

Congress of the United States
Washington, DC 20515

October 6, 2026

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

RE: RIN number 0970-AD30

Dear Secretary Kennedy,

We write to express our strong opposition to the proposed rule, “Reducing Federal Burden for Head Start Programs,”¹ which seeks to illegally dismantle Head Start by removing over 90 percent of standards² that ensure children receive high-quality early education and comprehensive services. This proposal is a blatant effort to gut core aspects of this longstanding, anti-poverty program and is in direct conflict with the *Head Start Act*.

Let us be very clear: what you are proposing seriously weakens the high-quality, comprehensive research-backed services required by law, undermines access to critical services, restricts access for children and families, and creates uncertainty for Head Start programs across the nation. Under your proposal, 80% of children in Head Start will face worse staff-to-child ratios.³ Nearly 1 in 10 children currently served in Head Start could become ineligible for services overnight.⁴ Key Head Start health, dental, mental health, and developmental services will be reduced

¹ Reducing Federal Burden for Head Start Programs, 91 Fed. Reg. 51248 (proposed Aug. 7, 2026) (to be codified at 45 C.F.R. pt. 1301-1305), *available at* <https://www.federalregister.gov/documents/2026/08/07/2026-16134/reducing-federal-burden-for-head-start-programs>.

² Sudiksha Kochi, *Democrats Urge RFK Jr. To Scrap Proposed Head Start Overhaul*, The Hill (Sep. 15, 2026), <https://thehill.com/homenews/house/6089555-hhs-head-start-democrats-rfk/>.

³ Shantel Meek et al., *Lowering the Bar: An Analysis of How Replacing Head Start Standards With State Child Care Licensing Weakens Early Learning Across the United States*, Children’s Equity Project at Arizona State University (August 2026), <https://cep.asu.edu/sites/g/files/litvpz916/files/2026-08/Lowering%20the%20Bar%20An%20Analysis%20of%20How%20Replacing%20Head%20Start%20Standards%20with%20State%20Child%20Care%20Licensing%20Weakens%20Early%20Learning%20Across%20the%20United%20States%20%20%288%29.pdf>.

⁴ National Head Start Association, *Detailed Overview of Reducing Federal Burden on Head Start Programs* (2026), <https://nhsa.app.box.com/s/sxu7x98qgci60wawioiz1k3ydt07ic9>. (The National Head Start Association stated that “ACF estimates that approximately 8% of currently enrolled children would no longer be eligible without further documentation”, which is approximately one in ten children.)

nationwide.⁵ And the duration of the Head Start school day could be cut in half in many communities, leaving working families stranded and without child care.⁶ That is unacceptable.

Since 1965, Head Start has served more than 40 million young children with age-appropriate education, health care, dental care, and healthy meals.⁷ The program has also provided working-class parents with connections to job training, adult education, nutrition services, housing assistance, and other support services that strengthen families.⁸ Research shows that children who attend Head Start are more likely to be ready for kindergarten, graduate from high school, attend college, and are less likely to have adverse health outcomes than non-participants.⁹ Every year, roughly 1,600 Head Start grantees serve over 700,000 young children and their families through a unique, multi-generational and holistic approach.¹⁰ The scope and quality of these programs have changed the lives of millions.

Despite Head Start's essential role, you have led the U.S. Department of Health and Human Services (HHS) to repeatedly undermine and disrupt Head Start services. Since the very start of this Administration, Head Start programs have had their funding illegally withheld and delayed, lost federal staff who were essential to their community-driven successes, and faced new requirements that create constant confusion.¹¹ Last year, a leaked version of the fiscal year 2026

⁵ *Supra* note 1.

⁶ *Id.*

⁷ *Head Start Program Facts: Fiscal Year 2024*, Office of Head Start, <https://headstart.gov/program-data/article/head-start-program-facts-fiscal-year-2024> (last updated Aug. 14, 2025).

⁸ *Id.*

⁹ *Facts and Impacts*, Nat'l. Head Start Assoc., <https://nhsa.org/resource/facts-and-impacts/> (last visited Aug. 4, 2026); Casey Peeks and Allie Schneider, *5 Things To Know about Head Start*, The Center for American Progress (Apr. 16, 2025), <https://www.americanprogress.org/article/5-things-to-know-about-head-start/>.

¹⁰ *Supra* note 7.

¹¹ Letter from Ranking Member Sanders, Committee on Health, Education, Labor, and Pensions, and other Senate Democrats to Secretary Kennedy regarding attacks on the Head Start program (Apr. 24, 2025), <https://www.sanders.senate.gov/wp-content/uploads/Quill-Letter-L24792-Letter-to-HHS-on-attacks-on-Head-Start-Version-7-04-24-2025-@-02-00-PM.pdf>; Letter from Vice Chair Murray, Senate Committee on Appropriations, Ranking Member Sanders, Committee on Health, Education, Labor, and Pensions, and Ranking Member Baldwin, Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to Secretary Kennedy regarding Department actions to prohibit Head Start grantees from providing certain services (Dec. 18, 2025), <https://www.murray.senate.gov/wp-content/uploads/2025/12/251218-Letter-to-Sec.-Kennedy-Jr.-RE-Head-Start-Banned-Words.pdf>; Letter from Ranking Member Sanders, Committee on Health, Education, Labor, and Pensions, and other Senate Democrats to Secretaries Kennedy, McMahon, and Chavez-DeRemer, as well as Attorney General Bondi, regarding the Departments' announcements reinterpreting the *Personal Responsibility and Work Opportunity Reconciliation Act* to exclude many members of the immigrant community (Aug. 4, 2025), <https://www.sanders.senate.gov/wp-content/uploads/Quill-Letter-L28491-Letter-to-HHS-ED-and-DOL-on-Changes-to-PRWORA-Interpretation-Version-4-08-04-2025-@-03-30-PM.pdf>; Shirley Jones and Sarah Kaczmarek, *Department of Health and Human Services—Application of Impoundment Control Act to Availability of Head Start Program Funds*, Product No. B-337202, Government Accountability Office (July 23, 2025), <https://www.gao.gov/products/b-337202>.

budget proposal indicated the Administration's plan to eliminate the Head Start program.¹² You made a commitment to Congress to "preserve" Head Start,¹³ yet this proposed rule is the latest attempt by the Administration to deteriorate and ultimately eliminate the program by gutting the core standards and services that have long-defined and ensured its success.

