



Advocates for Children of New York

Protecting every child's right to learn

October 6, 2026

Electronic Submission

The Honorable Robert F. Kennedy, Jr.
Secretary
United States Department of Health and Human Services
Washington, D.C. 20528

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RE: Comment on Reducing Federal Burden for Head Start Programs (RIN: 0970-AD30; Docket ID: ACF-2026-0595)

Dear Secretary Kennedy,

I am writing on behalf of Advocates for Children of New York (AFC) in response to the Department of Health and Human Services' (HHS or the Department) Notice of Proposed Rulemaking (NPRM or the Proposed Rule) to express our **strong opposition** to the changes proposed to the Head Start Program Performance Standards (HSPPS or the Standards) published in the Federal Register on August 7, 2026.

For more than 50 years, AFC has worked to ensure a high-quality education for New York students who face barriers to academic success, focusing on students from low-income backgrounds. Every year, we help thousands of families navigate the education system, starting from the time children are born. As an organization that strives to ensure students get the support they need to succeed in school, we know that the years before a child enters kindergarten are critical to their development and learning; therefore, we advocate for high-quality early childhood education services for all children. That is why we are writing to express our deep concern about changes that will limit access and diminish protections for young children who can benefit the most from Head Start, including children with developmental delays or disabilities, children experiencing homelessness, children in foster care, and children who speak a language other than English, who often face barriers in accessing early childhood education programs and services.



While families in New York City have access to a variety of early childhood care and education programs, including the City's universal 3-K and Pre-K programs for children who are three and four years old, every year thousands of families choose to enroll their children in Head Start programs. During the 2024-2025 school year, there were 150 Head Start programs in New York City which served over 18,800 children and over 580 pregnant women across more than 1,000 classes. The program has provided high-quality services to low-income families, including qualifying children who often face some of the greatest barriers in accessing early childhood education programs.

For early childhood education programs to prepare children for academic success, quality and access are key. The Standards help ensure that Head Start programs provide the comprehensive developmental, educational, and social supports that children and families need. Head Start's efficacy has been demonstrated over time: children who attend Head Start benefit throughout their lifetime, including higher educational attainment and improved health and economic self-sufficiency, with some studies even documenting positive effects that carry into the lives of participants' own children.¹ Therefore, it is important to maintain the quality of the program, as well as access for children with the greatest needs.

The changes to the Standards in this Proposed Rule will diminish access and quality of care for children, including children with developmental delays or disabilities, children experiencing homelessness, children in foster care, and emergent multi-lingual learners. Therefore, we strongly urge HHS to withdraw the proposed regulation in its entirety.

We are highlighting some of our deep concerns below.

I. Children with Developmental Delays or Disabilities

The Head Start Act requires that every Head Start agency serve children with disabilities and that the Secretary establish policies that ensure the needs of children with disabilities are met. The Standards are critical to ensuring that Head Start programs across the country meet their obligation to provide equal access to education and services for children with disabilities. Among other things, the current Standards require inclusive and accessible classrooms, individualized assessments, resources, and coordination with local agencies to help ensure children receive Early Intervention and Preschool Special Education services mandated by the Individuals with Disabilities Education Act (IDEA).

It is critical to keep the protections and supports required under the current Standards to help ensure the ongoing inclusion of young children with disabilities in Head Start and access to developmental and special education services. While the protections of the Head Start Act and other disability laws remain if the proposed changes are implemented, they do not preserve all the clear

¹ See generally, Chloe Gibbs, Head Start Evidence, [Head Start Impact — Chloe Gibbs](#) (last visited Aug. 1, 2026) (compiling studies).



responsibilities Head Start programs have today to support young children with disabilities. These losses would be compounded by the proposed changes that could result in larger classrooms, fewer qualified staff, and reduced mental health consultation. We often hear about families turned away from child care programs because of their children's disabilities and recognize the critical importance of requiring specific obligations and protections when it comes to serving children with disabilities. HHS should not weaken Head Start's nationally consistent framework that welcomes and fully supports children with disabilities while also creating conditions that make it harder for Head Start programs to support these children.

