

Notice of Proposed Rulemaking: Reducing Federal Burden for Head Start Programs Summary

On August 8, the Department of Health and Human Services (HHS) released a proposed rule that amends the Head Start Program Performance Standards to streamline the program, provide greater flexibility and allow for more state and local control. The proposed rule represents the most substantial set of regulatory changes to the program's governing rules since its inception 61 years ago.

The proposed rule rescinds Parts 1301 through 1305 of the current Performance Standards in their entirety and replaces them with a streamlined Part 1301. It removes many longstanding requirements governing how Head Start programs must serve children and families, as detailed below. In some cases, entire sections are eliminated, but HHS notes that those requirements remain in the Head Start Act (statute) and would still apply to programs. As a result, programs would be required to continue those practices even though they would no longer appear in the regulations. Because these requirements are not being substantively changed, they are not included in the summary below.

Notable changes

Eligibility determination & verification:

- Removes option for applying housing costs to determine eligibility.
- Removes self-attestation as an option for satisfying eligibility requirements for income, homelessness or child's age.
- Adds requirement that eligibility determination records must be kept until 1 year after the child is no longer enrolled. HHS can request records at any time (but in accordance with relevant laws and regulations on protecting the confidentiality of personally identifiable information (PII)).
- Require programs to report staff who violate eligibility determination regulations to their Office of Head Start regional office point of contact.

Classroom:

- Removes federal requirements on group size and ratio, requiring programs to follow childcare state licensing requirements.
- Removes duration requirement, defaulting to a minimum of 3 hours a day as required by statute.
- Removes prohibitions on expulsions and limits on suspensions.



Facilities: Removes specific square footage and space arrangement requirements

Family engagement: Allows but no longer requires 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.

Home-based programs:

- Removes requirements for how to conduct home-based program option, including regulations on home-based program design, instructional activities for home visits, curriculum, staff support, adapting curriculum, and group socialization structure.
- Removes requirements regarding home visitor caseloads, service duration and make up requirements.

Family childcare homes: Removes service duration requirements that specify a minimum of at least 1,380 hours of operations per year and removes the requirement to have a child development specialist.

English only instruction:

- Adds new requirement that all instruction be conducted in English, with programs required to prioritize English acquisition for children who speak a different language as their primary language (a narrow exemption exists for tribal programs using their language to preserve tribal heritage).
- Removes requirements that staff, consultants, or contractors demonstrate familiarity with the ethnic backgrounds and heritages of families served.
- Removes requirement that at least one classroom staff member or home visitor speak the non-English language spoken by a majority of children in a class or program.

Staffing:

- Removes federal qualification requirements for most Head Start staff positions beyond those explicitly written into the statute, including requirements for Head Start directors, family childcare providers, and home visitors.
- Prohibits programs from requiring or incentivizing postsecondary credentials unless they can demonstrate that those credentials are “necessary for the position.” 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.
- Removes the requirement that programs conduct subsequent background checks every 5 years following the initial background check. 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 childcare staff members.

- Removes staff qualification requirements for the positions: Head Start director, Family Child Care provider, coaches, family service staff, and health professional.
- Removes requirements for staff breaks, staff health exams, and provision of mental health information to staff.

Health services: Services are still required by statute but the proposed rule removes the specific processes and time requirements for services such as health screenings, dental exams, vision and hearing assessments and mental health consultations. It also removes the requirement that programs must determine whether children have an ongoing source of health care to ensure children receive necessary care when they begin attending Head Start.

Pregnant women:

- Removes requirement that programs must schedule the newborn visit within two weeks of birth.
- Removes 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.
- Removes the requirement 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.

Safety & transportation: Removes federal requirements for safety practices and transportation, programs would have to adhere to state and local requirements instead. These include 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.

Services for children with disabilities: Removes specific requirements for 1202 Subpart F but recognizes the many requirements still required by the Head Start Act. If this proposed rule is finalized, the Secretary would issue policies and procedures to ensure these requirements are met.

Administration:

- Reduces the administrative costs cap from 15% to 5% of the total approved program cost, which includes both Federal costs and non Federal match.
- Removes existing requirements for confidentiality. Programs would need to establish policies aligned or equivalent to the Family Educational Rights and Privacy Act (FERPA).



- 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.
- Removes requirement that programs implement prescriptive coordinated approaches and procedures at the beginning of each program year.
- Proposes a broader waiver provision: 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.

Designation Renewal System (DRS): Amends conditions that determine whether an agency is required to compete for its next five years of funding to include nine conditions instead of the current seven.

- Removes the establishment of goals from the school readiness condition. The proposed rule would include just the failure to produce results towards achieving school readiness go
- Removes requirement to use CLASS: Pre-K as the sole measure of classroom quality and the associated CLASS: Pre-K thresholds that trigger competition
- Restructures fiscal conditions into two separate conditions: 1) Risk of failing to continue functioning as a going concern within the current project period; and 2) 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.

NEW Nutrition & physical ability:

- Requires programs to provide at least 30 minutes of physical activity for every three and a half hours that a child participates. Weather permitting, the activity should be outside.
- 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).
- Requires snack and mealtimes 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.



- Requires programs 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.

A table of what is proposed to be removed or amended can be found [here](#) (Section IV; [see pages 13-20](#)). *The table is not an exhaustive list of all other applicable Federal statutes or regulations such as the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards that still govern aspects of program operation.*

If you have any questions, please contact Tara Thomas at tthomas@aasa.org.