savings, 2028	$289 million	$586 million	$882 million
Savings, 2029	$434 million	$878 million	$1,323 million
Savings, 2030	$578 million	$1,171 million	$1,764 million
Savings, 2031	$723 million	$1,464 million	$2,205 million
Savings, Annualized	$425 million (3%) $414 million (7%)	$861 million (3%) $839 million (7%)	$1,297 million (3%) $1,264 million (7%)
Costs, 2027 and Annualized	$74 million (2027) $16 million (3%) $18 million (7%)	$101 million (2027) $22 million (3%) $25 million (7%)	$128 million (2027) $28 million (3%) $31 million (7%)
Transfers, 2027	$151 million	$151 million	$151 million
Transfers, 2028	$302 million	$302 million	$302 million
Transfers, 2029	$453 million	$453 million	$453 million
Transfers, 2030	$603 million	$603 million	$603 million
Transfers, 2031	$754 million	$754 million	$754 million
Transfers, Annualized	$444 million (3%) $432 million (7%)	$444 million (3%) $432 million (7%)	$444 million (3%) $432 million (7%)

Regulatory Alternatives

Consistent with OMB Circular A–4, ACF considered alternative regulatory approaches that correspond to subsets of the policies included in this NPRM. These alternatives are intended to illustrate how different combinations of policy changes could affect overall costs and cost reductions.

One alternative considered is a regulatory-only approach, under which only provisions that introduce new or expanded requirements would be adopted. These include requirements related to English-only instruction. Under this approach, programs would incur costs associated with implementation of these requirements, including one-time costs for curriculum and materials replacement and staff retraining or recruitment, as well as any ongoing administrative costs associated with compliance.

A second alternative considered is a deregulatory-only approach, under which only provisions that reduce or eliminate existing regulatory requirements would be adopted. These include changes related to staffing flexibility, removal of prescriptive service requirements, and reductions in administrative burden. Under this approach, programs would realize reductions in personnel expenditures and administrative costs similar to those estimated in the primary analysis, without incurring the additional costs associated with new regulatory requirements.

A third alternative considered was a delayed compliance approach for provisions that may prompt substantial transition costs, including the proposed 5 percent administrative cost cap and the English-language instruction requirement. Under this alternative, compliance with these provisions would be delayed for five years following publication of the final rule. This alternative is intended to illustrate how a longer implementation period could affect the timing of transition costs and program adjustments while preserving the substantive policy changes reflected in the proposed rule. Under this alternative, affected programs would have additional time to adjust staffing, curriculum, and administrative structures prior to compliance. As a result, both the associated compliance costs and the estimated program reinvestment effects would be deferred until the delayed compliance date. ACF does not quantify this alternative separately because the effect of a delayed compliance date on the magnitude of costs would depend on program-specific implementation decisions and the extent to which programs adjust operations before the compliance date. Accordingly, this alternative is discussed qualitatively as a timing alternative rather than presented as a separate quantified estimate. ACF requests public comment and data on quantification of these costs.

These alternatives are presented for illustrative purposes to demonstrate the relative contributions of regulatory and deregulatory components of the proposed rule. The primary analysis reflects the combined effects of both sets of policy changes.

Table 20. Policy Alternative: Regulatory (Burden-Increasing Provisions Only)

Category	Low Scenario	Primary Scenario	High Scenario
One-Time Costs – Curriculum and Materials (Fixed)	$46,917,500	$46,917,500	$46,917,500
One-Time Costs – Staff Retraining or Recruitment, Implementation (Scenario-Based)	$27,379,217	$54,248,060	$81,116,902

Table 21. Policy Alternative: Deregulatory (Burden-Reducing Provisions Only)

Category	Low Scenario	Primary Scenario	High Scenario
Scenario-Based Annual Reductions	$722,454,598	$1,463,761,599	$2,205,068,600
Fixed Annual Reductions	$83,613	$83,613	$83,613

Table 22. Policy Alternative: Delayed Compliance and Timing of Quantified Effects

Year	Program Reinvestment Effect	One-Time Compliance Costs
Years 1–5	$0	$0
Year 6	$754,343,701	< $98,613,686
Year 7+	$754,343,701	$0

Increase in Funded Slots Capacity

ACF expects that the proposed rule, if finalized, would increase the number of funded slots that Head Start programs are able to support by reducing ongoing program expenditures and avoiding certain future costs. Specifically, reductions in ongoing program expenditures will allow programs to reallocate resources to support additional funded slots. In addition, certain future costs will be avoided through rescission of specific policies that have not yet been implemented (*i.e.* staff breaks, family service worker caseloads), thereby allowing programs to maintain funded slot levels that would have otherwise been reduced in order to implement those policy changes. Because Head Start is a grant-funded program, these cost reductions can be reallocated within the program to support additional funded slots.

Certain provisions of the 2024 final rule, including requirements related to staff breaks and family service worker caseloads, would have increased program costs beginning in 2027 when those policies would have gone into effect. This proposed rule would remove those requirements, resulting in avoided costs that may support retention of existing funded slots as shown in the following table, grouped by scenario.

Table 23. Estimated Funded Slots Retained Due to Removal of Future Requirements

Year	Head Start Preschool Slots Retained - Primary	Early Head Start Slots Retained - Primary	Head Start Preschool Slots Retained - Low	Early Head Start Slots Retained - Low	Head Start Preschool Slots Retained - High	Early Head Start Slots Retained - High
2027	6,281	2,457	5,082	1,988	7,479	2,926

In addition, the proposed rule would generate ongoing reductions in program expenditures. To estimate the number of funded slots that may be supported by these reductions, ACF applies a methodology consistent with prior analyses that translate changes in program expenditures into changes in funded slots, using average cost per slot. This approach is conceptually consistent with prior analyses by the HHS Office of the Assistant Secretary for Planning and Evaluation (ASPE)[16] that examined variation in spending per slot and its implications for funded slots, although the estimates presented in the current analysis reflect more recent FY 2025 funding data. The FY 2025 cost-per-slot input amounts are first adjusted by 2 percent to express them in constant 2026 dollars. The resulting funded slot estimates are then calculated using nominal values over the implementation period.

Under this approach, total cost reductions are allocated between Head Start Preschool and Early Head Start based on their respective shares of funded enrollment and divided by the average cost per slot for each program type. Using this framework, estimated impacts correspond to approximately $1,445,152,798 in reductions attributed to Head Start Preschool and $817,399,893 attributed to Early Head Start (in nominal dollars to reflect inflation), which translate to approximately 116,516 Head Start Preschool funded slots and 45,578 Early Head Start funded slots under the primary scenario at full implementation in 2031.

Because implementation is phased in over time, the potential for increasing funded slots grows gradually as cost reductions are realized. The estimates presented below reflect the number of funded slots that could be supported in each individual year under the phased implementation assumptions and should not be summed across years. Under this framework, net new funded slots reflect ongoing and scalable cost reductions and program reinvestments, including transfers associated with the administrative cost cap, and exclude one-time costs and avoided costs associated with future requirements. The estimates of funded slots presented in this section are based on nominal cost reductions and program reinvestment effects.

Table 24. Estimated Additional Funded Slots Supported in Each Year from Reallocation of Program Resources

Year	**Net New Head Start Preschool Slots - Primary**	**Net New Early Head Start Slots - Primary**	**Net New Head Start Preschool Slots - Low**	**Net New Early Head Start Slots - Low**	**Net New Head Start Preschool Slots - High**	**Net New Early Head Start Slots - High**
2027	19,002	7,433	12,480	4,882	25,705	10,055
2028	40,492	15,839	26,194	10,247	55,651	21,769
2029	63,516	24,846	40,435	15,817	88,815	34,742
2030	88,746	34,715	55,531	21,722	126,509	49,487
2031	116,516	45,578	71,559	27,992	169,730	66,394

The estimates are annual point-in-time estimates and should not be interpreted as cumulative additions to funded slots across years. Actual changes in funded slots will depend on program-level decisions, state and local

[16] Schreier, Rendon, and Benton, (2026)

requirements, workforce availability, and the extent to which programs choose to reallocate resources toward increasing funded slots.

Non-Quantified Impacts (Costs and Benefits)

In addition to the quantified impacts discussed in this RIA, the proposed rule may produce other non-quantified costs and benefits associated with variation in how local programs implement increased flexibility under the proposed regulatory framework. These effects are inherently uncertain because they depend on program behavioral responses, the continued applicability of other Federal, state, Tribal, and local requirements, and the extent to which programs maintain practices that were previously required by regulation. Some programs may continue existing approaches because they view them as effective or because other statutory or regulatory frameworks apply, while others may modify service delivery to better reflect local needs and resource constraints. The discussion below highlights selected non-quantified impacts, but there may be additional effects on program implementation and service delivery that are not captured in the quantified estimates presented in this RIA.

Many of the proposed changes would replace current regulatory provisions with streamlined requirements, remove regulatory text that duplicates requirements in the Act or other applicable Federal, state, Tribal, or local requirements, or provide additional flexibility for programs to determine how to meet program goals and statutory responsibilities. Where a replaced provision is not separately quantified or discussed in detail in this RIA, ACF assumes the economic impact is negligible because the provision is not expected to require material changes in program operations or expenditures, or because any resulting changes are expected to be limited and dependent on program-specific decisions, local conditions, and the continued applicability of other requirements.

ACF requests public comment on the estimated cost and benefits of non-quantified impacts, including any additional costs or challenges that commenters may identify.

A. Estimated Impact of Program Governance Provisions

The proposed rule streamlines regulatory provisions related to program governance by proposing to remove multiple provisions from current Part 1301 because most of these requirements are detailed in the Act. ACF proposes requirements related to parent committees, including establishment of committee bylaws, that would provide much greater flexibility to programs in the implementation and structure of parent committees. ACF does not anticipate that these policy changes would result in significant cost reductions for programs. Current regulations require programs to establish parent committees with defined advisory roles, and changes to program governance provisions in the proposed rule may affect how parents participate in program decision-making. Approaches to parent input into program design through governing bodies would likely vary across programs and therefore are not quantified.

Non-quantified benefits of this proposed rule include the prioritization of parents' role as essential partners in their children's education and greater flexibility for parent involvement in program governance. Increased flexibility in how parent committees operate allows programs the opportunity to adopt alternative approaches to parent involvement and may impact how parents participate in program decision-making based on the program and community's needs. These proposed changes would also grant parents the flexibility to determine which wrap-around and comprehensive services are best suited for a program to provide to children in care.