This proposal strikes nearly all of the Head Start Program Performance Standards ("Performance Standards") in defiance of statutory requirements and is antithetical to the mission of Head Start, which is to provide quality early learning and comprehensive services for children and families with the highest needs. Head Start's unique federal-to-local model relies on the Performance Standards to provide clarity to grantees, while considering evolving research, science, and community needs.

Under section 641A(a)(2)(C)(ii) of the *Head Start Act*, HHS cannot modify the Performance Standards in a way that will "result in the elimination of or any reduction in quality, scope, or types of health, educational, parental involvement, nutritional, social, or other services required to be provided under such standards as in effect on the date of enactment of the Improving Head Start for School Readiness Act of 2007."¹⁴ Yet, this proposed rule does exactly that: it illegally eliminates and reduces the core components of Head Start as they currently exist.

1. Undermine quality early childhood education and services

We oppose your proposed elimination of federal standards for staff-to-child ratios, class sizes, safety practices; proposed removal of limits on suspensions and expulsions; and proposed removal of Head Start staff professional development, training, and wellness breaks. This overhaul of the Performance Standards will diminish the quality of services and jeopardize the safety and well-being of children.

Staff-to-Child Ratios and Group Sizes

Removing staff-to-child ratios and group size limits in 45 C.F.R. §1302.21(b) and deferring instead to state policies will diminish program quality and threaten children's safety.¹⁵ State and local policies for child care ratios and group sizes vary widely, which is why the Performance Standards include research-informed, national baselines for high-quality settings that support child development, health, and safety.¹⁶ For example, in Idaho, state law and regulations allow a single educator to care for up to six infants, while in 35 other states, the required ratio is 1:4 and

¹² Zachary Schermele, *Trump budget proposal would fully eliminate Head Start*, USA Today (Apr. 11, 2025), <https://www.usatoday.com/story/news/education/2025/04/11/trump-proposal-eliminating-head-start/83045346007/>.

¹³ Mackenzie Wilkes, *RFK Jr Says HHS Will 'Preserve' Head Start*, Politico Pro, <https://subscriber.politicopro.com/article/2025/05/fk-hhs-preserve-head-start-00348255> (last updated May 14, 2025).

¹⁴ Pub. L. No. 110-134, 121 Stat. 1363, 1387 (codified at 42 U.S.C. § 9836a(a)(2)(C)(ii)).

¹⁵ *Supra* note 1.

¹⁶ *Child Care: Ratios and Group Sizes Matter*, Zero to Three (Feb. 19, 2025), <https://www.zerotothree.org/resource/child-care-ratios-and-group-sizes-matter/>.

is aligned with the current Performance Standards.¹⁷ According to the Children’s Equity Project, your proposal to replace these federal regulations with state child care standards is estimated to worsen staff-to-child ratios for 80 percent of children enrolled in Early Head Start or Head Start Preschool.¹⁸ HHS’s own analysis of the rule expects a 16 to 32 percent increase in the average number of children per Head Start educator.¹⁹ These changes will make it harder for staff to provide adequate supervision of children, result in poorer quality interactions with children, increase staff burnout, hinder accommodations for children with disabilities, and diminish the delivery of complex early learning science.²⁰

Child Safety

We also oppose the proposed changes to essential safety standards that protect young children and give families peace of mind that their children will be well cared for in Head Start.²¹ Many of these changes are unconscionable, such as removing the prohibition on leaving children unsupervised and reducing protections against the maltreatment or endangerment of children, including restraint and seclusion practices.²² Disparities in discipline—including the use of restraint and seclusion—begin as early as preschool, with particularly concerning disparities involving children of color with disabilities.²³ The elimination of these provisions would mean that young children could be subject to a higher risk of corporal punishment, abuse, neglect, shaming, and humiliation, or being left alone while enrolled in Head Start.

Suspensions and Expulsions

The proposal to remove federal disciplinary standards in 45 C.F.R. §1302.17 that prohibit or severely limit the uses of suspensions, expulsions, or unenrollment of children will push children

¹⁷ Shantel Meek et al., *Lowering the Bar: An Analysis of How Replacing Head Start Standards With State Child Care Licensing Weakens Early Learning Across the United States*, Children’s Equity Project at Arizona State University (Aug. 2026), <https://cep.asu.edu/resources/An-Analysis-of-How-Replacing-Head-Start-Standards-with-State-Child-Care-Licensing-Weakens-Early-Learning-Across-the-United-States>; Rachel Booth, *Conservatives have a plan for cheaper day care. But is it safe?*, Vox (Apr. 17, 2025), <https://www.vox.com/policy/408792/idaho-childcare-daycare-safety-ratios-deregulation-regulation>.

¹⁸ *Supra* note 3.

¹⁹ *Supra* note 1.

²⁰ National Association for the Education of Young Children, *The Costs of Deregulating Child Care*, https://www.naeyc.org/sites/default/files/wysiwyg/user-73607/2024naeycderegulationresource_final.pdf (last updated 2024).

²¹ Reducing Federal Burden for Head Start Programs, 91 Fed. Reg. 51248 (proposed Aug. 7, 2026) (to be codified at 45 C.F.R. pt. 1301-1305), <https://www.federalregister.gov/documents/2026/08/07/2026-16134/reducing-federal-burden-for-head-start-programs> (“While (*sic*) 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.”).

²² In addition to the general safety practices, checks on safety in personnel provisions 45 C.F.R. § 1302.90 are proposed to be deleted in this new rulemaking. *See id.*

²³ Office for Civil Rights, *School Climate and Student Discipline Resources: Know the Data*, U.S. Dep’t of Educ., <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/crdc-discipline-school-climate-report.pdf> (last updated Jan. 14, 2025).

out of programs and disrupt their social and emotional development. According to a 2016 study, as many as 250 preschoolers are suspended or expelled every day.²⁴ Research has found that boys of color, children with disabilities, and children who are English language learners are disproportionately more likely to experience suspensions or other disciplinary practices in preschool.²⁵ Further, these disciplinary practices have negative consequences on children and families' mental health and children's development, education, and health.²⁶

Standards for Teaching and Learning, Staff Qualifications, Trainings, and Wellness

The proposed rule eliminates standards for best practices for teaching and learning (currently regulated in 45 C.F.R. §1302.30-1302.36), erodes staff qualifications, limits access to training and professional development, and reduces wellness services (required under 45 C.F.R. §1302.90-93), which will worsen conditions for the Head Start workforce and their capacity to provide children with high-quality early learning. The proposed rule removes clear guidelines on individualizing instruction that integrates early learning standards into curriculum and teacher training. The proposed rule effectively prohibits postsecondary education credentials—which runs counter to section 648A of the law that outlines Head Start staff qualifications.²⁷ At a time when 59 percent of the Head Start programs report challenging classroom conditions as among the top reasons for staff vacancies²⁸, the proposed rule also seek to remove coaching, some teacher training, developmental screenings for children, wellness breaks, and mental health information for Head Start staff. This elimination of professional and supportive services will worsen environments for the Head Start workforce, who are already underpaid and turning over at a rate that limits the capacity to serve more eligible children and families.²⁹ Even worse, this comes at a time when HHS is in the process of finalizing another rule, “Restoring Flexibility to Support Head Start Program Access,” that rolls back provisions that would have increased wages and required benefits for Head Start staff.³⁰ Together, these changes will exacerbate staff stress

²⁴ Rasheed Malik, *New Data Reveal 250 Preschoolers Are Suspended or Expelled Every Day*, Center for American Progress (Nov. 6, 2017), <https://www.americanprogress.org/article/new-data-reveal-250-preschoolers-suspended-expelled-every-day/>.

