



HEAD START ACT vs. REGULATIONS vs. NPRM

A Five-Part Comparison Compendium for Policy Staff and Advocates

About this document

On August 7, 2026, the Administration for Children and Families (ACF) released a Notice of Proposed Rulemaking (NPRM), “Reducing Federal Burden for Head Start Programs” (RIN 0970-AD30). The NPRM would replace most of the current Head Start Program Performance Standards (45 CFR Part 1302) with a much shorter set of federal regulations, shifting many current requirements to state licensing law, program discretion, or no requirement at all.

This compendium was prepared to give policy staff, researchers, and advocates a detailed, side-by-side view of how five specific Head Start policy areas are treated under three sources of authority: the Head Start Act (statute), the current Head Start Program Performance Standards (regulation), and the proposed NPRM. This document is written for readers who want to see how the underlying statutory, regulatory, and NPRM language itself compares.

How to read each section

Each of the five topic sections include:

- **Overview:** a short summary of how the three sources relate to one another on this topic
- **Side-by-side comparison table:** four-column tables (Dimension | Head Start Act | Current Regulations | NPRM) on each source’s treatment of a given aspect
- **NPRM verbatim text and rationale:** direct excerpts from the NPRM preamble explaining ACF’s reasoning for the proposed change

- **Verbatim citations:** the full underlying statutory and regulatory text referenced in the comparison table

Table and citation language throughout is quoted directly from the Head Start Act, 45 CFR Part 1302, and the NPRM as published; it has not been paraphrased.

Contents

1. Discipline: Suspension & Expulsion
2. Limited English Proficient Children & Language of Instruction
3. Teacher & Staff Credential / Education Requirements
4. Health, Dental, Vision & Developmental Screening
5. Quality Rating and Improvement Systems (QRIS)

Public comment period

The NPRM's 60-day public comment period is open through October 6, 2026. Comments can be submitted through the Federal Register page for RIN 0970-AD30 at [regulations.gov](https://www.regulations.gov). Submitted comments are posted publicly and unedited, so commenters should avoid including personal or sensitive information.

SECTION 1

Discipline: Suspension & Expulsion

HEAD START ACT

vs.

HEAD START PROGRAM PERFORMANCE STANDARDS

vs.

PROPOSED RULE: “REDUCING FEDERAL BURDEN FOR HEAD START PROGRAMS” (Aug. 7, 2026)

A Three-Way Comparison of Behavioral Issues, Suspension, and Expulsion Provisions

Overview

This document compares how the Head Start Act, the current Head Start Program Performance Standards, and the August 7, 2026 NPRM (‘Reducing Federal Burden for Head Start Programs) each treat children’s behavioral issues, suspension, and expulsion.

Central point: The Head Start Act contains no general discipline, suspension, or expulsion provision. The only statutory text touching behavioral issues is Sec. 645A(b)(6), which requires Early Head Start programs to screen and refer children with documented behavioral problems, including trauma-related behavior, but says nothing about suspension, expulsion, or about Head Start Preschool (ages 3-5). Every current substantive provision related to suspension and expulsion rests solely in regulation with no parallel provision in the Head Start statute.