B. Estimated Impact of Eligibility, Enrollment, and Attendance Provisions

Collectively, this proposed rule would remove current Part 1302 Subpart A in its entirety and replace it with a streamlined set of requirements for programs related to child and family eligibility, enrollment, and attendance in Head Start. These changes in proposed § 1301.02 and § 1301.03 reflect multiple ACF priorities, including restoring flexibility to local Head Start programs; recognizing the importance of parents as primary decision-makers for their children; reducing burden for programs and families; and reducing duplication with relevant statutory requirements.

Impacts of Changes to Eligibility Provisions

The streamlined set of eligibility requirements proposed in § 1301.02 would remove and replace many requirements from current § 1302.12 that are already detailed in statute, including but not limited to: eligibility requirements related to family income, child age, receipt of public assistance, homelessness, and children eligible for IDEA; duration of eligibility; attendance procedures; active waitlists; enrollment reporting; procedures for recruitment, selection, and enrollment; and prohibition on charging fees. While the removal of these requirements reduces duplication across regulation and statute, ACF did not assume significant costs or savings from these changes because programs must still comply with these eligibility requirements in the Act.

The proposed rule would no longer allow family self-attestation to satisfy eligibility requirements. FY 2024 OHS monitoring data indicates that approximately 7.6 percent of child files reviewed through the monitoring process documented "self-declared income or declaration of zero income, signed by family" as the type of documentation for eligibility verification purposes. This was out of 23,819 total child files reviewed, a random sample of files from all programs that received a monitoring review in FY 24. However, monitoring data does not indicate what portion of these files are false attestations in which a family or staff member intentionally violated Head Start eligibility requirements. Therefore, under the proposed policy changes, we can extrapolate that approximately eight percent of children may currently be enrolled in Head Start that would otherwise no longer be eligible for enrollment under this proposed policy change, unless their family can submit alternative acceptable documentation to demonstrate they meet an allowable eligibility criterion.

The rule also proposes to require that programs report staff who violate eligibility determination regulations to the appropriate Office of Head Start regional office contact within HHS. ACF does not have readily available data to quantify impact of this change in terms of the number of staff who violate these requirements. FY 2024 OHS monitoring reviews found that 139 of 23,819 (.58%) child files reviewed were considered in error, not reflecting appropriate eligibility for Head Start services. Although some instances may involve staff or family fraud, others may stem from mistakes, such as eligibility miscalculations; for example, unknowingly enrolling children whose family income exceeded allowable thresholds. This data provides a reference point when considering the impacts of this policy change to safeguard against fraud, waste, and abuse.

The rule further proposes to remove a provision that currently allows programs to enroll a child without documentation on child age if such documentation is unavailable from the family (§ 1302.12(h)). ACF does not have readily available data on children currently enrolled without documentation of child age, so we cannot easily quantify this proposed policy change. However, ACF expects important benefits from this proposed change, namely, to strengthen program integrity and ensure children enrolled in Head Start are of the statutorily required age to receive these services. ACF acknowledges that some families, such as those experiencing homelessness, may have a more challenging time providing such documentation, and programs may have to support such families more closely through the enrollment process.

Under the proposed rule, programs would be required to share eligibility data with HHS upon request. This change is expected to have minimal impact on program operations since programs already share data with HHS upon request through monitoring reviews.

The proposed rule also would remove the option to adjust families' income for housing costs for purposes of eligibility determination, which exceeded statutory authority. Non-quantifiable benefits to programs include less administrative burden associated with verifying housing costs, as well as ensuring limited Head Start services are reserved for those children most in need.

Impacts of Changes to Determining Community Strengths, Needs, and Resources

The rule proposes to remove the requirements in § 1302.11 of the current Performance Standards related to determining community strengths, needs, and resources to avoid duplication with the Act and to reduce burden on programs. Programs would not be required to propose a service area or to meet prescriptive requirements related to frequency of community assessment, what data elements must be included, and the timelines for review and updates. In considering potential impacts, ACF did not assume significant cost reductions associated with these changes because programs still have requirements in the Act related to the community assessment.

In a separate section of the RIA, Removal of Requirements Related to Data Use in Program Management, ACF quantifies savings associated with removing the requirement that programs conduct a community assessment at least once over a five-year grant period, but there are other non-quantifiable benefits to the proposed removal of the requirements in § 1302.11. For instance, programs would have fewer Federal requirements to meet and increased flexibility with how they conduct their community assessment and what data they consider. While this change may result in more variation in the scope and breadth of community assessments, ACF expects programs will continue to use their community assessment in a way that meets statutory requirements and supports service delivery that is responsive to the needs of the community.

Impact of Changes to Recruitment of Children

The NPRM proposes to remove current § 1302.13 related to recruitment to avoid duplication with the Act and to give programs greater flexibility in how they operationalize their recruitment practices. Programs would no longer be required to develop and implement a recruitment process designed to actively inform all families with eligible children within the recruitment area of the availability of program services, use modern technologies, and include efforts to recruit specific populations. While there may be costs to children and families from the removal of the requirement that programs use modern technology to assist families in applying for the program or recruit specific populations, ACF assumes programs will incorporate recruitment strategies tailored to the needs of their communities.

Although the proposed rule would remove duplicative requirements, many of these core requirements are in the Act. ACF does not assume costs or cost savings since programs will continue to comply with the Act.

Non-quantifiable benefits of the removal of the requirements in § 1302.13 include fewer Federal requirements and more discretion for programs in how they meet the recruitment requirements in the Act, including more innovation and tailored approaches to meet the needs of the community.

Impact of Changes to Selection Process

This proposed rule would rescind the requirements in current § 1302.14 associated with the selection process because they are overly prescriptive or duplicative of the Act. Programs would not be required to annually establish selection criteria or abide by prescriptive requirements related to understanding barriers to enrollment. Programs could continue to consider the enrollment of children of staff members as part of their selection criteria, even though this standard is proposed for removal in this NPRM.

Although the proposed rule would remove duplicative requirements, many of these requirements are in the Act, therefore ACF does not assume costs or savings. ACF also does not quantify the benefits associated with greater flexibility for programs in designing and implementing their selection process. Fewer requirements related to the selection process would reduce administrative burden for programs.

Impact of Changes to Enrollment and Attendance

This proposed rule would streamline the ERSEA-related requirements into one newly proposed section, § 1301.03, that would focus specifically on attendance and enrollment. This new section would require programs to track attendance for each child, consistent with § 1302.16(a) of the current Performance Standards, to comply with all applicable Federal and state statutes and state regulations pertaining to attendance procedures when there are child safety concerns due to absence(s), and maintain its funded enrollment level and fill any vacancy as soon as possible, but not to exceed 30 days, aligned with § 1302.15(a) of the current Performance Standards.

One result of streamlining ERSEA-related requirements into § 1301.03 is fewer Federal requirements. With respect to enrollment (current § 1302.14(d) and § 1302.15), programs would no longer be required to pursue continuity in a child's enrollment for the following year, make efforts to maintain enrollment in a different service area for children in specific populations, and regularly examine enrollment processes to streamline the experience for families.

With respect to attendance (current § 1302.16), programs would no longer be required to contact a family within one hour of program start time for unexpected absences, use specific strategies to promote attendance, analyze causes of absenteeism if average monthly attendance falls below 85 percent, or reengage a family when a child ceases to attend.

ACF does not quantify the costs or savings from these changes for several reasons. First, ACF expects variation in the extent to which programs implement these flexibilities. Second, the changes are duplicative of requirements in the Act, therefore ACF assumes they would not generate costs or savings. Third, programs must abide by all applicable Federal and state statutes and state regulations that apply to attendance procedures regarding child safety concerns due to absence(s). While there may be additional administrative effort initially to ensure alignment with these other policies, ACF anticipates this would be minimal and transitional, as well as offset by less burden in the long term because there are fewer Federal requirements and less duplication.

Non-quantified benefits of these changes include increased program innovation with enrollment and attendance practices and reduced administrative burden associated with prescriptive process-oriented requirements that detract from staff capacity to direct to children and families.

Impact of Changes to Suspension and Expulsion

This NPRM proposes to remove current § 1302.17 regarding suspension and expulsion to restore state and local authority. Programs would no longer be required to follow the process outlined in § 1302.17(a) or (b) regarding suspension and expulsion. The removal of these requirements at the Federal level is not an endorsement of suspension and expulsion as approaches to address persistent and serious behavioral concerns; rather, it is allowing programs to determine their own discipline policies, within the context of state and local licensing requirements, and tailored to each individual child and situation.

ACF does not quantify the costs or savings of this policy change given expected variation across programs in their implementation and whether programs maintain some processes from current regulation. Additionally, many state licensing standards do address suspension and expulsion in varying ways. ACF assumes programs will resort to suspension or expulsion sparingly, in line with current practice, and given requirements to maintain full enrollment and to comply with applicable state licensing requirements.

Non-quantifiable benefits include reduced administrative burden for programs from decreased documentation and fewer Federal requirements; more local control and decision-making; greater program discretion to establish discipline policies that balance support to individual children with the safety of the learning environment; reduced burnout for staff; and more staff capacity for classroom management and instruction.

Impact of Changes to Fees

The NPRM proposes to remove § 1302.18 of the current Performance Standards, which outlines the policy on fees. ACF does not quantify any costs associated with removing this requirement because it remains in the Act. The benefit of its removal from the standards is reduced duplication with the Act.

C. Estimated Impact of Education and the Learning Environment Provisions

The rule includes several proposed policy changes in the design and implementation of education services, intended to reduce prescriptive Federal requirements, increase flexibility for Head Start programs, and improve child and family outcomes. This NPRM proposes to remove policies in current Subpart B—Program Structure and Subpart C—Education and Child Development Program services, including eliminating Federal requirements for center-based and family child care group size and service duration; removing detailed requirements related to home-based program design and implementation (*e.g.,* maximum caseloads, number of home visits, number of group socializations); and removing per-child facility square footage requirements, and removing overly prescriptive requirements related to education services (*e.g.,* teaching practices, organization of the learning environment, and requirements for naptime and daily routines). Additionally, the rule proposes to remove regulatory provisions that are duplicative of statutory requirements in the Head Start Act, including provisions related to program conversion, curriculum, and child screenings and assessments.

The proposed regulations include establishing a minimum duration requirement for physical activity during the program day; adding a new requirement for English-only instruction for children's education services; and requiring programs to provide educational materials and instruction to parents demonstrating the value of healthy marriage.

ACF does not quantify the costs or cost savings associated with many of these changes due to significant variation in how programs may choose to implement flexibilities and the absence of consistent data on current practices at the level of detail required for quantitative analysis. Programs may experience modest administrative cost savings from reduced recordkeeping, reporting, and compliance activities associated with the removal of detailed regulatory requirements. However, the magnitude of these savings is uncertain and likely varies across grant recipients depending on program structure, state requirements, and existing practices.