A. Removing §1302 Subpart F

AFC is deeply concerned about the removal of Head Start's dedicated disability services standards (Subpart F), which require programs to enroll children with disabilities, support inclusion and full participation of children with disabilities in all program services, guide families through the processes to secure evaluations and services under the IDEA such as Early Intervention and Preschool Special Education, and provide individualized supports and accommodations while children are being evaluated for IDEA eligibility.

The proposed § 1301.10 "Services for children with disabilities," which requires programs to comply with all applicable federal and state statutes and regulations regarding provision of services for children with disabilities, is insufficient to meet the needs of children with disabilities and their families.

1. §1302.60 Inclusion

We strongly oppose removal of the explicit language that programs must ensure enrolled children with disabilities and their families receive all applicable program services and that they fully participate in all program activities. While New York City offers a wide array of early childhood education options, families of children with disabilities often struggle to access early childhood education programs despite existing federal and state protections. Every year, we hear from families who have been turned away from programs that say they do not have the capacity or expertise to serve children with disabilities, as well as from families who are facing truncated schedules and informal removals because program staff say they cannot support a child's needs for the full day. The current standards not only protect families from this type of discrimination by ensuring the enrollment and inclusion of young children with disabilities, but they also embed support within Head Start programs to help families navigate the Early Intervention and Preschool Special Education referral and evaluation processes and secure services for their child.

2. §1302.61 Additional Services for Children

Similarly, given the challenges that many families face in securing access to services under the IDEA, we strongly oppose removing the requirements that programs ensure the needs of children with disabilities are being met, provide individualized services and supports pending a determination



of IDEA eligibility, and actively take part in the Early Intervention and Preschool Special Education determinations, meetings, and delivery of services.

In our experience, the referral and evaluation processes for Early Intervention and Preschool Special Education under the IDEA often take several months to complete even when families receive assistance from programs and advocates. Therefore, it is crucial that children receive individualized supports and are assured participation in all aspects of a program pending their eligibility determination to help ensure their ongoing development, education, and inclusion.

To get the most benefit from Early Intervention and Preschool Special Education, it is also critical that programs are involved in the evaluation process, in developing the service plan for children, in monitoring services, and in actively supporting children towards reaching their developmental and special education goals. Head Start staff are the primary educators of the children they serve, and apart from parents and families, have the most insight into a child's strength and abilities. While Early Intervention and Preschool Special Education provide intensive and meaningful services, those providers work with children for just a small fraction of the day. Therefore, it is incumbent on Head Start staff to help children develop skills outside of their IDEA services to help master their developmental and educational goals.

Additionally, even after being found eligible for services, young children can wait weeks or months for their Early Intervention and Preschool Special Education services to begin. Removing the clear responsibilities that programs ensure the individualized needs of children with disabilities are being met could leave thousands of children with a gap: their Head Start program would no longer have an explicit, clear obligation to make sure they receive the support they need pending the start of special education services.

3. §1302.62 Additional Services for Parents

The current Standards require programs to inform, engage, and support families through the Early Intervention and Preschool Special Education processes. When families begin navigating these processes, they may struggle to understand unfamiliar terms, evaluation results, eligibility definitions, legal rights, service options, and the responsibilities of several agencies at once. Under the current Standards, Head Start programs support parents during this overwhelming process by providing them with information, participating in meetings, and helping them secure services. Head Start staff are key to helping families stay on track in scheduling appointments and completing evaluations—support that may otherwise be unavailable to families. In New York City, for example, when a family makes a request for preschool special education evaluations, they receive a list of agencies and are instructed to contact those agencies to schedule evaluations. Unless the family can schedule the appointment and present for the evaluation, they cannot move forward with the eligibility determination. Head Start programs play a key role in supporting families in scheduling an appointment, confirming evaluations have been scheduled, and otherwise assisting them with the processes.



By guiding families through the complex processes of securing evaluations and services for Early Intervention and Preschool Special Education, programs are also empowering parents to be strong advocates for their children throughout their education.

4. §1302.62 Coordination under IDEA

As noted above, Head Start programs are the primary educators of the children they serve; therefore, it is vital that they continue to coordinate with agencies that oversee the Early Intervention and Preschool Special Education programs for children they serve.

B. Removing § 1302.33 - Developmental Screenings

The current Standards require that every child receive a developmental screening within 45 days of entry that covers “developmental, behavioral, motor, language, social, cognitive, and emotional skills” using research-based tools and family and teacher input. When a screening identifies a concern, programs must refer the child to the state agency responsible for evaluations under the IDEA with parental consent, support the family through the formal evaluation process, and provide follow up services for children who show a significant delay but are found ineligible under IDEA.