²⁵ Delores Stegelin, *Preschool Suspension and Expulsion: Defining the Issues*, Institute for Child Success (Dec. 2018), <https://ncela.ed.gov/resources/brief-preschool-suspension-and-expulsion-defining-the-issues>.

²⁶ Office of Head Start, *Understanding and Eliminating Expulsion in Early Childhood Programs*, <https://headstart.gov/publication/understanding-eliminating-expulsion-early-childhood-programs> (last updated July 1, 2025).

²⁷ Compare 42 U.S.C. § 9843a(a)(2)(B) (requiring at a minimum enrollment in a baccalaureate degree program for many child facing Head Start positions) to 91 Fed. Reg. 51248, 51320 (Aug. 7, 2026) (“(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.”).

²⁸ National Head State Association, *An Update on Head Start's Ongoing Workforce Challenges* (Jan. 2025), <https://nhsa.org/resource/january-2025-update-on-head-starts-ongoing-workforce-challenges/>.

²⁹ *Id.*

and burnout and compound recruitment and retention challenges, making it harder to serve more children and disrupting the continuity of care.

2. Deteriorates critical comprehensive services for children and families

Under section 636 of the *Head Start Act*, one of the stated purposes of Head Start is to provide “health, educational, nutritional, social, and other services” to low-income children and their families across the country.³¹ The proposal guts regulatory provisions (45 C.F.R. §§ 1302.40-46) that are critical to promoting healthy child development and school readiness, and ensuring families receive comprehensive services and are equipped to build nurturing and responsive relationships with their children. Research has proven that developmental and mental health screenings, nutrition counseling, oral health programs, and parent education and support services enhance children’s outcomes and prevent long-term health issues, and Head Start has a long history of successfully providing these services for families.³² For example, during the 2025 program year, Head Start grantees across the country provided nearly 373,000 families (52 percent) with education on preventative medical and oral health, over 102,000 families (14 percent) with mental health services, and over 347,000 families (48 percent) with nutrition education.³³ We oppose the proposal to roll back decades of progress and remove provisions that are central to the quality, frequency, and coordination of comprehensive services that are important for children’s development and learning and family economic stability and well-being.

Health Services for Children

The proposed elimination of 45 C.F.R. §1302.42 will result in fewer available physical, dental, and mental health services for children. Under the proposed rule, Head Start programs would no longer have to ensure children receive developmental, vision, and hearing screenings; check for a source of health insurance; and check the status of age-appropriate medical, mental health, and dental care. Current standards not only require these services but also establish timelines for doing so to ensure children receive medical and dental care without delay and requirements to refer children to follow up services and track progress to ensure children receive intervention or treatment for any identified issues. Further, the proposed rule strikes standards for family

³⁰ Letter from Ranking Member Sanders, Committee on Health, Education, Labor, and Pensions, and Ranking Member Scott, Committee on Education and Workforce, and other Congressional Democrats to Secretary Kennedy regarding the proposed rule entitled, “Restoring Flexibility to Support Head Start Program Access” (June 11, 2026), https://democrats-edworkforce.house.gov/imo/media/doc/bicameral_letter_to_hhs_secretary_rfk_jr_regarding_head_start_teacher_pay_raises.pdf.

³¹ 42 U.S.C. § 9831.

³² Khadijah M Bohaligah et al., *Preventive Strategies for Pediatric Health in Primary Healthcare: A Systematic Review*, National Library of Medicine (Feb. 7, 2025), <https://pmc.ncbi.nlm.nih.gov/articles/PMC11891502/>.

³³ Office of Head Start, *Services Snapshot*, [https://headstart.gov/sites/default/files/PIR%20Links/All%20Programs%20\(2024-2025\).pdf](https://headstart.gov/sites/default/files/PIR%20Links/All%20Programs%20(2024-2025).pdf) (last visited Sep. 25, 2026).

collaboration and education about their child’s healthy development (45 C.F.R. §1302.41 and §1302.46) and the frequency and coordination of mental health services (45 C.F.R. §1302.45)

The law requires HHS to have standards for health services (section 641A(a)(1)) and for Head Start grantees to have goals and measurable objectives for health services (section 642(f)).³⁴ Notably, section 657C of the *Head Start Act* defines the term “health” to include services or care provided to enrolled children, their parents, or their siblings for both physical and mental health.³⁵ However, the plan to eliminate almost all health, dental, and mental health standards, in addition to health and developmental screenings, service timelines, and ongoing care obligations will serve to deteriorate preventative and continuous health services for young children.

Early screenings and services are fundamental to the mission of Head Start which recognizes children’s learning, health, and development are inextricably linked, and your proposed changes will have long-term consequences for children. Head Start plays a critical role in ensuring that children with disabilities and their families are connected with providers of early intervention services for infants and toddlers with disabilities under the *Individuals with Disabilities Education Act* (IDEA).³⁶ Without these screenings, children who are at-risk for, or are suspected of having, a disability could be diagnosed later and miss the opportunity to receive early intervention services, increasing their risk of falling behind in elementary school and force their families to pay out-of-pocket for screenings and services traditionally offered by Head Start.

Additionally, we object to the removal of 45 C.F.R. §1302.42(e), which explicitly requires Early Head Start programs to use funds to provide diapers and formula during the program day, as well as the provision that allows Head Start programs to use program funds to pay for professional medical and oral health services if no other funding source is available. These guidance and authorities are crucial to ensuring every Head Start child receives early, preventative, and ongoing care – regardless of their family’s ability to pay for and access these services on their own.