For center-based program structure in current § 1302.21, while ACF quantifies above the estimated cost savings associated with the removal of ratio requirements, we do not quantify all of the costs or savings associated with other proposed changes under current § 1302.21, including the removal of requirements for group size, square footage, and licensing. Group size and square footage requirements for center-based settings are interconnected with ratios; therefore, to avoid double-counting possible cost savings in this RIA, we do not quantify savings associated with the proposed removal of these policies. Further, many states have requirements in place for square footage and group size as part of licensing. Regarding licensing, the proposed rule would require programs to be licensed (see proposed § 1301.09(a)), whereas the current standards require center-based programs to meet licensing requirements. We do not anticipate a difference in cost associated with this policy change that we can quantify in this RIA. However, ACF acknowledges that there may be a larger role for states to play in monitoring programs per their own licensing standards, as previously some states may have relied on OHS to ensure programs met licensing requirements as part of Federal monitoring. More detail on licensing requirements is discussed in Estimated Impact of Safety and Transportation Provisions.

The proposed changes to current § 1302.21 reflected in proposed § 1301.05 are expected to provide non-quantifiable benefits such as increased flexibility and local control. For example, eliminating Federal group size and ratio requirements will allow programs to align with applicable state and local licensing standards, which will reduce duplication and give programs more autonomy to design classroom structures that better reflect community needs and available resources. It can allow programs to increase ratios and group sizes to serve more eligible children in classrooms, as long as they remain compliant with state and local requirements and ensure children's safety. Similarly, reducing service duration requirements may provide programs with greater discretion to determine schedules that align with families' preferences and workforce availability. Removing per-child facility square footage requirements may further increase flexibility in facility design and space utilization and facilitate the ability to serve more children in a classroom, so long as programs are compliant with state requirements for square footage.

The proposed changes to center-based program structure requirements may also result in non-quantifiable costs for some families. To the extent that programs choose to reduce duration—annual hours or days of service—families may need to secure alternative child care arrangements, which could impose additional financial costs or lost work time for families. However, programs remain responsible for understanding the needs of their community and fully enrolling their programs; ACF encourages programs to consider decisions on duration within the context of family and community need to minimize the impact on families.

Additionally, the removal of prescribed group size and ratio requirements could result in children receiving less individualized attention from teaching staff. Ultimately, the impact of these changes will vary and depend on program-level decisions, and local regulatory contexts and are therefore not separately quantified.

Next, cost reductions associated with the removal of prescriptive requirements for home-based program structure in current § 1302.22, including home visitor caseloads, service duration, and group socializations, are quantified earlier in the RIA. The proposed rule may result in changes to how programs structure and deliver home visiting services. The estimated reductions in personnel expenditures associated with these changes may reflect, in part, adjustments in the frequency, duration, or intensity of home visiting services. In light of these changes, programs may achieve efficiencies by adjusting service delivery models without proportionate reductions in service quality or effectiveness. However, to the extent that these services provide value to participating families, such changes may represent a reduction in program benefits to families. As a result, ACF considers the potential for a cost associated with reduced service intensity, which may partially offset estimated cost savings described above. Because these effects depend on program-level implementation decisions and family responses, the net impact on benefits is uncertain and is not separately quantified in this analysis.

Next, ACF does not quantify all of the costs or cost savings associated with eliminating or revising requirements for family child care (FCC) program structure in current § 1302.23, including group size, ratios, and service duration. In particular, we do not quantify the removal of service duration requirements, as the FCC program option represents a very small share of all Head Start programs (approximately 1.3% of enrollment). Regarding group size and ratios, FCC programs will be required to comply with relevant state and local laws. It is feasible that an FCC program could yield reductions in annual operating costs if they choose to increase ratios or group sizes to meet state allowed thresholds, or if a program chooses to reduce operating hours (service duration) per the flexibility allowed under this proposed rule. However, a reduction in operating hours could have costs for families who may need to find alternative care or miss out on work to care for children. Under both the current and proposed regulations, FCC providers are required to be licensed. Given the continued applicability of state and local licensing requirements, and the limited scale of FCC slots, ACF expects any costs associated with this change to be minimal.

Additionally, ACF expects that removing certain FCC program structure requirements would also result in non-quantifiable benefits such as increased flexibility in program design and expanded service capacity in some communities. For instance, if Head Start-funded FCC homes in a given state are allowed to have higher group sizes or ratios per state licensing requirements than current Head Start regulations allow, these FCC homes could choose to enroll more children. At the same time, FCC homes also have the option to maintain their current group size and ratios. Programs will continue to be subject to applicable state and local licensing requirements for group size and ratio in FCC homes, which provide ongoing safeguards for health and safety. ACF acknowledges that the proposed removal of the child development specialist role as quantified in analyses above may result in added burden on some FCC homes that depend on the support of those staff.

Choices that programs make regarding structural program features may also influence service delivery. Current standards establish requirements related to staff-child ratios, group size, home visitor caseload limits, minimum home visit frequency, and periodic oversight of family child care providers. The proposed rule would defer more of these operational decisions to local programs or state licensing frameworks. This flexibility may allow programs to adjust staffing patterns, service duration and intensity, or delivery models in ways that better reflect individual family needs, local conditions, or resource constraints.

ACF also does not quantify the costs associated with the requirement to provide a minimum duration of daily physical activity. Based on available information and program expectations, ACF anticipates that most Head Start programs already incorporate substantial opportunities for physical activity into daily schedules consistent with current best practices and the long-standing emphasis of Head Start on children's physical health and development. As a result, this proposed provision is not expected to represent a significant change for most programs and is therefore anticipated to be cost neutral or involve negligible costs. Instead, the proposed requirement establishes a clear and consistent minimum baseline across programs, ensuring greater uniformity in implementation and aligning with broader Federal priorities related to child health and wellness, including the MAHA agenda. The requirement to provide a minimum duration of daily physical activity may result in non-quantifiable benefits for enrolled children, as it would promote improved health and development outcomes for children, including enhanced physical fitness, motor skill development, and overall well-being. While many programs may already meet or exceed this threshold, establishing a consistent baseline ensures that all children have access to regular movement as part of their daily Head Start experience.

ACF does not quantify a cost for proposed § 1301.04(b) which requires snack and meal times to be structured and used as learning opportunities that support teaching staff-child interactions and foster communication and conversations that contribute to a child's learning, development, and socialization. While the inclusion of this regulation in the streamlined proposed regulations reflects the administration's commitment to Make America Healthy Again and ensure healthy eating is a core component of Head Start classrooms, the proposed requirements align closely enough to previous Head Start requirements that ACF expects they would have negligible costs or savings for programs.

The proposed removal of prescriptive requirements in current § 1302.31 related to teaching practices, including the organization of the learning environment, and the structure of daily routines, including naptime, may result in non-quantifiable benefits. These changes may provide programs with greater flexibility to tailor instructional approaches, classroom environments, and daily schedules to local needs, and the developmental needs of enrolled children. Programs may adopt varied approaches to implement teaching practices, structuring learning environments, and organizing routines, including naptime, which may better reflect community preferences and program models. This flexibility may also reduce administrative burden and allow staff to focus more on direct interactions with children. A potential non-quantifiable cost is that removing these requirements may lead to increased variability in teaching practices, learning environments, and daily routines, including naptime, across programs. As the standards proposed for removal are more about how a program structures and organizes the educational day and teaching practices, ACF anticipates negligible changes in program costs. And over half of states require a rest opportunity or have other requirements related to naptime in licensed child care settings.[17] Further, the Act still clearly requires programs to support educational development of children and implement research-based curricula so we anticipate programs will continue many of these practices, but with more flexibility in implementation.

Notably, this rule also proposes a new requirement to conduct all education to children in English. Proposed provision 1301.04(a)(1) specifies that if a child's native language is not English, and the child does not speak English, a program must prioritize teaching English to the child. Under the proposed regulations in § 1301.17(d), an Indian Head Start agency would not be subject to § 1301.04(a) so long as the language being spoken in the tribal program relates to the furtherance of tribal heritage. This proposed policy change aligns with E.O. 14224 and reflects Secretarial and ACF priorities.

Non-quantifiable benefits of this proposed policy may include increases in children's English language acquisition, particularly for children who are non-native speakers of English, which may facilitate enhanced participation in English-language classrooms in kindergarten and beyond. Earlier English proficiency may also support communication with broader community systems and may contribute to longer-term educational and economic opportunities. In addition, a uniform English-language approach may simplify curriculum implementation, staff training, and classroom practices, and may reduce the need for additional instructional materials or specialized language supports in some settings.

ACF quantifies costs associated with this proposed requirement above. ACF recognizes that English-only instruction may result in additional costs or burden for programs serving a greater share of dual language learners or operating in predominantly non-English-speaking communities, such as Puerto Rico and certain communities in Migrant and Seasonal Head Start programs. While the proposed change may promote English language acquisition and consistency in service delivery, it may also involve tradeoffs related to access to services.

As referenced in the preamble, the proposed regulations for § 1301.06(a) would require center-based and family child care programs to structure education and child development services to recognize parents' roles as children's primary teachers and nurturers. This change aligns with current regulations (§ 1302.34(a)) so there are no anticipated changes in impact. The proposed regulations for § 1301.06(b) require programs to implement strategies to engage parents and family members in their children's learning and development and support parent-child relationships, including specific strategies for father engagement, and provide educational material and instruction that demonstrates healthy marriage as a positive good. While the proposed regulations add a specific emphasis on engaging fathers and on providing educational material and instruction that demonstrates the value of healthy marriage, overall, the proposed regulations would greatly reduce the specificity in requirements for parent and family engagement, which may allow programs to adopt more individualized and locally responsive approaches to engaging families. ACF does not anticipate that the specific requirement to develop strategies to engage fathers or to provide educational material and instruction on healthy marriage will result in significant additional costs for programs, given the strong emphasis programs already have on engaging with and supporting parents and families, including through the use of parenting curricula.

Non-quantified benefits of the proposed changes to family engagement standards might also include increased local autonomy and the ability for programs to tailor services to the specific needs of their communities and families. Reduced administrative burden may allow staff to dedicate more time to direct services for children and families, including more flexible and responsive approaches to partnering with families in their child's education. ACF anticipates that the proposed requirement to provide educational materials and instruction demonstrating the value of healthy marriage would be well received by many programs and families, offering another source of information and support for families. This proposed requirement may introduce implementation challenges for some programs if certain families are less receptive to the content.

Finally, the proposed removal of regulatory provisions that duplicate statutory requirements is intended to clarify expectations and reduce redundancy for programs without altering underlying obligations. For example, the rule proposes to remove regulatory provisions related to the conversion of Head Start Preschool slots to Early Head Start slots because these requirements are duplicative of those already specified in the Act (Sec. 645(a)(5)(A)). As such, ACF does not anticipate any substantive changes to program operations or decision-making processes related to conversion of slots.

