Empire State
CAMPAIGN FOR CHILD CARE

October 6, 2026

Submitted electronically via www.regulations.gov

Alex J. Adams, Assistant Secretary
Administration for Children and Families
U.S. Department of Health and Human Services
330 C Street NW – 4th Floor
Washington, DC 20201

Re: Comments on Notice of Proposed Rulemaking: Reducing Federal Burden for Head Start Programs (91 Fed. Reg. 51248); Docket No.: ACF-2026-0595; RIN 0970-AD30

Dear Assistant Secretary Adams:

The Empire State Campaign for Child Care (ESCCC) submits these comments in response to the Notice of Proposed Rulemaking (NPRM) published by the Administration for Children and Families (ACF) in the Federal Register on August 7, 2026.

The Empire State Campaign for Child Care is a New York State coalition of parents, child care educators, and advocates who believe that every family in New York State deserves high-quality, universal child care and that every child care educator deserves to earn a thriving wage. The campaign was founded in 2017, and advocates at the state and federal levels for investment in child care that best serves the needs of all of New York's families and child care educators. Our membership includes Head Start and Early Head Start providers who serve families across New York State.

ESCCC supports the stated intent of these proposed regulations to remove unnecessary regulations and administrative burdens from the educators who care for our youngest learners. However, we are concerned that many of the proposed changes to the Head Start Performance Standards will undercut the decades long success of Head Start. Our aim is to ensure the survival and high quality of the program that currently serves over 39,000 children in the State of New York, and hundreds of thousands more across the country. ESCCC is concerned about many of the proposed changes, but will focus our comment on proposed changes to classroom ratios, English-only instruction, the 5% administrative cost cap, protections for high need children, disability services, and comprehensive care. These are areas where proposed changes

threaten to cause the most harm to the children, families, and educators who comprise our coalition.

Removal of Head Start Group Size and Ratio Requirements (proposed §1301.05)

Proposed §1301.05 would eliminate federal group-size and staff-child ratio standards. Programs would only need to be consistent with state licensing law and would not be required to meet a federal standard.

While ESCCC supports local flexibility, the Head Start group size and ratio requirements were developed based on rigorous data and research that establishes that high-quality early education is rooted in consistent, focused, loving one-on-one interactions between a well-trained and supported educator, and child. A low teacher-child ratio is particularly important in programs serving children with developmental delays and disabilities, children who are dual language learners, and low-income children – which constitutes the majority of children served by Head Start. The current ratios allow educators to fully and comprehensively meet the needs of the children in this care. A change to this standard would deliver a crippling blow to the quality of care children receive in Head Start in those states and communities that choose to decrease the number of teachers in Head Start classrooms. Making this rule "flexible" is likely to be misconstrued to mean that the current low teacher-student ratios are not essential to delivering high-quality early education, which is contrary to well-established evidence.

While in New York, state law and regulations require low student-teacher ratios, and thus will not result in NYS Head Start programs altering the number of children per teacher in their programs, there is widespread concern that programs might see their contract rates be reduced to reflect an expectation that they have reduced the number of teachers in their classrooms.

ESCCC urges the Administration of Children and Families (ACF) to maintain federal requirements regarding group size and educator-child ratios to ensure safety and high-quality for all Head Start students.

English-Only Instruction (Proposed provision 1301.04(a)(1))

Proposed provision 1301.04(a)(1) would require that all instruction be provided to Head Start students in English, regardless of their home language.

ESCCC recognizes that every child should receive English language instruction. However, research shows that proficiency in a new language is built on the child's content knowledge of their first language, and that excluding their first language harms acquisition of the new language. More than one third of Head Start attendees are dual language learners, and this

proposed change would require educators with years of training and expertise teaching dual language learners to abandon some of their tested, high-quality approaches to educating dual language learners to abide by this pedagogically questionable, and overly-rigid rule. Significantly, the current approach practiced by many Head Start teachers – building upon students' home language skills while also building knowledge of the English language is a proven approach to help young dual language learners to emerge from early education with both strong English language skills and poised to succeed in school-aged settings – the purported goal of this proposed rule. Research suggests the proposed approach will result in poorer outcomes for Head Start dual language learners, including in their English language proficiency.

Also of significant concern: this proposed rule would micromanage teachers in their classrooms, undermining their ability to run their classrooms according to their training and expertise. This provision runs contrary to the purported purpose of these regulations: to afford states and programs flexibility to run their programs in a manner that meets the needs of the students, families and communities they serve.

ESCCC urges ACF to withdraw proposed provision § 1301.04(a)(1) and maintain home-language support for dual language learners, the majority-language staffing requirement, and bilingual screening and assessment.

5% Administrative Cost Cap (proposed provision § 1301.14)

Reducing the Head Start administrative cost cap from 15% to 5% would be devastating not only for Head Start programs around New York State, but also for the many child care programs that serve children funded by a number of funding sources including Head Start. Many New York early child education programs "blend and braid" funding, often drawing from multiple sources of funding including Head Start, the federal and state Child Care Development Block Grant (CCDBG), state pre-K, private tuition, and local or privately raised scholarships. It is well-established that early childhood education programs operate on very thin profit margins, and need every dollar of funding to cover essential costs, like payroll, rent, utilities and materials. The loss of Head Start administrative funding to blended and braided programs could jeopardize the sustainability of all the programs at such a site.

Another common home for Head Start programs in New York is Community Action Agencies (CAAs), local, community-based programs that offer a range of services and supports to community members experiencing poverty, health or housing challenges. CAAs, like early child education programs, operate with the slimmest of margins, with every dollar needed to keep food pantries stocked, weatherization programs operational, and Head Start classrooms open.