Services for Expecting Families

We also oppose the proposal to eliminate most of the dedicated services for more than 10,000 expecting Head Start families. Currently 45 C.F.R. §1302.80-82 of the rule requires grantees to check enrolled pregnant women’s prenatal care or insurance within 30 days, facilitate access to comprehensive services, and provide prenatal services to reduce barriers to healthy maternal and birthing outcomes. Prenatal and postpartum referrals and education are critical to the healthy

³⁴ 42 U.S.C. § 9836a(a)(1); 42 U.S.C. § 9837(f).

³⁵ 42 U.S.C. § 9852c(c).

³⁶ *Comprehensive Services of All Head Start Programs*, Office of Head Start, <https://headstart.gov/program-planning/home-visitors-online-handbook/comprehensive-services-all-head-start-programs> (last updated Oct. 21, 2024).

development of infants, maternal health, and fostering nurturing and responsive caregiving environments.

The culmination of striking these research-based regulations will undermine Head Start's current, proactive scope and the comprehensiveness of health, nutrition, and early intervention screenings and services for hundreds of thousands of Head Start children and families.

3. Restrict access for children and working families

The proposed rule makes it harder for children and families to qualify for and be served by Head Start in a manner that meets their needs. We strongly object to the plans to shorten Head Start's hours of operation, remove enrollment requirements for children with disabilities, require English-only instruction, and remove self-attestation and excessive housing costs considerations for eligibility, particularly for families experiencing homelessness.

Program Duration

The proposal to shorten the Head Start day is taking the program in exactly the wrong direction and is out of step with research on early childhood education. The proposed rule reverts Head Start centers program operations to the statutory minimum of 3 hours a day. To be clear, the current duration minimums that you seek to eliminate were designed to align Head Start with state pre-kindergarten successes in making gains in language, literacy, math, and social skills.³⁷ The proposal also "acknowledges that families may need to secure alternative child care arrangements or may miss work time" in response to this new rule.³⁸ Head Start is often the only licensed child care option in rural communities,³⁹ and an estimated 4.2 million children lack access to a formal child care slot in their local community.⁴⁰ In many states, depending on the age of the child and child care setting, the cost of child care exceeds annual, average in-state cost of college tuition, rent payments, or even mortgage payments.⁴¹ It is simply unrealistic and shameful to diminish Head Start services at a time when high-quality child care is unaffordable for working families and hard to find. We urge you to abandon this provision.

Income Eligibility Barriers

We oppose the prohibition on self-attestation in the proposed §1301.02(c)(4). This prohibition will exclude families with extremely low incomes, those who are self-employed, or those

³⁷ Head Start Performance Standards, 45 C.F.R. Chapter XIII (2016), *available at* <https://www.federalregister.gov/documents/2016/09/06/2016-19748/head-start-performance-standards>.

³⁸ 91 Fed. Reg. 51248, 51267 (Aug. 7, 2026).

³⁹ Casey Peeks and Allie Schneider, *5 Things To Know about Head Start*, The Center for American Progress (Apr. 16, 2025), <https://www.americanprogress.org/article/5-things-to-know-about-head-start/>.

⁴⁰ *Child Care Gaps Assessment*, Buffett Early Childhood Institute at the University of Nebraska, <https://childcaregap.org/> (last visited Sep. 14, 2026).

⁴¹ *Annual Child Care Landscape Analysis*, Child Care Aware of America, <https://www.childcareaware.org/price-landscape24/> (last visited Sep. 14, 2026).

experiencing homelessness from Head Start programs. These are individuals who do not have the same access to tax documents, pay stubs, and proof of income from employers as individuals with more financial stability. HHS's own analysis of the rule estimates that this change alone will make 8 percent of Head Start children, about 54,000 children, ineligible. It is abhorrent to remove some of the children and families with the greatest needs from Head Start.

Current Performance Standards in §1301.12(i)(1)(ii) allow Head Start programs to adjust for excessive housing expenses when verifying income eligibility. As wages increase to respond to rising costs of living, many families earning low wages have seen their incomes rise above Head Start's federal poverty level eligibility threshold but still struggle to make ends meet and afford the high costs of necessities like housing, food, utilities, and child care. Striking this consideration will make it harder for families who face high costs of living and would benefit from Head Start's services to qualify for the program.

Children Experiencing Homelessness

We are greatly concerned about the undue burden for children and families experiencing homelessness to be served by Head Start programs under your proposal. Section 640(m) of the *Head Start Act* requires the HHS Secretary to issue rules to “remove barriers to the enrollment and participation of homeless children in Head Start programs”, including ensuring children experiencing homelessness are identified and prioritized for enrollment, allowing their families to provide required documents within a reasonable time frame, offering continuity of services when housing is unstable, and coordinating with McKinney-Vento liaisons in local school districts.⁴² These legally required policies and procedures and the self-attestation pathway are critical for Head Start to carry out eligibility verification for children experiencing homelessness, allow enrollment of these children before records arrive, and hold slots for them if families relocate during the program year. In the 2024-2025 program year, Head Start served more than 60,000 children experiencing homelessness – the highest number on record.⁴³ We urge you to follow the law to ensure Head Start identifies, enrolls, and coordinates services for children and families experiencing homelessness.

Children with Disabilities

Under the proposed rule, requirements pertaining to services for children with disabilities are eliminated, exposing children and their families to increased discrimination and greater barriers to necessary supports and services. While the underlying statutory requirements remain in place, the proposal no longer mandates that children receive services while they await an IDEA

⁴² 42 U.S.C. § 9835(m).

⁴³ *Proposed Head Start Rule Eliminates Critical Protections for Children Experiencing Homelessness*, SchoolHouse Connection (Aug. 2026), <https://schoolhouseconnection.org/article/proposed-head-start-rule-eliminates-critical-protections-for-children-experiencing-homelessness>.

evaluation, and it removes the explicit directive that programs cannot reject a child based on disability-status. We oppose the proposed rule's removal of standards that require Head Start programs to provide early intervention or special education services consistent with IDEA, support parent participation in this process, and prohibit denying enrollment or services based on disability status. While federal disability civil rights laws remain in effect, removing the detailed Performance Standards removes the mechanism that makes those legal rights operational day to day. Without clear federal requirements, whether a child with a disability receives an assessment, an accommodation, or coordinated services would depend far more on what an individual local program happens to know about disability, what resources it has, and how effectively a family can navigate complex systems on its own. That is likely to produce significant disparities across states and communities — the opposite of the consistency Head Start's standards were designed to guarantee. If finalized, this proposal threatens to unravel decades of progress toward inclusion for more than 100,000 children with disabilities currently served by Head Start.⁴⁴