Side-by-Side Comparison

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.17)	NPRM (Aug. 7, 2026)
Coverage of the topic generally	No general discipline provision anywhere in the Act. Only a single narrow reference (Sec. 645A(b)(6)) applies, and only to Early Head Start.	§1302.17 is a dedicated, detailed provision governing suspension and expulsion for all Head Start and Early Head Start programs.	Proposes to rescind §1302.17 in its entirety.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.17)	NPRM (Aug. 7, 2026)
Behavioral-problem screening/referral (EHS only)	Sec. 645A(b)(6): Early Head Start programs must 'ensure that children with documented behavioral problems, including problems involving behavior related to prior or existing trauma, receive appropriate screening and referral.'	Implemented in part through §1302.17(a)(4)(iii) and (b)(2)(i)-(ii), which require IDEA referral/consultation as part of the suspension and expulsion process.	The NPRM states this screening/referral requirement is still law 'thus programs serving infants and toddlers must comply with this statutory requirement.'
Suspension standard	Not addressed.	§1302.17(a)(1): programs 'must prohibit or severely limit the use of suspension due to a child's behavior'; suspensions may only be temporary.	Rescinded. Programs would set their own suspension policy, subject only to state/local licensing or subsidy contract requirements where those exist.
'Last resort' / safety-threat test	Not addressed.	§1302.17(a)(2): a temporary suspension must be used 'only as a last resort in extraordinary circumstances where there is a serious safety threat' not otherwise reducible through mental-health-consultant-recommended interventions.	Rescinded. No federal safety-threat threshold would apply; programs and states set their own standard.
Pre-suspension procedural requirements	Not addressed.	§1302.17(a)(3): before suspending, a program must engage a mental health consultant, collaborate with parents, and use community resources (behavior coaches, psychologists, etc.) to confirm no other reasonable option exists.	Rescinded. Programs would set their own suspension policy, subject only to state/local licensing or subsidy contract requirements where those exist..

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.17)	NPRM (Aug. 7, 2026)
Re-entry / return-to-participation requirements	Not addressed.	§1302.17(a)(4): if suspension occurs, the program must help the child return to full participation ‘as quickly as possible,’ documenting steps taken, continued engagement with parents/consultant, additional supports including home visits, and consideration of an IDEA referral or IFSP/IEP consultation.	Rescinded. Programs would set their own suspension policy, subject only to state/local licensing or subsidy contract requirements where those exist.
Expulsion standard	Not addressed.	§1302.17(b)(1): ‘A program cannot expel or unenroll a child from Head Start because of a child’s behavior’ — a categorical prohibition, not a limitation.	Rescinded. No federal expulsion prohibition; programs determine their own disciplinary policies within state/local licensing requirements.
Persistent/serious behavioral-concern procedure	Not addressed for Head Start Preschool. (Sec. 645A(l)(6) reaches only EHS, and only screening/referral, not a persistent-behavior protocol.)	§1302.17(b)(2): programs must document all steps taken, engage a mental health consultant, consider Section 504 accommodations, consult parents/teacher, and pursue IFSP/IEP consultation or IDEA-eligibility collaboration as applicable.	Rescinded. No federal procedural requirement for persistent behavioral concerns.
Transition to a more appropriate placement	Not addressed.	§1302.17(b)(3): if, after all documented steps, continued enrollment presents a continued serious safety threat and the program is determined not to be the most appropriate placement, the program must work with relevant parties to ‘directly facilitate the transition of the child to a more appropriate placement’ — a	Rescinded. No federal transition-facilitation requirement.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.17)	NPRM (Aug. 7, 2026)
		structured off-ramp distinct from simple expulsion.	
Interaction with state child care licensing	Not addressed — the Act does not reference state licensing at all in this context.	Operates as an independent federal floor regardless of state licensing status.	Programs would be required to ‘determine their own disciplinary policies within the context of state and local licensing requirements.’ The NPRM acknowledges that roughly half of states have incorporated some suspension/expulsion protection into licensing, quality standards, or state law since 2016. Though not a requirement to ban suspension and expulsion, as part of their CCDF plans, States must describe their policies regarding the social-emotional behavioral health of young children, which may include...policies on expulsion of preschool-aged children, in early childhood programs ‘.

Verbatim Citations

Full statutory, regulatory, and NPRM text underlying the comparison above.

Statute — Head Start Act, Sec. 645A(b)(6) (Early Head Start Programs)

"(6) ensure that children with documented behavioral problems, including problems involving behavior related to prior or existing trauma, receive appropriate screening and referral;"

This is the only provision in the entire Head Start Act that addresses behavioral issues. It applies exclusively to Early Head Start (infants and toddlers, birth to age 3) and imposes only a screening-and-referral duty — it does not address suspension, expulsion, discipline generally, or Head Start Preschool (ages 3-5).

Statute — Head Start Act, Sec. 640(d)(2) (Early Intervening Services, related context)

"Such policies and procedures shall ensure the provision of early intervening services, such as educational and behavioral services and supports, to meet the needs of children with disabilities, prior to an eligibility determination under the Individuals with Disabilities Education Act."