The Proposed Rule removes the requirement that all Head Start children receive a developmental screening and that the screening happens within 45 days of enrollment. It also proposes removal of detailed procedures for follow-up after screening, referral, ongoing assessment, and individualization.

Broad statutory language in the Head Start Act about screening does not preserve the same clear, timely, and consistent process for all children. It also does not preserve the requirement to regularly assess all children frequently enough to individualize instruction and to identify possible disabilities that indicate a need for an IDEA referral throughout the program year.

Failure to conduct comprehensive and timely screenings risks delaying the identification of children who can benefit from tailored and intensive individualized supports like those provided by Early Intervention and Preschool Special Education at a time when these services can have the most impact. Families rely on professionals, like pediatricians and child care providers, to help them understand their child's development and educational readiness. Since Head Start is the first experience many families have with an education program, it is important to ensure that programs help identify when a child may need more support and help families navigate the processes of securing additional services so that their child enters kindergarten prepared to succeed.

C. Removing § 1302.17 – Suspension & Expulsion

We have serious concerns about the proposed removal of Head Start's limits on suspension and prohibition of expulsion and worry about the disproportionate impact the removal of this



language may have on students with disabilities. Under the current Standards, a program must prohibit or severely limit the use of suspension due to a child's behavior, using suspension only as a last resort in extraordinary circumstances. Additionally, a program cannot expel or unenroll a child from Head Start because of a child's behavior. Such clear and strong requirements help ensure the inclusion and meaningful participation of children with disabilities, including those with social emotional needs and disabilities that contribute to their challenging behaviors. Without this clear language, we worry that Head Start programs will be more likely to exclude children from programs as a result of their disability—setting back their education and making it harder for their parents to work.

The Proposed Rule would also remove requirements for ongoing mental health consultation that helps staff understand and respond effectively to children's behavior. When behavior related to a disability is misunderstood or staff lack adequate support, children with disabilities can face unnecessary exclusion. The current standards help programs explore other pathways for support and respond effectively while continuing to support the child through Head Start services.

State protections against exclusion are rare, and other disability laws do not replace a clear Head Start process that protects every enrolled child, including children whose disabilities have not yet been identified. Removing both the protections against exclusion and the mental health consultation designed to prevent it would place children with disabilities at greater risk of being pushed out of their programs.

D. Proposed § 1301.05 – Group Size and Ratio

Children with disabilities depend on individualized attention, knowledgeable staff, accommodations, specialist support, coordination across multiple providers, and consistent follow-through. Yet the Proposed Rule would allow larger groups and child-staff ratios, remove staff qualification requirements, and lower the share of funding available for administration. HHS's own analysis acknowledges that children could receive less individualized attention. HHS must consider how these changes would compound one another and result in programs having less resources to meaningfully support children with disabilities.

II. Children Experiencing Homelessness and Children in Foster Care.

The Head Start Act requires Head Start agencies to “meet the needs of homeless children, including transportation needs, and the needs of children in foster care,” and mandates that the Secretary “issue rules to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs.” The Standards implement those statutory mandates. For example, the Standards require that once a child experiencing homelessness or a child in foster care enrolls in a Head Start program, the agency must make efforts to maintain the child's enrollment regardless of whether the family or child moves to a different service area and support children if they transition to Head Start programs in other locations.



Several of the Proposed Rule's provisions would undermine the Head Start Act's mandate for programs to "meet the needs of homeless children . . . and the needs of children in foster care," and appear to conflict with the Secretary's obligation to establish policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs.

A. Proposed § 1301.02(c)(4) – Self-Attestation

While the current Standards outline documentation a program should secure to verify homelessness, including a statement from a homeless service provider or documentation from an agency, § 1301.12(i)(3) allows families who cannot provide that documentation to submit a signed declaration along with a statement from program staff describing the child's housing situation. The Proposed Rule's new eligibility provisions would impose significant barriers for children experiencing homelessness by providing that self-attestation would no longer "satisfy the eligibility requirements." Given the significant barriers to obtaining documentation when unhoused, especially for families in temporary, shared housing arrangements, this provision would significantly undermine access to Head Start for families experiencing homelessness.