Dual Language Learners

The proposed extreme provision to impose English-only instruction in Head Start is a drastic shift from current learning and teaching science and practices to create educational access to all children. In 2024, nearly 30 percent of Head Start children's primary, home language was not English, and nearly 10 percent of children whose families primarily speak English were acquiring or learning another language.⁴⁵ Head Start supports dual language learner children in the acquisition of the English language and provides educational services and parent engagement in home languages. For example, programs are directed statutorily to use funds on literacy training “in a developmentally, culturally, and linguistically appropriate manner and support children's development in their native language” and include “specific methods to best address the needs of children who are limited English proficient” in section 648(d)(2) of the *Head Start Act*.⁴⁶ While section 641A(a)(1)(B)(x) of the law requires the Secretary to issue standards to ensure “progress toward acquisition of the English language”, your proposal to require English-only instruction may conflict with the statutory requirement that “progress [be] made through the use of culturally and linguistically appropriate instructional services.”⁴⁷ We ask that you withdraw this provision and maintain inclusive instruction for Head Start children, particularly

⁴⁴ *Head Start Program Facts: Fiscal Year 2024*, Office of Head Start, <http://headstart.gov/program-data/article/head-start-program-facts-fiscal-year-2024> (last updated Aug. 14, 2025).

⁴⁵ *Head Start Services Snapshot (2024-2025)*, Office of Head Start, [https://headstart.gov/sites/default/files/PIR%20Links/Head%20Start%20Services%20Snapshot%20\(2024-2025\).pdf](https://headstart.gov/sites/default/files/PIR%20Links/Head%20Start%20Services%20Snapshot%20(2024-2025).pdf) (last visited Sep. 25, 2026).

⁴⁶ 42 U.S.C. § 9843(d)(2).

⁴⁷ Compare 42 U.S.C. § 9836a(a)(1)(B)(x) with 91 Fed. Reg. 51248, 51319 (Aug. 7, 2026) (“Except as provided in 1301.17(d), a program must conduct all education to children in English.”).

dual language learners. Research is clear that your provision will slow English acquisition and can be harmful to child development and academic achievement.⁴⁸

4. Intentional ambiguity and misleading promises

We are concerned that removing nearly all the Performance Standards will create a great deal of ambiguity for Head Start grantees to implement the law with fidelity. The removal of regulatory details and reduction in administrative spending places greater burdens and uncertainties for community-driven programs in fulfilling their statutory obligations. For over six decades, Head Start has been a successful federal-to-local program, but this proposal to defer to state administration will undermine the consistency and quality of the program.

Monitoring

The intentional lack of clarity for administering a complex, high-quality early childhood education and comprehensive services leaves every Head Start program susceptible to being out of compliance and possibly losing their grants. Section 641A(c) of the *Head Start Act* requires the Secretary to monitor programs, and HHS holds the authority to issue deficiencies when the monitoring process identifies a systematic or substantial failure to meet program requirements.⁴⁹ The proposed rule strikes some details under §1304.11 related to the conditions that result in a grant being designated for competition and adds a vague provision for HHS to determine and re-compete a grant if the grantee is “determined not to be delivering classroom quality”.⁵⁰ The proposal puts all Head Start grantees in a vulnerable position to face arbitrary monitoring processes without adequate guidance.

Administrative Capacity

The proposal in §1301.14 to reduce maximum administrative spending from 15 percent to 5 percent for Head Start grantees expressly contradicts section 644(b) of the *Head Start Act*, which allows a cap of 15 percent with the option of a waiver.⁵¹ Funds set aside for administrative spending allow grantees to develop and operate Head Start programs, including fiscal management, human resources, information technology, data systems, and facilities management. To continue these required functions under a 5 percent limit is untenable and many programs will be forced to have staff share functions or eliminate functions or reduce operations. Some grantees have suggested they will have to relinquish their grants altogether because they will be unable to maintain operations. HHS’s own analysis of this rule estimates that only 3.7

⁴⁸ Alexandra Figueras-Daniel and Christina Stephens, *An English-Only Mandate for Head Start Will Harm Children*, National Institute for Early Education Research (Aug. 20, 2026), <https://nieer.org/research-library/english-only-mandate-head-start-will-harm-children>.

⁴⁹ 42 U.S.C. § 9836a(a).

⁵⁰ 91 Fed. Reg. 51248, 51320 (Aug. 7, 2026).

⁵¹ Compare 42 U.S.C. 9839(b) with 91 Fed. Reg. 51248, 51320 (Aug. 7, 2026).

percent of Head Start grantees operate at or below this 5 percent threshold.⁵² To put it simply, this reduction will pose greater challenges for Head Start programs to deliver high-quality services or to expand services to serve more children, particularly for smaller and rural programs that already face limited administrative capacity.

Conclusion

This proposed rule is a brazen attempt to dismantle Head Start without regard for the hundreds of thousands of young children and working-class families who depend on these programs and services every year. Under your proposal, Head Start children could be subject to corporal punishment; left unsupervised; have larger class sizes; have less qualified teachers; and no longer receive preventative and continuous health services, including oral health and mental health services. Families might have to find alternative child care options and struggle to meet eligibility requirements, particularly for those with little to no incomes, those experiencing homelessness, and those already facing high costs of living. The Head Start workforce will lose professional development, training, and be expected to teach and supervise more children without any additional pay or support.

We strongly urge you to withdraw the proposed rule, obey the law, and protect the legacy of Head Start.

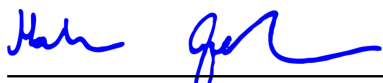
Sincerely,



Robert C. "Bobby" Scott
Member of Congress
Ranking Member, Committee
on Education and Workforce



Bernard Sanders
United States Senator
Ranking Member, Committee
on Health, Education, Labor,
and Pensions

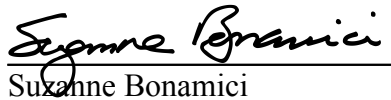


Hakeem Jeffries
Member of Congress

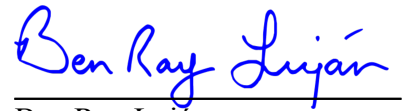


Charles E. Schumer
United States Senator

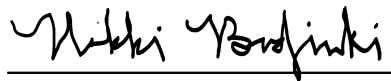
⁵² *Supra* note 1.