An administrative cost reduction to Head Start program operating as part of CAAs will have rippling impacts on all the essential CAA programming because if a Head Start program in a CAA comes up short in covering its administrative costs, lacking any reserves, CAAs will likely have to curtail services to cover any shortfalls.

Finally, this proposed administrative cost cap does not match regulations for other federal grantees, which, under the government-wide Uniform Guidance are allowed by the Office of Management and Budget an administrative cost rate of up to 15% without further documentation. (2 CFR § 200.414(f)). The proposed cap would likely require programs to cut the support staff and auditors needed for efficiency, transparency, and oversight. Without this staff, it would be difficult for Head Start programs to operate at full capacity. The NPRM provides no justification explaining why the agency has determined that Head Start programs should need fewer administrative resources than other federal programs. Nor does it explain how lowering this ceiling on administrative costs advances the NPRM's purported purpose of allowing flexibility and reducing paperwork for programs. Head Start is a program that contracts directly from the federal government to programs, without the state as an intermediary. A cap on allowable administrative costs simply means the program will have to figure out how to cover the costs of compliance, auditing and other support services with fewer resources. Further, in the NPRM itself, ACF acknowledges that only 3.7% of Head Start programs currently operate at or below 5% administrative costs, meaning this proposed rule will cause significant hardship for nearly all programs. Simply stated: this rule will lead programs to curtail services, or close altogether.

ESCCC urges ACF to withdraw proposed provision § 1301.04(a)(1) and retain the current 15% administrative cost cap.

Protection For Children Experiencing Homelessness (proposed provisions § 1302.02(g); §1301.02(c)(4); §1302.12(h)).

The NPRM proposes to replace current rules specifying actions programs must take to ensure children experiencing homelessness are given priority in Head Start programs and don't face unnecessary barriers to swift enrollment. In particular, the NPRM proposes two new documentation barriers:

- Bar self-attestation as eligibility documentation (proposed § 1301.02(c)(4));
- Remove the provision allowing a child to enroll without documentation of age (current § 1302.12(h)).

ESCCC supports streamlining paperwork and eligibility. However, we are concerned about the proposed change to the process for ensuring families experiencing homelessness can enroll in Head Start with ease. More than 3,500 New York families experiencing homelessness had

children enrolled in Head Start in 2025. Removing self-attestation as an option for these families will create a formidable barrier to enrollment for many families experiencing homelessness that could lead to delays in enrollment, or even a denial. So too, removing the provision allowing a child to enroll without documentation of age will cause unnecessary barriers to the enrollment of children experiencing homelessness. For young children experiencing the disruption and instability that accompanies homelessness, the importance of having immediate access to the safe, stable, nurturing environment of a Head Start classroom cannot be overstated.

ESCCC urges ACF to retain the existing rules that specify that children experiencing homelessness are given priority; continue to allow self-attestation and other flexibilities as eligibility documentation by rejecting proposed § 1301.02(c)(4) and retaining the current provision allowing a child to enroll without documentation of age (current § 1302.12(h)). Families experiencing homelessness should continue to be able to rely upon self-attestation to meet Head Start application requirements.

Services for Children with Disabilities (proposed provision § 1301.10) and Protections Against Suspension and Expulsion (proposed provision to remove § 1302.17 of the current Performance Standards).

In many communities, Head Start is the only program that serves children with developmental delays and disabilities. Head Start is unique in that it serves children before a formal diagnosis, and limits suspension and expulsion for young children. Head Start provides mental health consultations, which are a crucial tool to avoid exclusionary discipline, and helps children and families learn skills and tools to manage behavior. Eliminating the existing specific disability services and disciplinary protections harms an already vulnerable population. Ironically, it was Head Start, as acknowledged in the NPRM, that led the way in setting appropriate standards to ensure young children who have experienced trauma and other issues to receive the care and education they need. For ACF to propose now to withdraw or alter these standards sends the wrong message that could lead programs around the nation to move away from these evidence-based standards.

ESCCC urges rejection of proposed provision § 1301.10 to revise required services for children with disabilities and proposed provision to remove § 1302.17 of the current Performance Standards governing protections against suspension and expulsion.

Proposal to end federal requirements to conduct health determinations, assist families in navigating health systems, facilitate access to health care and insurance, conduct tooth brushing activities, and provide monthly mental health consultation.

Comprehensive health and mental health services are at the center of the Head Start model. The health, education, nutrition, and social services are often how Head Start families access necessary care. Health, nutrition, and social services are fundamental to the success of the Head Start program and stand as a model of high quality early education across the nation. It should remain a requirement of programs across the country. Further, retaining these requirements is good for children's health. It is telling that the American Dental Association has submitted comments calling for the HSO to retain the federal health requirements.

ESCCC urges withdrawal of proposed provisions removing the federal health, nutrition and social services requirements of Head Start, including daily toothbrushing and oral health care education.

Conclusion

The Empire State Campaign for Child Care stands in strong support of Head Start. Its model addresses the full scope of needs of children and families, and its success is grounded in decades of research on child development and brain science. The comprehensive approach of Head Start is built on focusing on a range of services, parental support and engagement, and reflecting the character of the local community. While improvements to efficiency and access can be a positive development, they must not come at the expense of what has made Head Start successful for over 60 years, both in educating children and as an anti-poverty program.

Given the many well-grounded concerns about this NPRM raised by tens of thousands of Head Start educators, families, communities, health care professionals, academics, lawmakers and many others, ESCCC urges ACF to take the necessary time to fully rework this NPRM to ensure the continued success of Head Start as one of the most well-studied, well-respected models of early childhood education in the nation.

Sincerely,

Dorothy (Dede) Hill
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Schuyler Center for Analysis and Advocacy
Steering Committee Member
Empire State Campaign for Child Care