B. Removing § 1302.11 – Assessing Community Needs

The Proposed Rule also entirely eliminates § 1302.11, including its existing standards for collecting and utilizing data about children experiencing homelessness and annually reviewing and updating community assessments. The Proposed Rule also would eliminate § 1302.14's existing requirements for programs to annually establish selection criteria that prioritize a child who is homeless or in foster care. The current provisions help ensure Head Start programs are providing access to children experiencing homelessness and children in foster care, and removing this language would move away from the Head Start Act's purpose and mandate with respect to serving these groups of children who, too often, miss out on high-quality early childhood education.

C. Replacing § 1302.15(b)(3) – Continuity of Enrollment

The Proposed Rule eliminates the requirement for Head Start programs to make efforts to maintain a child's enrollment regardless of whether the family or child moves to a different service area or to transition the child to a program in a different service area, when the program serves children who are homeless or children in foster care. In New York City, children often change temporary housing locations or foster care placements in the middle of the year, and it is critical for children to be able to continue attending Head Start and not be left without a program mid-year. The removal of this requirement will lead to disruptions for enrolled children experiencing homelessness and children in foster care, as programs would no longer be required to pursue continuity in children's enrollment.

D. Replacing § 1302.16(c)(1) – Supporting Attendance of Homeless Children



The existing Standards have specific provisions that programs must work with families of children experiencing homelessness to give them reasonable time to present immunization and other records and to get children immunized as soon as possible. Programs also must “utilize community resources, where possible,” to provide transportation for an enrolled child if the child is experiencing homelessness and unable to attend classes regularly due to lack of reliable transportation. We have worked with families who lost documentation when they became homeless and needed time and support to gather records, as well as families who rely on transportation support, such as a public transit card, to be able to get their child to their early childhood program. The elimination of these provisions – without offering any other alternatives or support – will negatively impact children who are homeless and their families and interfere with their access to Head Start.

E. Removing §1302.70 – Transition Services

The Proposed Rule also rescinds §1302.70’s comprehensive standards on transition services – including §1302.72 which requires that for “families and children who move out of the community in which they are currently served, including families experiencing homelessness and children in foster care, a program must undertake efforts to support effective transitions to other Head Start programs. If Head Start is not available, the program should assist the family to identify another early childhood program that meets their needs.” The elimination of these standards will be especially harmful for children experiencing homelessness and children in foster care, as they are more likely to be required to transition programs as a result of their circumstances.

Children who are homeless are less likely to participate in early childhood programs despite the numerous benefits of participating in a safe and stable learning environment. Taken together, the proposed changes will likely result in decreased enrollment of children experiencing homelessness and less consistent attendance and participation.

III. Emergent Multi-Lingual Learners

We are deeply concerned about the proposed harmful changes that will restrict robust language acquisition and limit parent participation in their children’s education. Because providing culturally and linguistically appropriate education and services is an evidence-based practice that is critical to successful early childhood education, the Head Start Act requires programs to provide “linguistically and culturally appropriate” services that foster children’s learning and development. The Act also provides that “meet[ing] the diverse needs of the population served” and “meet[ing] the needs of limited English proficient children and their families” are necessary attributes of a Head Start agency. The proposed changes undermine the spirit and text of the Act.

A. Proposed § 1301.04(a) – English Only Instruction

The proposed regulation § 1301.04(a) would require programs to conduct all education to children in English, and notes that if the child does not speak English, a program must prioritize teaching English to the child. This new English-only mandate is contrary to robust research that



shows that emergent multi-lingual learners who receive high-quality instruction in their home language, alongside English, have better and faster English-language acquisition trajectories and higher gains in their academic skills, than dual language learners in English-only programs.²

B. Replacing §1302.90 – Personnel Standards

The Proposed Rule also would eliminate the vast majority of existing standards concerning personnel policies that help to support children of diverse backgrounds and their families.³ First, §1302.90(d)(1) makes clear that programs are responsible for ensuring “staff and program consultants or contractors are familiar with the ethnic backgrounds and heritages of families in the program and are able to serve and effectively communicate, either directly or through interpretation and translation, with children who are dual language learners and to the extent feasible, with families with limited English proficiency.” Additionally, §1302.90(d)(1) mandates that “if a majority of children in a class or home-based program speak the same language, at least one class staff member or home visitor must speak such language.”