The rule also proposes to remove detailed regulatory requirements related to child screenings and assessments, while retaining the core statutory requirements in the Act, including requirements related to the referral and support of children who may be or are eligible for services under IDEA (see sections in this rule on Services for Children with Disabilities for more details). Reducing prescriptive Federal requirements would provide programs with greater flexibility to conduct screening and assessment on the timeline that accounts for families' readiness. This may also reduce administrative burden on staff and allow staff to focus more on instruction, as well as using assessment data to support children's development. At the same time, removing detailed requirements may lead to increased variability in how and when children are screened and assessed. Notably, programs still have the flexibility to conduct screenings early in the program year if desired, as well as to determine the frequency with which to conduct assessments of children's developmental progress. Overall, while these changes may introduce variability in implementation, ACF anticipates that the flexibility for programs in the proposed regulations would yield important benefits for programs, staff, children, and families.

Overall, ACF expects the proposed changes related to the teaching and

[17] National Association for Regulatory Administration. (2013). *2011–2013 Child Care Licensing Study. https://www.naralicensing.org/assets/docs/ChildCareLicensingStudies/2011-2013_child%20care%20licensing%20study.pdf.*

learning environment to reduce administrative burden, enhance program flexibility, and support more locally responsive service delivery. Program enrollees would benefit from programs having much more flexibility to design their services in a way that best meets individual needs and supports strong outcomes for children and families. Finally, ACF expects that programs may be able to serve additional enrollees in Head Start with cost savings garnered in other areas (*e.g.,* higher ratios or group sizes; reduced duration).

D. Estimated Impact of Health and Nutrition Provisions

This NPRM proposes several policy changes related to health and nutrition services. The impact of removing Federal requirements to conduct health determinations, assist families in navigating health systems, facilitate access to health care and insurance, conduct tooth brushing activities, and provide monthly mental health consultation have been quantified earlier in this RIA. However, several other requirements in current 1302 Subpart D, including the requirement to maintain a Health and Mental Health Services Advisory Committee, obtain advance authorization for health, mental health, and developmental procedures, and requirements related to family support services for health and mental health are proposed for removal because they are overly prescriptive. These changes have not been quantified in this RIA because ACF assumes many programs may continue aligning with current practice and therefore the rescission of these policies would not bear a significant cost to programs.

Many of the nutrition service requirements in existing § 1302.44 are proposed for removal because they are overly prescriptive or duplicative with requirements in the Act and therefore assumed to be cost negligible. The proposed rule introduces a new requirement for programs to serve children nutrient dense, whole foods that are compatible with a healthy and nutritious diet or, where applicable, provide an opportunity for infants to be served breastmilk during the day. This proposed change aligns with the administration's MAHA agenda by emphasizing the critical role of health and nutrition in early childhood development. Given Head Start's longstanding emphasis on supporting children's health and nutrition as a core component of program services, ACF expects that many programs already align with this proposed requirement and therefore we do not anticipate this policy change would result in significant additional costs for programs.

Lastly, the proposed rule clarifies that programs must collaborate with parents to promote children's health and well-being by addressing discussion topics, including the importance of physical activity and healthy eating and the negative health consequences of sugar-sweetened beverages and grain-based desserts—a clarification on parent collaboration that we assume to be cost negligible for programs.

Collectively, these changes would reduce administrative burden and provide programs greater flexibility in designing and implementing health and nutrition services that best meet their communities' needs, while still underscoring these services as a core component of Head Start programs. Although the proposed rule would remove several prescriptive regulatory requirements related to health, oral health, and mental health service delivery, programs would retain discretion regarding how these services are structured, subject to statutory requirements and other applicable Federal or state laws. In communities where Head Start has historically played a substantial role in facilitating health care access, reductions in program-facilitated services could have implications for families, depending on the availability of alternative health services. Importantly, non-quantified benefits of requiring programs to serve nutrient dense, whole foods include improved nutrition for children, which can enhance dietary quality, support healthy growth, and reduce the risk of obesity and diet-related conditions.[18] Improved nutrition is also associated with better attention, behavior, and school readiness.[19] Additionally, early exposure to whole foods may promote healthier long-term eating patterns.[20]

[18] Larruy-García, A., Mahmood, L., Miguel-Berges, M.L., Masip, G., Seral-Cortés, M., De Miguel-Etayo, P., & Moreno, L.A. (2024). Diet quality scores, obesity and metabolic syndrome in children and adolescents: A systematic review and meta-analysis. *Current Obesity Reports, 13*(4), 755–788. *https://doi.org/10.1007/s13679-024-00589-6.*

[19] Brkić, D., Concetti, C., Rémond-Derbez, N., & Hauser, J. (2026). Relationship between nutrition, brain, cognition, learning, and behavior in school-age children: Systematic evidence and future opportunities. *Nutrition Reviews.* Advance online publication. *https://doi.org/10.1093/nutrit/nuaf280.*

[20] Nansel, T.R., Channell-Doig, A., Lipsky, L.M., Burger, K., Shearrer, G., Siega-Riz, A.M., & Ma, Y. (2024). Prospective associations of infant food exposures and appetitive traits with early childhood diet quality. *The International Journal of Behavioral Nutrition and Physical Activity, 21*(1), 143. *https://doi.org/10.1186/s12966-024-01686-4.*

E. Estimated Impact of Safety and Transportation Provisions

The proposed rule streamlines safety and transportation requirements by removing duplicative Federal requirements found in current § 1302.47 (safety practices) and §§ 1303.70–1303.75 (transportation). This includes the proposed removal of safety requirements related to facilities, equipment and materials, background checks, safety training, hygiene practices, administrative safety procedures, and disaster preparedness. Similarly, transportation requirements related to vehicles, vehicle operation, trip routing, safety procedures, and transportation of children with disabilities are proposed for removal. Instead, the proposed rule would require that programs be licensed by their state, tribal, or local entity and comply with all relevant Federal and State statutes. If exempt from licensing, programs must meet CCDF basic health and safety requirements. Based on available data on licensing status, ACF estimates that approximately 26 percent of Head Start service locations are not licensed under state child care licensing requirements. These locations commonly include programs that are license-exempt, operating under public school or local education agency authority; home-based, home visiting, or other non-center-based service models; and sites licensed, permitted, or overseen through another authority or partner rather than through the standard state child care licensing process. Smaller shares reflect Tribal programs, alternative oversight structures, sites that are closed or not yet operational, and locations in the process of obtaining or renewing licensure. ACF assumes that state licensing requirements and CCDF basic health and safety requirements are largely duplicative of existing safety and transportation requirements and therefore we do not quantify a cost associated with this policy change. Further, these proposed changes do not represent a reduced emphasis on ensuring the safety of children in Head Start programs; rather, these changes would reduce burden on programs that are currently required to meet multiple sets of overlapping statutory and regulatory requirements related to child safety. By requiring programs to be licensed and to comply with all applicable Federal, state, and local laws and regulations, the proposed regulatory framework would still ensure the safety of children.

Although the proposed rule would remove duplicative Federal requirements related to safety and transportation, many of these requirements will continue to be required by state or local regulation and programs will retain discretion to implement safety practices that exceed these requirements. Non-quantifiable benefits of streamlining the current safety and transportation requirements include making requirements less burdensome and complicated for programs to implement and ensuring programs can easily identify the set of safety and transportation requirements they should adhere to. Although the proposed provisions reduce the level of specificity currently required, programs would continue to bear the responsibility and obligation to ensure children's health and safety.

F. Estimated Impact of Services for Children With Disabilities Provisions

The proposed rule maintains protections for services for children with disabilities by requiring programs to comply with all applicable Federal and state statutes and regulations regarding providing services for children with disabilities. Although the requirements in current 1302 Subpart F, including requirements related to additional services for children with disabilities and their parents, are proposed for removal, ACF assumes this change would not generate significant cost or cost savings for programs because the core requirements that pertain to services for children with disabilities remain in the Act and will still apply to programs.

The proposal to replace current 1302 Subpart F with a requirement to comply with all applicable Federal and state statutes and regulations regarding providing services for children with disabilities is intended to reduce duplication of regulations while still maintaining the protections required for children with disabilities. The proposed changes would provide programs with additional flexibility to carry out these requirements in a way that best meets the needs of enrolled families as long as they are compliant with all other state and Federal laws and regulations. This flexibility may also enable programs to allocate resources more efficiently while maintaining compliance with applicable laws and regulations.

G. Estimated Impact of Services for Pregnant Women Provisions

This NPRM proposes to streamline requirements for providing services to pregnant women, while still ensuring programs provide important support to pregnant and postpartum women. Many of the requirements in current §§ 1302.80–82 are proposed for removal, including the requirement to conduct health care determinations and facilitate access to health insurance for pregnant women, which have already been quantified earlier in this RIA (see Health and Mental Health Services). Other regulations proposed for removal include the requirement to provide services that help reduce barriers to healthy maternal and birthing outcomes; ACF assumes this has nominal cost savings and would decrease administrative burden for programs. In addition, the proposed rule removes detailed requirements on family partnership services for enrolled pregnant women because these requirements are duplicative of the Act and therefore do not represent a substantive change that would result in associated costs.

The NPRM also proposes to remove the requirement for programs to track all services provided to enrolled pregnant women. Removal of this requirement would result in nominal cost savings to programs as overarching requirements to track services are retained through the Act. Programs would benefit from reduced administrative burden and prescriptive regulations. While this change may result in less formal documentation, ACF expects programs would continue to provide responsive and comprehensive services to enrolled pregnant and postpartum women.

Newborn visits will remain required, however, the NPRM proposes to remove the requirement that visits occur within two weeks of birth. ACF assumes the additional flexibility in scheduling the newborn visit would be cost neutral for programs and therefore we do not quantify its impacts in this RIA. Non-quantifiable benefits associated with removing the specified timeframe for newborn visits include increased flexibility for programs and families to schedule visits at a time convenient for them. ACF acknowledges that this flexibility may result in increased variability in when programs schedule newborn visits. ACF encourages programs to schedule visits as early as possible while leveraging the additional flexibility provided by this policy change to meet the needs of the families served.

H. Estimated Impact of Family Engagement and Program Transition Provisions

The proposed rule includes requirements related to family engagement in education and child development services and family support services for health and nutrition, which are discussed in further detail in the education and health and nutrition sections. Additionally, this proposed rule rescinds provisions under current 1302 Subpart E—Family and Community Engagement Program Services and 1302 Subpart G—Transition Services to reduce duplication with the Act. Because requirements for family and community engagement and transition services remain under the Act, this change is not quantified as ACF does not anticipate behavior change that would result in substantial costs or cost reductions.