Suzanne Bonamici
Member of Congress



Ben Ray Lujan
United States Senator



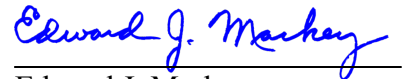
Nikki Budzinski
Member of Congress



Raphael Warnock
United States Senator



Katherine M. Clark
Member of Congress



Edward J. Markey
United States Senator



Joe Courtney
Member of Congress



Kirsten Gillibrand
United States Senator



Frederica S. Wilson
Member of Congress



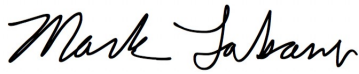
Mazie K. Hirono
United States Senator



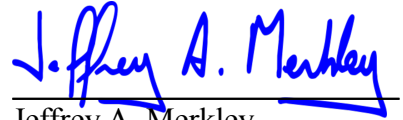
Mark DeSaulnier
Member of Congress



Jack Reed
United States Senator



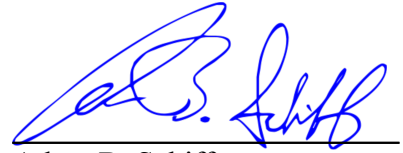
Mark Takano
Member of Congress



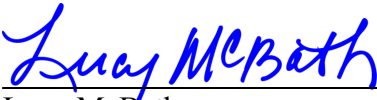
Jeffrey A. Merkley
United States Senator



Donald Norcross
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Adam B. Schiff
United States Senator



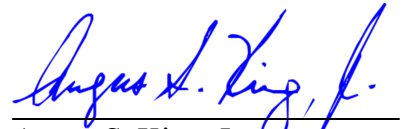
Lucy McBath
Member of Congress



Maria Cantwell
United States Senator



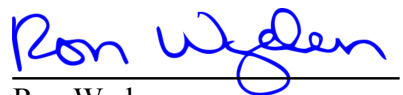
Jahana Hayes
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Angus S. King, Jr.
United States Senator



Ilhan Omar
Member of Congress



Ron Wyden
United States Senator



Haley M. Stevens
Member of Congress



Andy Kim
United States Senator



Greg Casar
Member of Congress



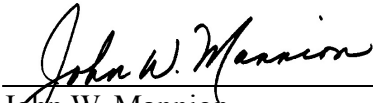
Jeanne Shaheen
United States Senator



Summer L. Lee
Member of Congress



Sheldon Whitehouse
United States Senator



John W. Mannion
Member of Congress



Richard Blumenthal
United States Senator



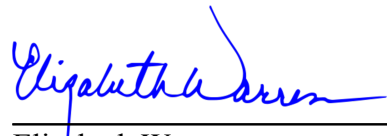
Adenita S. Grijalva
Member of Congress



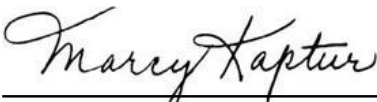
Martin Heinrich
United States Senator



Steny H. Hoyer
Member of Congress



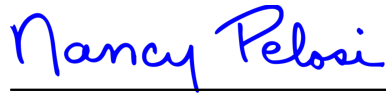
Elizabeth Warren
United States Senator



Marcy Kaptur
Member of Congress



Tammy Duckworth
United States Senator



Nancy Pelosi
Member of Congress



Tim Kaine
United States Senator



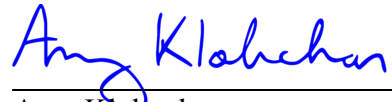
Richard E. Neal
Member of Congress



Lisa Blunt Rochester
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Rosa L. DeLauro
Member of Congress



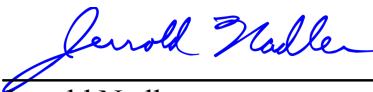
Amy Klobuchar
United States Senator



Eleanor Holmes Norton
Member of Congress



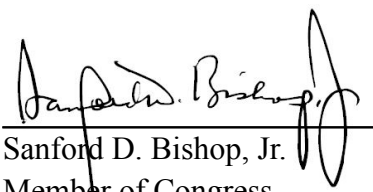
Richard J. Durbin
United States Senator



Jerrold Nadler
Member of Congress



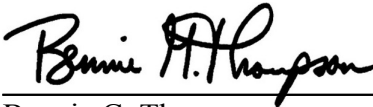
Peter Welch
United States Senator



Sanford D. Bishop, Jr.
Member of Congress



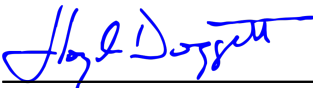
Tammy Baldwin
United States Senator



Bennie G. Thompson
Member of Congress



Chris Van Hollen
United States Senator



Lloyd Doggett
Member of Congress



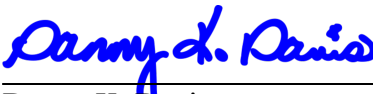
Tina Smith
United States Senator



Zoe Lofgren
Member of Congress



Margaret Wood Hassan
United States Senator



Danny K. Davis
Member of Congress



Christopher A. Coons
United States Senator



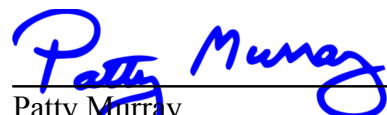
Diana DeGette
Member of Congress



Michael F. Bennet
United States Senator



James P. McGovern
Member of Congress



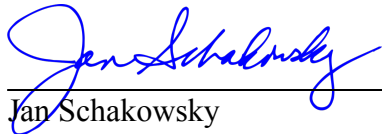
Patty Murray
United States Senator



Brad Sherman
Member of Congress



Adam Smith
Member of Congress



Jan Schakowsky
Member of Congress



Mike Thompson
Member of Congress



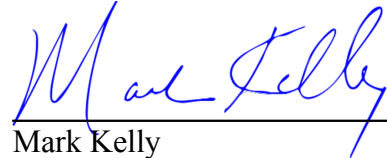
Betty McCollum
Member of Congress



Rick Larsen
Member of Congress



Alex Padilla
United States Senator



Mark Kelly
United States Senator



John Fetterman
United States Senator



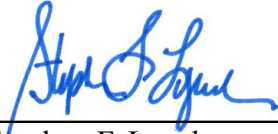
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Gary C. Peters
United States Senator



Catherine Cortez Masto
United States Senator



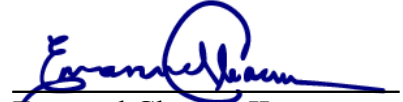
Stephen F. Lynch
Member of Congress



Cory A. Booker
United States Senator



Linda T. Sánchez
Member of Congress



Emanuel Cleaver, II
Member of Congress



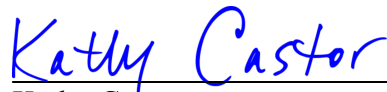
Jim Costa
Member of Congress



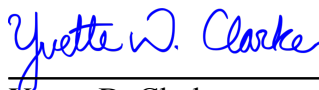
Debbie Wasserman Schultz
Member of Congress