The combined effect of eliminating requirements for bilingual personnel and cultural competence while requiring all education to be only conducted in English will likely reduce participation, weaken family engagement, delay identification of developmental concerns, and undermine school readiness outcomes for emergent multi-lingual learners.

C. Removing § 1302.50 - Family engagement

Recognizing “parents’ roles as children’s lifelong educators,” the current Standards note that Head Start programs must “[c]onduct family engagement services in the family’s preferred language, or through an interpreter, to the extent possible, and ensure families have the opportunity to share personal information in an environment in which they feel safe.” This Standard is also based on rigorous research that shows reciprocal communication and understanding with interpretation

² Jennifer L. Steele et al., *Effects of Dual-Language Immersion Programs on Student Achievement: Evidence from Lottery Data*, 54 American Educational Research Journal 282S, 282S-306S (2017); Ellen J. Serafini, Nadine Rozell & Adam Winsler, *Academic and English Language Outcomes for DLLs as a Function of School Bilingual Education Model: The Role of Two-Way Immersion and Home Language Support*, 25 International Journal of Bilingual Education and Bilingualism 552, 552–570 (2022); Ilana M. Umansky & Sean F. Reardon, *Reclassification Patterns Among Latino English Learner Students in Bilingual, Dual Immersion, and English Immersion Classrooms*, 51 American Educational Research Journal 879, 879–912 (2014); see W. Steven Barnett et al., *Two-Way and Monolingual English Immersion in Preschool Education: An Experimental Comparison*, 22 Early Childhood Research Quarterly 277, 277–293 (2007); Carola Olivia-Olson, *Dos Métodos: Two Classroom Language Models in Head Start: Strengthening the Diversity and Quality of the Early Care and Education Workforce Paper Series*, Research Report, Urban Institute (2019), <https://www.urban.org/research/publication/dos-metodos-two-classroom-language-models-head-start> [<https://perma.cc/9WH2-H7J8>]; Lisa B. Hsin et al., *Relationship Between Classroom Practices and Language and Development Among Dual Language Learner Infants and Toddlers*, First 5 California Dual Language Learner (2022), <https://californiaddllstudy.org/sites/default/files/2022-06/Instruction%20Brief%204%20Infants%20Toddlers.pdf> [<https://perma.cc/BP3M-VT9U>].

³ 45 C.F.R. §1302.90.



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support allows families who do not speak English fluently to be integrated and involved in the school community and form collaborative home-school partnerships, which are critical to children's well-being and learning, including their mental health and behavior. Partnering with families who do not speak English fluently by reducing language barriers and creating a supportive environment through reciprocal communication is a scientifically-based requirement for a high-quality Head Start program.

IV. *Additional Concerns*

The comments above reflect only some of our deep concerns with the Proposed Rule. By eliminating the overwhelming majority of the Standards and adding new burdensome requirements, the proposed changes will diminish the quality, scope, and type of services that Head Start families receive and undermine the ability of Head Start programs to meet the diverse needs of their communities. Indeed, although the preamble attempts to justify the proposal using the language of flexibility and parental rights, its impact will be to increase the burden on Head Start programs and reduce the opportunities for parents to influence and be full partners in their child's education. The Proposed Rule, the Department acknowledges, will lead to larger class sizes; fewer teachers, coaches, and home visitors; shorter program days; and reduced health, dental, and mental health care, home visits, and other services. Further, these highly consequential changes have been proposed by HHS without the consultation required by Congress and contrary to the explicit requirements in the Head Start Act that govern the scope of the Performance Standards.

Conclusion

We urge the Department to immediately withdraw its current proposal and instead dedicate its efforts to advancing policies consistent with the statute that strengthen—rather than undermine—the ability of Head Start to effectively prepare children from low-income families to succeed in school through its evidence-based comprehensive services model.

This comment includes citations supporting research and relevant documents, including direct links for the benefit of the Department's review. We request that the full text of each of the items cited, along with the full text of this comment, be considered part of the administrative record in this matter for purposes of the Administrative Procedure Act.

Thank you for the opportunity to comment on this regulation.

Sincerely,

Betty Baez Melo, Esq.
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Advocates for Children of New York