Non-quantified benefits of rescinding provisions under current 1302 Subpart E—Family and Community Engagement Program Services include increased flexibility for programs in conducting family needs assessments. Since specific requirements under the current regulations would no longer apply, this proposed rule provides programs with the flexibility to implement services such as family needs assessments based on the needs of the community the program serves and differentiate based on the strengths and needs of individual families. Without the caseload requirements, programs will have the flexibility to distribute caseloads to family service workers in ways that align to the needs of families being served and the program's capacity. For example, a family service worker could take on a higher caseload of families with fewer identified needs, and another family service worker could take on a lower caseload of families with more identified needs. This proposed revision may also benefit programs that have workforce challenges such as recruiting and training family service workers.

Additionally, programs would have flexibility in how they operationalize their community engagement efforts, such as coordination with public and private entities as long as they meet the requirements outlined in the Act. Programs would continue to have flexibility in participating in state or local QRIS and data sharing agreements, these optional regulations have been removed to reduce regulatory burden. Non-quantified benefits of rescinding provisions under current 1302 Subpart G—Transition Services include increased flexibility for programs in supporting children and families in their educational transitions. Programs would be able to identify ways to structure their transition practices that best suit the needs of the children, families, and community. Additionally, fewer requirements around transition services would reduce administrative burden for programs.

I. Estimated Impact of Management Systems and Administrative Cost Provisions

The proposed changes in this NPRM related to management systems would rescind current requirements in 1302 Subpart I-Human Resources Management, 1302 Subpart J-Program Management and Quality Improvement, and 1303 Subpart A-Financial Requirements. These would be replaced with proposed § 1301.12 (Personnel and records policies), proposed § 1301.13 (Program goals, continuous improvement, and reporting), and proposed § 1301.14 (Limitations on administrative costs).

With the exception of the proposed administrative cost cap, the proposed regulations largely align with existing requirements and represent a continuation of current practice. As such, they are not expected to result in significant new costs or benefits.

In addition to previously identified cost reductions- such as those associated with the proposed removal of staff qualification requirements, coaching requirements, staff break requirements, and certain data use requirements in program management, as well as reducing allowable administrative costs—the policies proposed for removal are expected to provide overall benefits by increasing flexibility for programs. Many core requirements are retained either in the proposed regulations or in statute.

The proposed removal of requirements related to written personnel policies, background checks, and standards of conduct is expected to reduce administrative burden and improve efficiency. These requirements often overlap with existing Federal, state, local, and Tribal requirements. For instance, under state licensing requirements and the Act, programs would still be required to have background checks for staff. Eliminating duplicative Federal requirements allows programs to align more directly with applicable local and state policies. While this increased flexibility provides clear, though unquantifiable, benefits, ACF recognizes that it may also create some uncertainty about applicable requirements. ACF intends to issue additional guidance in the future to maintain clarity for grant recipients.

Eliminating dual language learner communication requirements has staffing cost implications that intersect with the costs described in the section on One-Time Costs with Requirement for English-Only Instruction. At the same time, this change introduces additional staffing flexibility that is not easily quantifiable. Given ongoing workforce shortages, programs may benefit from being able to hire staff who do not speak specific languages, increasing their ability to fully staff classrooms and serve more children and families. However, ACF acknowledges that reduced language capacity may negatively affect communication with non-English speaking families and weaken family engagement. Technology-based translation tools may help mitigate some of these impacts.

The removal of staff health, mental wellness, and break requirements is expected to reduce scheduling complexity and short-term staffing costs by allowing programs greater flexibility in staffing patterns. ACF recognizes that these provisions can support staff retention and improve workplace conditions, and programs may choose to continue such practices where feasible. At the same time, such requirements are overly prescriptive and unnecessary at the Federal level. Removing the Federal requirements would allow programs to prioritize service delivery with greater flexibility, particularly in the context of broader changes to staff qualification requirements.

Removing Federal requirements related to initial health examinations and communicable disease screening reduces administrative burden for programs. Though many state and local regulations already require staff health screenings and programs retain responsibilities for ensuring the health and safety of children enrolled in their program, ACF expects that programs are likely to continue some of these practices.

Proposed changes to volunteer requirements provide programs with greater flexibility in how volunteers are used. Programs must still comply with applicable state, Tribal, and local laws regarding communicable disease screening, and in most cases, criminal background checks will still be required for individuals involved in the care or supervision of children through licensing requirements. These changes may allow programs to more effectively use volunteers during high-need times, such as transitions or peak supervision periods. ACF recognizes that programs not subject to licensing requirements may have greater flexibility, which could introduce some risk. However, all programs remain responsible for ensuring child safety, and ACF encourages programs to maintain appropriate safeguards when utilizing volunteers.

Current requirements related to management systems, monitoring, coordinated approaches, goal-setting, continuous improvement, and reporting can be resource-intensive for programs. These often require dedicated administrative staff, data systems, and compliance processes, and are sometimes experienced by programs as duplicative or burdensome—particularly with respect to data collection, monitoring, and reporting. Streamlining these requirements, while retaining key elements in statute and regulation, is expected to reduce administrative burden and allow programs to operate more flexibly and responsively to community needs. However, ACF recognizes that reduced specificity in Federal requirements may lead to greater variability across programs.

Finally, the proposed removal of 1303 Subpart A-Financial Requirements would primarily eliminate provisions that duplicate statutory and other Federal requirements. As such, this change is not expected to result in meaningful costs or benefits for program implementation. Impacts related to administrative cost limitations are discussed separately in Sections E (Reduction of Allowable Administrative Costs from 15 Percent to 5 Percent) and F (Additional Considerations Affecting Administrative Costs).

J. Estimated Impact of Changes to Designation Renewal, Monitoring, Suspension, and Appeals

To provide context for the potential impacts of the proposed changes for DRS conditions, ACF reviewed recent DRS cohort data on agencies subject to open competition or Tribal consultation. Based on available OHS data from the fiscal year 2024 and 2025 DRS cohorts of grant recipients, approximately 13 percent of Head Start grants in those cohorts (132 of 1,038 grants) were designated for competition or Tribal consultation. Of those agencies, approximately 74 percent (97 of 132 grants) were designated for competition based on two or more deficiencies only, approximately 12 percent (16 of 132 grants) based on CLASS only, and approximately 5 percent (6 of 132 grants) based on both deficiencies and CLASS. The remaining 10 percent (13 of 132 grants) were identified for competition based on fiscal findings, including nine with two or more audit findings, one with questioned costs, and three with a going concern. Of those 13 grants, three also met the deficiency condition. No grants were required to compete due to debarment from receiving Federal or State funds or disqualification from the CACFP. These data provide context on the baseline frequency with which agencies meet one or more designation renewal conditions under the current regulatory framework.

ACF notes important limitations in the availability and comparability of audit-related information used for designation renewal purposes. In particular, data on the ''two or more audit findings'' condition are limited due to the timing of DRS implementation in 2020, audit submission timelines, and temporary extensions related to the prior COVID–19 public health emergency. As a result, fiscal year 2025 represents the first year in which OHS was able to review more than one audit for most grants, limiting the ability to fully assess baseline conditions related to this DRS criterion.

To provide additional context on classroom quality measures, approximately 93 percent of Head Start grants that received a CLASS review during fiscal years 2024 or 2025 met or exceeded applicable CLASS: Pre-K thresholds, while approximately 7 percent fell below one or more threshold levels and were therefore designated for competition due to this criterion. The proposed rule would remove the requirement to use CLASS: Pre-K as the sole measure of classroom quality and eliminate the associated thresholds, while maintaining the statutory requirement to assess classroom quality using a valid and reliable observational instrument. Although ACF anticipates continuing to use CLASS: Pre-K for the foreseeable future, this change provides flexibility to incorporate additional or alternative measures over time. ACF does not quantify the possible effect of this change on future designation renewal outcomes, as it will depend on future policy decisions regarding measurement approaches and thresholds, as well as program performance.

Under the current regulatory framework, fiscal conditions related to going concern risk and audit findings are combined into a single designation renewal condition. The proposed regulation would separate these into two independent conditions, such that an agency meeting both criteria would now meet two distinct DRS conditions rather than one. This change is structural in nature and is not expected to independently affect the number of agencies subject to competition, as designation renewal outcomes depend on the interaction of multiple conditions and future program performance.

More broadly, the proposed rule maintains ACF's statutory monitoring responsibilities under section 641A(c) of the Act, including the requirement to conduct monitoring reviews and identify deficiencies where applicable. However, ACF anticipates that implementation of the proposed regulatory framework may require updates to monitoring protocols, tools, and guidance to align with the proposed structure of regulatory requirements. While these updates may influence how designation renewal conditions are assessed in practice, ACF cannot predict or quantify how competition outcomes may change until monitoring protocols are aligned with a final rule. Accordingly, ACF does not quantify costs associated with these updates, as they reflect internal process adjustments and variation in implementation.

With respect to enforcement actions, available data indicate that program suspensions and terminations (and thus appeals) are a relatively rare outcome and reflect a high threshold for intervention. For example, ACF understands approximately two agencies over the past two years have been subject to suspension actions. The proposed rule would not alter ACF's statutory authority to issue suspensions or terminations; rather, it would remove duplicative regulatory language while preserving all underlying statutory requirements and enforcement mechanisms. As a result, ACF does not quantify changes in suspension outcomes or appeals procedures in this RIA, as these actions are driven by serious or systemic program concerns and are expected to remain infrequent under the proposed regulatory framework.

K. Estimated Impact of Tribal Program Provisions

The proposed rule would reorganize and streamline requirements specific to Tribal Head Start programs into § 1301.17, aligning regulatory text more closely with statutory provisions in the Head Start Act. The proposed section reiterates existing statutory requirements related to designation, eligibility, and the DRS, and clarifies processes for Tribal program governance, including the designation of alternative agencies in cases of relinquishment, termination, or denial of refunding. The rule also introduces a new provision proposing to exempt Tribal programs from the English-only requirement in proposed § 1301.04(a) when language use is in the Tribal program is related to the furtherance of Tribal heritage. In addition, several regulatory provisions specific to Tribal flexibilities are proposed for removal because they are either duplicative of statute or no longer necessary due to broader flexibilities that would be extended to all programs under this NPRM.