Doris Matsui
Member of Congress



Kathy Castor
Member of Congress



Yvette D. Clarke
Member of Congress



Steve Cohen
Member of Congress



André Carson
Member of Congress



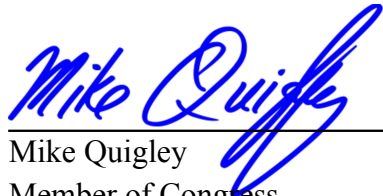
Jim Himes
Member of Congress



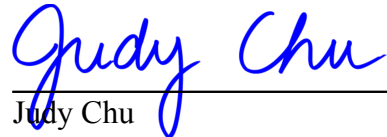
Chellie Pingree
Member of Congress



Paul D. Tonko
Member of Congress



Mike Quigley
Member of Congress



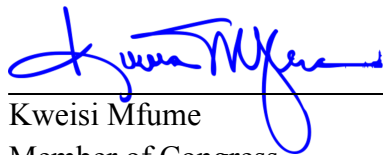
Judy Chu
Member of Congress



John Garamendi
Member of Congress



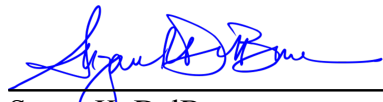
Bill Foster
Member of Congress



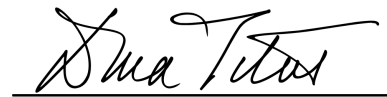
Kweisi Mfume
Member of Congress



Terri A. Sewell
Member of Congress



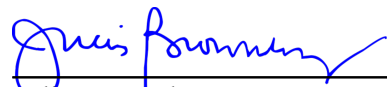
Suzan K. DelBene
Member of Congress



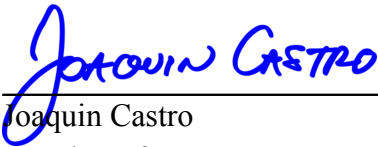
Dina Titus
Member of Congress



Joyce Beatty
Member of Congress



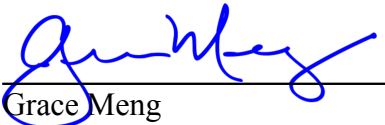
Julia Brownley
Member of Congress



Joaquin Castro
Member of Congress



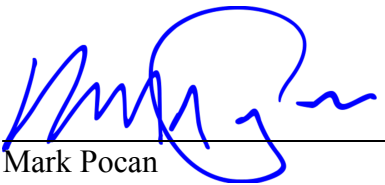
Jared Huffman
Member of Congress



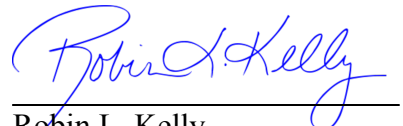
Grace Meng
Member of Congress



Scott H. Peters
Member of Congress



Mark Pocan
Member of Congress



Robin L. Kelly
Member of Congress



Ed Case
Member of Congress



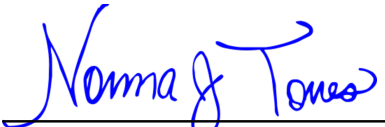
Donald S. Beyer Jr.
Member of Congress



Brendan F. Boyle
Member of Congress



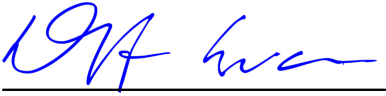
Ted W. Lieu
Member of Congress



Norma J. Torres
Member of Congress



Bonnie Watson Coleman
Member of Congress



Dwight Evans
Member of Congress



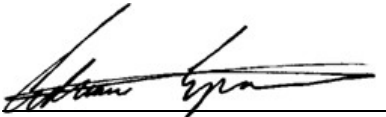
Bradley Scott Schneider
Member of Congress



Salud Carbajal
Member of Congress



J. Luis Correa
Member of Congress



Adriano Espaillat
Member of Congress



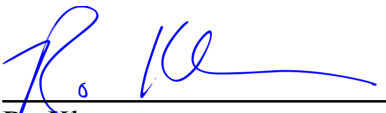
Vicente Gonzalez
Member of Congress



Josh Gottheimer
Member of Congress



Pramila Jayapal
Member of Congress



Ro Khanna
Member of Congress



Raja Krishnamoorthi
Member of Congress



Jimmy Panetta
Member of Congress

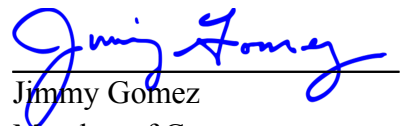


Jamie Raskin
Member of Congress



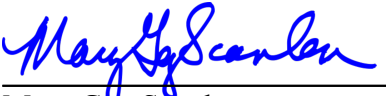
Darren Soto

Member of Congress



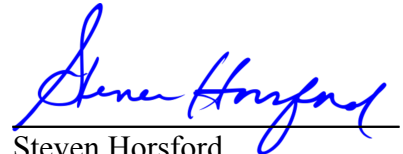
Jimmy Gomez

Member of Congress



Mary Gay Scanlon

Member of Congress



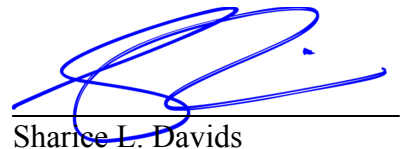
Steven Horsford

Member of Congress



Jason Crow

Member of Congress



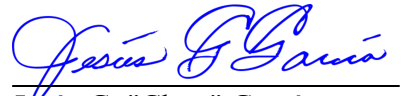
Sharice L. Davids

Member of Congress



Madeleine Dean

Member of Congress



Jesús G. "Chuy" García

Member of Congress



Sylvia R. García

Member of Congress



Alexandria Ocasio-Cortez

Member of Congress



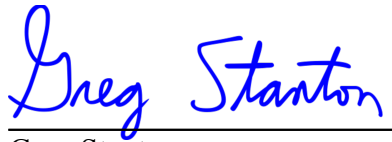
Chris Pappas

Member of Congress



Ayanna Pressley

Member of Congress



Greg Stanton
Member of Congress



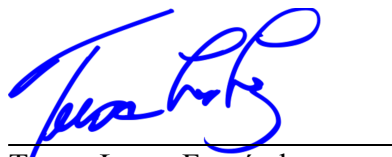
Rashida Tlaib
Member of Congress



Lori Trahan
Member of Congress



Sara Jacobs
Member of Congress



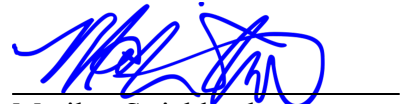
Teresa Leger Fernández
Member of Congress