ACF does not quantify the costs or cost savings associated with these changes in this RIA. The proposed rule primarily reorganizes, clarifies, or removes duplicative regulatory text rather than introducing new substantive requirements. As such, ACF does not anticipate significant additional costs for Tribal programs specific to the proposed regulations in § 1301.17. To the extent that programs experience administrative efficiencies from streamlined regulations or reduced duplication, any associated cost savings are expected to vary and are not readily quantifiable. Non-quantified benefits of these proposed changes may also include improved clarity and accessibility of requirements specific to Tribal programs. Consolidating Tribal provisions into a single section may reduce administrative complexity and support more consistent understanding of applicable requirements among Tribal grant recipients. Aligning regulations more closely with statutory language may also reduce confusion and support more efficient program administration. Additionally, the removal of Tribal-specific regulatory flexibilities that are no longer necessary—because similar flexibilities are extended to all programs—may promote greater access across Head Start grant recipients while maintaining longstanding statutory flexibilities unique to Tribal programs. Tribal programs will continue to benefit from statutory provisions that support self-determination, including flexibility in eligibility criteria, service delivery, and resource allocation.

However, Tribal programs may incur minor, short-term administrative costs to update policies, procedures, and training materials to reflect the reorganized regulatory structure. The removal of certain Tribal-specific regulatory provisions may reduce regulatory specificity, which could create some initial uncertainty or require additional technical assistance as programs interpret how flexibilities apply under the proposed framework. To the extent that the rule provides less detailed procedural guidance, programs may also rely more on statutory language or Federal guidance, which could require additional administrative effort in certain circumstances. ACF anticipates that these costs are expected to be minimal and transitional in nature.

Overall, while the benefits of these proposed provisions are not readily quantifiable, ACF expects the proposed changes to improve regulatory clarity, reduce administrative burden, and support Tribal sovereignty and culturally responsive service delivery, while maintaining all applicable statutory protections and flexibilities for Tribal Head Start programs.

L. Estimated Impact of Program Flexibility Provisions

The proposed rule introduces increased program flexibility through a broad waiver provision. ACF acknowledges that increased program flexibility in the proposed rule may produce unquantified costs or cost reductions associated with variation in program implementation across local programs. In 2025, ACF issued approximately 1,000 waivers—some to the same programs—on a variety of topics where waivers are allowable under statute or current regulations. Common waivers include Head Start Preschool teacher qualification requirements, the 10% disability requirement, transportation, and non-Federal share. Each waiver is carefully reviewed by ACF staff to determine if the program meets the requirements. Waiver rates vary based on leadership priorities and changes in communities served by Head Start. ACF anticipates that, in the future, waiver requests and approval rates would continue to fluctuate based on these factors under the proposed regulations. ACF invites public comment on which proposed regulations programs may be most likely to request a waiver for, while understanding that waivers are not allowable for the proposed requirements related to nutrition, physical activity, and eligibility and that ACF would ultimately determine which waivers to approve based on the specific circumstances and evidence presented in a program's individual request.

Non-quantified benefits of the proposed waiver provision in § 1301.18 include reduced burden on programs, if a particular proposed regulation presents undue burden for a program to comply with. The proposed waiver provision can also allow programs to modify service delivery with increased flexibility to meet local community needs or maximize resources for direct service delivery. As a result, the proposed rule could generate potential benefits such as innovation in service delivery, improved alignment with local needs, or reduced administrative costs.

Transition and Implementation Considerations

In addition to the ongoing cost changes described above, programs may incur one-time administrative costs associated with adjusting, transitioning to, and implementing the proposed regulatory framework. These transition activities may include reviewing and understanding the final rule and applicable statutory requirements, determining how requirements continue to apply under the proposed framework, updating written program policies, revising internal guidance documents, modifying eligibility verification procedures, and providing staff orientation or training on the updated requirements. Programs may also review and update governance procedures, service delivery protocols, and administrative documentation to align with the proposed regulatory changes.

To account for these impacts, we adopt an assumption that each Head Start agency would spend a total of 24 to 56 hours per agency (with a primary estimate of 40 hours), spread across directors, education managers, disability managers, health managers, and other management staff to review and understand the final rule, align requirements across statute and regulation, update program policies and procedures, and provide staff orientation as needed. The primary estimate of 40 hours per agency is intended to capture not only policy and procedural updates, but also the administrative burden associated with interpreting and implementing the proposed framework, including understanding requirements that continue to apply through statute. This analysis assumes 8 hours of time spent per management staff member, with the primary estimate assuming 5 management staff members, the low estimate assuming 3 management staff members, and the high estimate assuming 7 management staff. To value the time spent on these activities, we adopt a fully loaded hourly wage of $41.81 per hour, reflecting a mix of wages across several roles. The hourly compensation rate applied in this analysis is based on the BLS Occupational Employment and Wage Statistics for Education and Childcare Administrators, Preschool and Daycare (SOC 11–9031), May 2025 mean hourly wage of $31.15, from which this analysis applies a 2 percent inflation adjustment to express the estimate in constant 2026 dollars, resulting in a mean hourly wage of $31.77. We then apply a 24 percent adjustment to account for fringe benefits, resulting in $41.81 per hour. We assume that this impact will primarily occur in the first year of the time horizon of our analysis, and thus we do not adjust these upwards to account for other provisions of the proposed rule. For each Head Start agency, this results in an estimated cost of $1,003.36 to $2,341.17 (primary estimate: $1,672.26).

Across nearly 1,526 Head Start agencies, we estimate the total one-time transition impact to range from $1.5 million to $3.6 million (primary estimate: $2.6 million), all occurring in 2027. These estimates reflect limited administrative adjustments rather than the development of new systems or program structures. In addition, ACF intends to issue sub-regulatory guidance to clarify the relationship between statutory requirements and the proposed regulatory framework, which is expected to reduce uncertainty and minimize the level of effort required by grantees to understand and interpret the policy changes. After the first year of implementation, ACF estimates there may be future cost savings over time as programs have fewer Federal requirements to understand, interpret, and implement.

Table 25. Estimated One-Time Administrative Costs Associated with Adjusting Internal Policies and Procedures

Scenario	Agencies	Hours	Hourly Rate (incl. fringe)	Estimated One-Time Costs
Primary	1,526	40	$41.81	$2,551,874
Low	1,526	24	$41.81	$1,531,124
High	1,526	56	$41.81	$3,572,623

Distributional Effects

Consistent with Office of Management and Budget Circular A–4, this section evaluates how the proposed regulatory changes may differentially affect subpopulations of children, families, staff, and communities. The proposed rule would primarily modify regulatory requirements governing program operations and increase local program flexibility while introducing certain new eligibility and instructional provisions.

Workforce and Geographic Effects

Several provisions of the proposed rule may influence workforce demand within Head Start programs. First, the proposed removal of Federal staffing ratio requirements, family service worker caseload limits, the child development specialist role, and certain service frequency requirements may reduce demand for specific staff roles depending on program implementation decisions.

Workforce effects are expected to vary by location and program type depending on local implementation choices, labor markets, and state regulatory requirements. Programs that maintain current staffing structures may experience minimal workforce changes, while others may adjust staffing models to align with proposed operational flexibility.

The projected cost savings in prior sections of the RIA reflect lower expenditures to serve the same number of children with fewer staff. For example, under the removal of the ratio requirement, the primary scenario reflects a 50 percent realization of the estimated reduction, corresponding to approximately $668 million in reduced costs. (This estimate preliminarily omits transition costs to workers who experience employment disruption.[21] ACF invites comment that would facilitate estimation of the number of workers experiencing these costs.)

Without a family service worker caseload requirement, we anticipate that many programs would revert toward staffing patterns that were in place prior to implementation of this requirement. However, the effects are expected to vary at the local level because programs currently have a wide range of family service worker caseloads relative to funded enrollment. Even when looking only at quartile ranges, programs range from approximately 25 to 50 funded slots per family service worker, which reflects a narrower measure yet still demonstrates substantial variation across programs.

Second, the proposed changes to administrative cost limits may have workforce implications depending on programs' organizational structure. Smaller or single-site programs may have fewer opportunities to distribute fixed administrative costs across multiple sites or funding streams, while larger multi-site agencies may have greater capacity to centralize administrative functions and realize economies of scale. States with the largest number of entities that have fewer than 200 funded slots include New York, Texas, California, Pennsylvania, and North Carolina. Approximately 14 percent of grants report only one service location, spanning 42 states, the District of Columbia, and Puerto Rico. States with the largest share of single-site grants relative to total service locations include Wyoming, New Mexico, Alaska, Connecticut, Montana, Nebraska, and Kansas, where single-site grants represent approximately 5 to 10 percent of all service locations.

There are also geographic factors that could contribute to distributional effects. Because the proposed rule would defer more extensively to state licensing and policy frameworks in areas such as staff-child ratios, group size, and health and safety requirements, distributional effects may vary across states. In states where licensing requirements permit higher ratios or larger group sizes than current Federal standards (proposed for removal), programs may modify staffing patterns consistent with state requirements. In states with licensing requirements that are comparable to, or more stringent than, current Federal standards, program operations may change little. In particular, in states where licensing allows higher ratios there may be relatively larger reductions in staff expenses, while in states with lower ratios, the effect on staffing levels is expected to be more limited.

Federal Effects on Children and Families

Eligibility and Enrollment Requirements

Changes to recruitment procedures, wait list management, and reserved slot provisions may also affect enrollment patterns. Programs will retain discretion in how they prioritize recruitment and enrollment within statutory eligibility requirements. As a result, participation patterns may vary across communities depending on local implementation decisions.

Suspension and Expulsion Policies

The removal of Federal regulatory prohibitions on expulsion and limitations on suspension increases local program discretion in responding to behavioral concerns. Programs may adopt different behavioral management approaches under the proposed framework.

Program Duration and Intensity

The reduction of Federal minimum service duration requirements for Head Start Preschool and the removal of prescriptive home-based service requirements will allow programs to modify program schedules or service delivery intensity if desired. Effects may vary across communities depending on local labor market conditions, parental employment patterns, and the availability of alternative early childhood programs in communities where Head Start programs choose to reduce hours of operation. The additional flexibility from these proposed policy changes may also allow programs to reallocate staff time or resources toward locally prioritized activities, potentially improving service alignment with community needs.

Health and Mental Health Services

The proposed rule would remove several prescriptive regulatory requirements related to health, oral health, and mental health service delivery. Programs will retain discretion regarding how these services are structured, subject to statutory requirements and other applicable Federal or state laws.

Overall Distributional Considerations

Taken together, the proposed regulatory changes would increase local flexibility and reduce Federal prescriptiveness. These changes are expected to result in shifts in the composition of children and families accessing Head Start services across demographic, linguistic, and geographic lines. Some subpopulations may experience changes in program access or service delivery depending on local implementation decisions.

At the same time, reductions in certain prescriptive requirements may allow programs to reallocate resources, strengthen emphasis on core health, nutrition, and physical activity priorities, and expand overall enrollment capacity. To the extent resources are redirected toward

[21] Bartik, T.J. (2015), The social value of job loss and its effect on the costs of U.S. environmental regulations, *Review of Environmental Economics and Policy,* 9(2): 179–197. Kuminoff, N.V., Schoellman, T., & Timmins, C. (2015), Environmental regulations and the welfare effects of job layoffs in the United States: A spatial approach, *Review of Environmental Economics and Policy,* 9(2): 198–218.

additional slots, broader access to services may offset some localized shifts in program composition. The net distributional effects would depend on program-level decisions made under the proposed regulatory framework and the interaction of Federal flexibility with state and local policies.

VIII. Tribal Consultation Statement

Tribal Consultation refers to the government-to-government engagement between the Federal government and Federally recognized American Indian and Alaska Native Tribes. It is designed to give Tribes meaningful, timely input on policies, programs, and actions that may affect them. Consultation helps agencies identify unintended impacts on Tribes early, improve policy outcomes by incorporating Tribal expertise, and reduce the risk of litigation, delays, or policy reversals.

All Federal agencies are required to conduct consultation in accordance with executive orders and Federal policy, consistent with the Federal trust responsibility and the United States' unique government-to-government relationship with Federally recognized Indian Tribes. The requirement to conduct Tribal consultation is a core legal and policy obligation of the Federal government. Tribes are sovereign governments, and consultation is the primary mechanism through which Federal agencies seek Tribal input on policies, programs, and actions that have Tribal implications.

Even when consultation is not written in a program's statute, agencies are still required to consult under:

- Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), which directs all Federal agencies to consult with Tribes on policies that have Tribal implications.
- OMB and departmental policies (including HHS policy) that operationalize Consultation expectations across the Federal government.

These policies make Consultation a government-wide requirement, rather than optional or program-specific. Additionally, in some cases, such as Head Start, Tribal Consultation is also mandated by program-specific authorizing statutes, which impose additional legal requirements beyond government-wide Consultation obligations. Section 640(l)(4)(A–D) of the Head Start Act states that the Secretary shall conduct an annual Tribal Consultation in each affected Head Start region, with Tribal governments operating Head Start including Early Head Start programs.

Consultations are often held in conjunction with other Tribal meetings or conferences, to ensure the opportunity for most of the 151 Tribes that operate Head Start and Early Head Start programs to attend and voice their concerns regarding service delivery. In accordance with ACF Tribal Consultation Policy, OHS must provide written summaries after Tribal Consultation that capture: issues raised by Tribes, recommendations offered, and OHS responses and decisions. OHS submit the report to the Secretary of Health and Human Services (the Secretary) at the end of the year.

As noted previously, the publication of this NPRM initiates a public comment period during which ACF invites comments from all interested parties, including Tribal governments. Through this open comment process, ACF ensures that a broad range of voices are heard, including Tribal Leaders, and consistent with the statute's emphasis on consultation.

List of Subjects

45 CFR Part 1301

Administrative practice and procedure, Education of disadvantaged.

45 CFR Part 1302

Dental health, Diseases, Education of disadvantaged, Grant programs—social programs, Health care, Homeless, Immunization, Indians, Individuals with disabilities, Maternal and child health, Mental health programs, Migrant labor, Nutrition, Quarantine, Reporting and recordkeeping requirements, Safety, Volunteers.

45 CFR Part 1303

Administrative practice and procedure, Education of disadvantaged, Grant programs—social programs, Individuals with disabilities, Motor vehicles, Privacy, Real property acquisition, Reporting and recordkeeping requirements, Transportation, Reporting and recordkeeping requirements.

45 CFR Part 1304

Diseases, Early learning and development, Education of disadvantaged, Grant programs—health, Grant programs—social programs, Indians, Scholarships and fellowships.

45 CFR Part 1305

Administrative practice and procedure.

For the reasons stated in the preamble, ACF proposes to revise 45 CFR, chapter XIII, subchapter B to read as follows.

CHAPTER XIII—ADMINISTRATION FOR CHILDREN AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUBCHAPTER B—THE ADMINISTRATION FOR CHILDREN AND FAMILIES, HEAD START PROGRAM

PART 1301—Head Start Performance Standards

Sec.

Authority: 42 U.S.C. 9801 *et seq.*

§ 1301.01 Committees.

(a) *Parent committees.* A program may establish a parent committee comprised exclusively of parents of currently enrolled children. The parent committee's role is to advise staff in developing and implementing local program policies, activities, and services to ensure they meet the needs of children and families.

(b) *Committee guidelines.* Programs can determine the bylaws of any committee including but not limited to length of a committee member's term and election procedures.

§ 1301.02 Determining eligibility.

(a) *Eligibility requirements.* A pregnant woman or a child is eligible if they meet the eligibility requirements detailed in Sec. 645(a)(1).

(b*) Foster Children.* Children in foster care qualify for program eligibility.

(c) *Verifying eligibility.* The following must be verified to determine program eligibility:

(1) Income. Program staff must use tax forms, pay stubs, or other proof of income to determine the family income

meets statutory requirements for the relevant time period.

(2) To verify whether a family is eligible for, or in the absence of child care, would be eligible for public assistance, the program must have documentation from either the state, local, or tribal public assistance agency that shows the family either receives public assistance, or that shows the family is eligible to receive public assistance.

(3) To verify whether a child is in foster care, program staff must accept either a court order or other legal or government-issued document, a written statement from a government child welfare official that demonstrates the child is in foster care, or proof of a foster care payment.

(4) Self attestation does not satisfy the eligibility requirements.

(d) *Transition from Early Head Start.* If a child moves from an Early Head Start program to a Head Start Preschool program, program staff must verify the family's eligibility again.

(e) *Records.* A program must keep eligibility determination records for each participant for those currently enrolled, as long as they are enrolled, and, for one year after they have either stopped receiving services; or are no longer enrolled and must be made available to HHS upon request. Records include copies of any documents or official statements that are deemed necessary to verify eligibility.

(*f*) *Program policies and procedures on violating eligibility determination regulations.* A program must report staff who violate eligibility determination regulations to the responsible HHS official.

(g) *Homelessness.* Children experiencing homelessness qualify for program eligibility and must be treated in accordance with the Head Start Act.

§ 1301.03 Attendance and enrollment.

(a) *Promoting regular attendance.* A program must track attendance for each child.

(b) *Applicable regulations and statutes.* All applicable Federal and state statutes and state regulations apply to attendance procedures regarding child safety concerns due to absence(s).

(c) *Funded enrollment.* A program must maintain its funded enrollment level and fill any vacancy as soon as possible, but not to exceed 30 days.

§ 1301.04 Teaching and learning environment.

(a) *Language.* Except as provided in 1301.17(d), a program must conduct all education to children in English.

(1) If a child's native language is not English, and does not speak English, a program must prioritize teaching English to the child.

(b) *Nutrition.* Snack and meal times must be structured and used as learning opportunities that support teaching staff-child interactions and foster communication and conversations that contribute to a child's learning, development, and socialization. Programs are encouraged to meet this requirement with family style meals when developmentally appropriate.

(c) *Physical activity.* A program must recognize physical activity as important to learning and integrate intentional movement and physical activity into curricular activities and daily routines in ways that support health and learning. A program must provide a minimum of 30 minutes of physical activity for every three and a half hours that the child participates in the program. Weather permitting, the activity should take place outside.

§ 1301.05 Group size and ratio.

A Head Start program must establish and publish both a maximum group size and a ratio of children to staff that is consistent with applicable state and local laws and Child Care and Development Fund regulations. The published group size and ratio must be in a location and format visible to parents.

§ 1301.06 Parent and family engagement in education and child development services.

(a) *Importance of parents.* Center-based and family child care programs must structure education and child development services to recognize parents' roles as children's primary teachers and nurturers.

(b) *Engaging parents and family members.* A program must implement strategies to engage parents and family members in their children's learning and development and support parent-child relationships, including specific strategies for father engagement, and provide educational material and instruction that demonstrate healthy marriage as a positive good.

§ 1301.07 Child nutrition.

(a) *Payment sources.* A program must use funds from USDA Food, Nutrition, and Consumer Services Child Nutrition programs as the primary source of payment for meal services. Head Start funds may be used to cover those allowable costs not covered by the USDA.

(b) A program must use staff or consultants to support nutrition services in ways that support development and learning. For bottle-fed infants, this approach must include holding infants during feeding to support socialization. Staff and consultants must serve nutrient dense, whole foods that are compatible with a healthy and nutritious diet that conforms to USDA requirements in 7 CFR part 226. Or, where applicable, properly store breastmilk and provide an opportunity for infants to be served breastmilk during the day.

§ 1301.08 Family support services for health and nutrition.

(a) *Parent collaboration.* Programs must collaborate with parents to promote children's health and well-being by providing nutrition and physical education support services.

(b) *Opportunities.* Collaboration with parents must include discussing their child's nutritional status with staff, including the importance of physical activity and healthy eating, and the negative health consequences of sugar-sweetened beverages and grain-based desserts, as well as how to select and prepare nutritious foods that meet the family's nutrition and food budget needs.

§ 1301.09 Safety and transportation practices.

(a) Programs must be licensed by their state, tribal, or local entity and comply with all Federal and State statutes, and regulations regarding safety and transportation practices for children. If exempt from licensing, programs must meet CCDF basic health and safety requirements.

(b) Programs must prevent children from being exposed to lead in water and paint in Head Start facilities.

§ 1301.10 Services for children with disabilities.

A program must comply with all applicable Federal and state statutes and regulations regarding providing services for children with disabilities.

§ 1301.11 Enrolled pregnant and postpartum women and families.

(a) *Newborn visits.* A program must provide a newborn visit with each mother and baby and offer support including providing comprehensive services through referrals that, at a minimum include nutritional counseling and food assistance.

(b) *Educational information.* A program must provide enrolled pregnant women, mothers, fathers, or other family members the 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.

§ 1301.12 Personnel and records policies.

(a) *Personnel.* A program must 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.

(b) Records. A program must establish policies, protections, and rights equivalent to those in FERPA, 20 U.S.C. 1232g, for the confidentiality of any personally identifiable information (PII) in child records.

(c) Hiring considerations. Programs shall not require or incentivize the attainment of postsecondary education credits, hours, or credentials unless the program demonstrates that such educational attainment is necessary for the position based on specified skills required for the position that can only be attained through a specific postsecondary education pathway. Programs shall provide explicit alternatives to postsecondary education for demonstrating required skills, such as through assessments, industry-recognized credentials, or relevant work experience.

§ 1301.13 Program goals, continuous improvement, and reporting.

(a) *Establishing program goals.* A program must 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.

(b) *Ongoing assessment of program goals.* A program must conduct a self-assessment of the program's progress towards meeting goals established under paragraph (a) of this section and submit the findings to HHS.