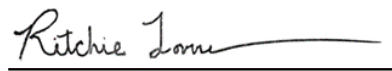
Frank J. Mrvan
Member of Congress



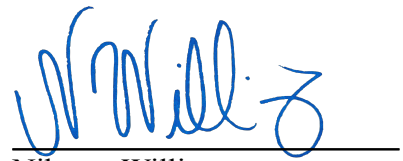
Deborah K. Ross
Member of Congress



Marilyn Strickland
Member of Congress



Ritchie Torres
Member of Congress



Nikema Williams
Member of Congress



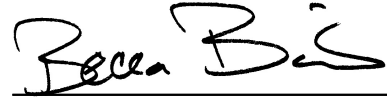
Troy A. Carter, Sr.
Member of Congress



Melanie Stansbury
Member of Congress



Shontel M. Brown
Member of Congress



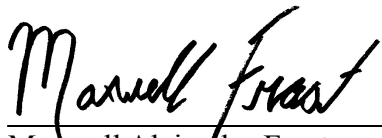
Becca Balint
Member of Congress



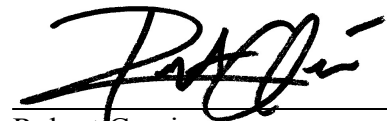
Donald G. Davis
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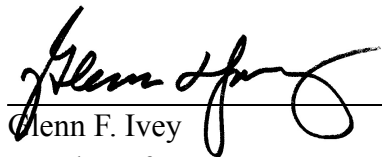
Chris Deluzio
Member of Congress



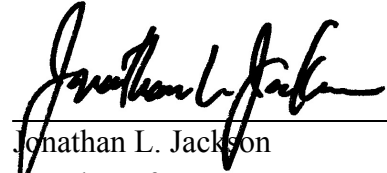
Maxwell Alejandro Frost
Member of Congress



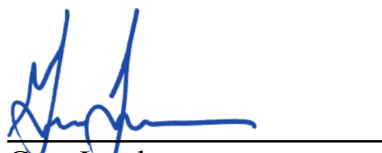
Robert Garcia
Member of Congress



Glenn F. Ivey
Member of Congress



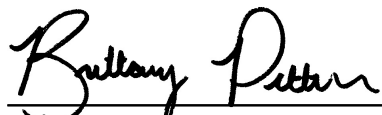
Jonathan L. Jackson
Member of Congress



Greg Landsman
Member of Congress



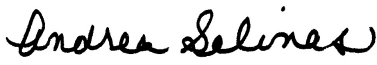
Kevin Mullin
Member of Congress



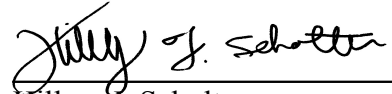
Brittany Pettersen
Member of Congress



Delia C. Ramirez
Member of Congress



Andrea Salinas
Member of Congress



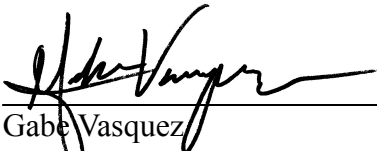
Hillary J. Scholten
Member of Congress



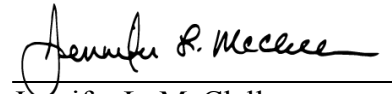
Eric Sorensen
Member of Congress



JM Tokuda
Member of Congress



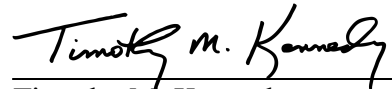
Gabe Vasquez
Member of Congress



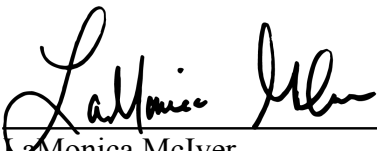
Jennifer L. McClellan
Member of Congress



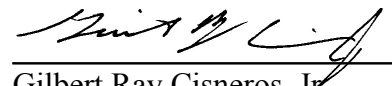
Gabe Amo
Member of Congress



Timothy M. Kennedy
Member of Congress



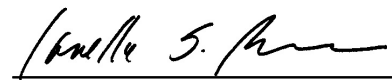
LaMonica McIver
Member of Congress



Gilbert Ray Cisneros, Jr.
Member of Congress



Wesley Bell
Member of Congress

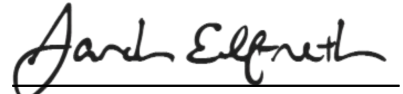


Janelle S. Bynum
Member of Congress



Maxine Dexter, M.D.

Member of Congress



Sarah Elfreth

Member of Congress



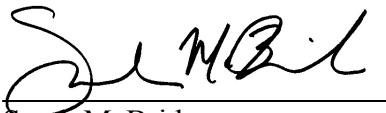
Laura Friedman

Member of Congress



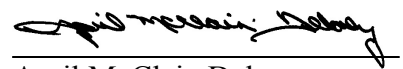
Maggie Goodlander

Member of Congress



Sarah McBride

Member of Congress



April McClain Delaney

Member of Congress



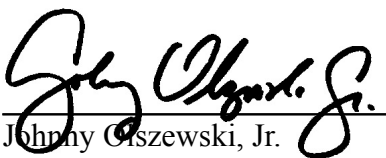
Kristen McDonald Rivet

Member of Congress



Kelly Morrison

Member of Congress



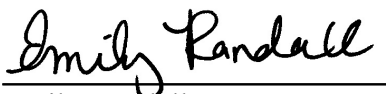
Johnny Ciszewski, Jr.

Member of Congress



Nellie Pou

Member of Congress



Emily Randall

Member of Congress

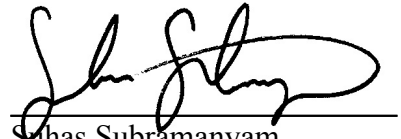


Josh Riley

Member of Congress



Lateefah Simon
Member of Congress



Sahas Subramanyam
Member of Congress



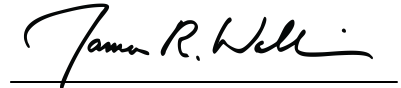
Derek T. Tran
Member of Congress



George Whitesides
Member of Congress



Pablo José Hernández
Member of Congress



James R. Walkinshaw
Member of Congress



Everton Blair Jr.
Member of Congress