(c) *Reporting.* A program must submit to HHS:

(i) any incident regarding circumstances affecting the financial viability of the program; breaches of personally identifiable information, or program involvement in legal proceedings; any matter for which notification or a report to State, Tribal, or local authorities is required by applicable law, and

(ii) any significant incident that affects the health and safety of a child that occurs in the setting where Head Start services are provided immediately, but no later than, seven calendar days following the incident.

§ 1301.14 Limitations on administrative costs.

Allowable costs to develop and administer a Head Start program cannot exceed 5 percent of the total approved program costs, which includes both Federal costs and non-Federal match.

§ 1301.15 Application and eligibility to purchase, construct, and renovate facilities.

(a) *Application.* An application must be submitted to apply for funds to purchase, construct, or renovate a facility.

(b) *Cost-effective.* Before a grant recipient can apply for funds to purchase, construct, or renovate a facility it must establish that the proposed construction of a facility is more cost-effective than the purchase of available facilities or renovation.

§ 1301.16 Basis for determining if an agency is subject to open competition.

A Head start agency will be required to compete for its next five years of funding whenever it is determined that one or more of the following conditions existed during the award period of the current grant:

(a) *Deficiencies.* An agency has had two or more deficiencies across reviews conducted under section 641A(c)(1)(A), (B), (C), or (D) of the Act.

(b) *Goals.* An agency has not, based on a review conducted under section 641A(c)(1)(A), (C), or (D) of the Act, produced suitable results towards achieving program goals for improving the school readiness of children participating in its program in accordance with requirements of section 641A(g)(2) of the Act.

(c) *Classroom quality:* An agency has been determined not to be delivering classroom quality as measured under section 641A(c)(2)(F) of the Act. Educational attainment of providers and staff beyond the requirements stated in the Act does not constitute a basis for determining if an agency is subject to open competition.

(d) *Revocation of license.* An agency has had a revocation of its license to operate a Head Start center or program by a State or a local licensing agency.

(e) *Suspension:* An agency has been suspended from the Head Start program and the suspension has not been overturned or withdrawn after the initial opportunity to show cause.

(f) *Debarred.* An agency has been debarred from receiving Federal or state funds from any Federal or state department or agency or has been disqualified from the CACFP any time during the relevant time period covered.

(g) *Failure.* An agency is at risk of failing to continue functioning as a going concern within the current project period.

(h) *Audit findings.* An agency has two or more audit findings of material weakness or questioned costs associated with its Head Start funds in audit reports submitted to the Federal Audit Clearinghouse.

(i) *Other measures.* Any other measure as specified in the Head Start Act.

§ 1301.17 Tribes.

(a) *Consultation.* In the case of an Indian Head Start agency determined not to be achieving suitable outcomes, HHS will recognize unique government-to-government relationships and engage in consultation with the tribe to develop a plan to improve the outcomes of the Head Start Program.

(1) The plan must be implemented within six months of HHS's determination, and must be followed by a reevaluation of the plan's implementation not more than six months following implementation.

(2) If the Indian Head Start agency is still not delivering suitable outcomes, HHS will conduct an open competition to select a grant recipient to provide services for the community currently being served by the Indian Head Start agency.

(b) *Non-Indian Head Start eligibility.* A non-Indian Head Start agency will not be eligible to receive a grant to carry out an Indian Head Start program, unless there is no Indian Head Start agency available for designation to carry out an Indian Head Start program. If an Indian Head Start agency becomes available, then a non-Indian Head Start agency is no longer eligible to carry out an Indian Head Start program.

(c) *Alternate agency.* An Indian tribe whose Head Start grant has been terminated, relinquished, designated for competition or which has been denied refunding as a Head Start agency, may identify an alternative agency, and request HHS to designate such agency as an alternative agency to provide Head Start services to members of the tribe if:

(1) The tribe was the only agency that was receiving Federal financial assistance to provide Head Start services to members of the tribe; and,

(2) The tribe would be otherwise precluded from providing such services to its members because of the termination or denial of refunding.

(3) If the tribe does not identify an agency and request that the agency be appointed as the alternative agency, HHS will seek a permanent replacement grant recipient.

(4) The alternative agency must meet all requirements established in the Head Start Act and cannot be prohibited from designation as detailed in section 646(e)(2).

(d) *Language.* An Indian Head Start agency is not subject to 45 CFR part 1301.04(a) so long as the language being spoken relates to the furtherance of tribal heritage.

§ 1301.18 Program Flexibility.

(a) *Waivers.* A program may request to waive any specific requirement in this chapter except those detailed in (b) of this section, so long as the waiver is submitted in writing to HHS, states how a reprieve from the regulation will not negatively impact the health or safety of children in care, and does not request to violate any Federal or State statutes.

(b) *Unallowable waivers.* A program may not receive a waiver from HHS from any requirement relating to nutrition, physical activity, or eligibility.

(c) *Locally-designed program option variations.* Programs may request to operate a locally-designed program option, including a combination of program options, to better meet the unique needs of their communities or to demonstrate or test alternative approaches for providing program services.

(1) A program's request to operate a locally-designed variation may be approved by HHS through the end of a program's current grant or, if the request is submitted through a grant application for an upcoming project period, for the project period of the new award.

§ 1301.19 Appeals.

(a) *Agency appeals.* An agency has the right to an appeal following a final decision by HHS to terminate financial assistance or deny refunding of an application and shall follow procedures as outlined in 45 CFR part 16 as well as Sec. 646 of the Head Start Act.

(b) *Prospective delegate agency appeals.* If a Head Start Agency denies, or fails to act on, a prospective agency's funding application, the prospective delegate agency may appeal within 30 days of the agency's decision or 120 days after the agency's inaction on the prospective delegate's application. Once the appeal is filed, the Head Start agency must respond to HHS and the prospective delegate agency within 30 days. The decision that is then rendered is final and not subject to additional appeals.

§ 1301.20 Definitions.

For the purposes of this subchapter, the following definitions apply:

Agency means the body that receives the Head Start grant.

Construction means new buildings, and excludes renovations, alterations, additions, or work of any kind to existing buildings.

Denial of Refunding means the refusal of a funding agency to fund an application for a continuation of a Head Start program for a subsequent program year when the decision is based on a determination that the grant recipient has improperly conducted its program, or is incapable of doing so properly in the future, or otherwise is in violation of applicable law, regulations, or other policies.

Development and Administrative Costs means costs incurred in accordance with approved Head Start budget which do not directly relate to the provision of program component services, including services to children with disabilities.

Early Head Start means a program that serves pregnant women and children from birth to age three, pursuant to section 645A(e) of the Head Start Act. This includes Tribal and migrant or seasonal programs.

Enrolled (or any variation of) means a child has been accepted and attended at least one class for center-based or family child care option or at least one home visit for the home-based option.

Facility means a structure, appropriate for use in carrying out a Head Start program and used primarily to provide Head Start services, including services to children and their families, or for administrative purposes or other activities necessary to carry out a Head Start program.

Family means all persons living in the same household who are supported by the child's parent(s)' or guardian(s)' income; and are related to the child's parent(s) or guardian(s) by blood, marriage, or adoption; or are the child's authorized caregiver or legally responsible party.

Financial viability means that an organization is able to meet its financial obligations, balance funding and expenses and maintain sufficient funding to achieve organizational goals and objectives.

Foster care means the same as defined in 45 CFR part 1355.20(a).

Funded enrollment means the number of participants which the Head Start grant recipient is to serve as indicated on the grant award.

Going concern means an organization that operates without the threat of liquidation for the foreseeable future, a period of at least 12 months.

Grant recipient means the local public or private non-profit agency or for-profit agency which has been designated as a Head Start agency under 42 U.S.C. 9836 and which has been granted financial assistance by HHS to operate a Head Start program.

Head Start means any program authorized under the Head Start Act.

Head Start agency means a local public or private non-profit or for-profit entity designated by HHS to operate a Head Start Preschool program, an Early Head Start program, or Migrant or Seasonal Head Start program pursuant to the Head Start Act.

Head Start Preschool means a program that serves children aged three to compulsory school age, pursuant to section 641(b) and (d) of the Head Start Act. This includes Tribal and migratory or seasonal programs.

Income means gross income and only includes wages, business income, unemployment compensation, pension or annuity payments, gifts that exceed the threshold for taxable income, and military income (excluding special pay for a member subject to hostile fire or imminent danger under 37 U.S.C. 310 or any basic allowance for housing under 37 U.S.C. 403 including housing acquired under the alternative authority under 10 U.S.C. 169 or any related provision of law). Gross income only includes sources of income provided in this definition; it does not include refundable tax credits nor any forms of public assistance.

Indian Head Start agency means a program operated by an Indian tribe (as defined by the Act) or designated by an Indian tribe to operate on its behalf.

Parent means a Head Start child's mother or father, other family member who is a primary caregiver, foster parent or authorized caregiver, guardian, or the person with whom the child has been placed for purposed of adoption pending a final adoption decree.

Participant means a pregnant woman or child who is enrolled in and received services from a Head Start Preschool, an Early Head Start, a Migrant or Seasonal Head Start, or an American Indian and Alaska Native Head Start program.

Personally identifiable information (PII) means the same as defined in 34 CFR part 300.32.

Program means a Head Start Preschool, Early Head Start, Migrant or Seasonal Head Start, Tribal or program authorized under the Act and carried out by an agency or delegate agency, to provide ongoing comprehensive child development services.

Program costs mean costs incurred in accordance with an approved Head Start budget which directly relate to the provision of program component services including services to children with disabilities.

Purchase means to buy an existing facility, including outright purchase, down payment or through payments made in satisfaction of a mortgage or other loan agreement, whether principal, interest, or an allocated portion principal and/or interest. The use of grant funds to make a payment under a finance lease agreement, as defined in the cost principles, is a purchase subject to these provisions. Purchase also refers to an approved use of Head Start funds to continue paying the cost of purchasing facilities or refinance an existing loan or mortgage beginning after 1986.

Relevant time period means:

(1) The 12 months preceding the month in which the application is submitted; or

(2) During the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of the application.

School readiness goals means the expectations of children's status and progress across domains of language and literacy development, cognition and general knowledge, approaches to learning, physical well-being and motor development, and social and emotional development that will improve their readiness for kindergarten.

Staff means paid adults who have responsibilities related to children and their families who are enrolled in programs.

Total approved costs mean the sum of all costs of the Head Start program approved for a given budget period by HHS, as indicated on the Financial Assistance Award. Total approved costs consist of the Federal share plus any approved non-Federal match, including non-Federal match above the statutory minimum.

Robert F. Kennedy, Jr,

Secretary, Department of Health and Human Services.

[FR Doc. 2026–16134 Filed 8–6–26; 8:45 am]

BILLING CODE 4184–87–P