This ties 'behavioral' supports to the IDEA-eligibility-determination framework rather than to a general behavioral-management or discipline standard.

Current Regulation – 45 CFR §1302.17(a)(1)-(4) (Limitations on Suspension)

"(1) A program must prohibit or severely limit the use of suspension due to a child's behavior. Such suspensions may only be temporary in nature. (2) A temporary suspension must be used only as a last resort in extraordinary circumstances where there is a serious safety threat that has not been reduced or eliminated by the provision of interventions and supports recommended by the mental health consultant and the program needs time to put additional appropriate services in place. (3) Before a program determines whether a temporary suspension is necessary, a program must engage with a mental health consultant, collaborate with the parents, and utilize appropriate community resources – such as behavior coaches, psychologists, other appropriate specialists, or other resources – as needed, to determine no other reasonable option is appropriate. (4) If a temporary suspension is deemed necessary, a program must help the child return to full participation in all program activities as quickly as possible while ensuring child safety. A program must explore all possible steps and document all steps taken to address the behavior(s) and supports needed to facilitate the child's safe reentry and continued participation in the program. Such steps must include, at a minimum: (i) Continuing to engage with the parents, mental health consultant, and other appropriate staff, and continuing to utilize appropriate community resources; (ii) Providing additional program supports and services, including home visits; and, (iii) Determining whether a referral to a local agency responsible for implementing IDEA (Individuals with Disabilities Education Act) is appropriate, or if the child has an individualized family service plan (IFSP) or individualized education program (IEP), consulting with the responsible agency to ensure the child receives the needed support services."

Current Regulation – 45 CFR §1302.17(b)(1)-(3) (Prohibition on Expulsion)

"(1) A program cannot expel or unenroll a child from Head Start because of a child's behavior. (2) When a child exhibits persistent and serious behavioral concerns, a program must explore all possible steps and document all steps taken to address such problems, and facilitate the child's safe participation in the program. Such steps must include, at a minimum, engaging a mental health consultant, considering the appropriateness of providing appropriate services and supports under section 504 of the Rehabilitation Act of 1973 to ensure that the child who satisfies the definition of disability in 29 U.S.C. §705(9)(b) of the Rehabilitation Act is not excluded from the program on the basis of disability, and consulting with the parents and the child's teacher, and: (i) If the child has an individualized family service plan (IFSP) or individualized education program (IEP), the program must consult with the agency responsible for the IFSP or IEP to ensure the child receives the needed support services; or, (ii) If the

child does not have an IFSP or IEP, the program must collaborate, with parental consent, with the local agency responsible for implementing IDEA to determine the child's eligibility for services. (3) If, after a program has explored all possible steps and documented all steps taken as described in paragraph (b)(2) of this section, a program, in consultation with the parents, the child's teacher, the agency responsible for implementing IDEA (if applicable), and the mental health consultant, determines that the child's continued enrollment presents a continued serious safety threat to the child or other enrolled children and determines the program is not the most appropriate placement for the child, the program must work with such entities to directly facilitate the transition of the child to a more appropriate placement."

5. NPRM — Proposed Rescission of §1302.17

NPRM Preamble, 'Suspension and Expulsion' section

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

NPRM Preamble, Rationale

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

Closing Thoughts

While Congress has up to now not chosen to legislate on suspension and expulsion in Head Start programs, Congress has in other education statutes added provisions related to suspension and expulsion. Congress could add provisions on suspension and expulsion via legislative action (full reauthorization or piecemeal).

CCDBG: In 2014 seven years after the last reauthorization of Head Start, Congress wrote into the CCDBG statute two provisions related to suspension and expulsion—

- A requirement for states to describe their policies regarding the social-emotional behavioral health of young children, which may include...policies on expulsion of preschool-aged children, in early childhood programs.
- The addition as an allowable activity under the quality set-aside effective behavior management strategies and training, including positive behavior interventions and support models, that promote positive social and emotional development and reduce challenging behaviors, including reducing expulsions of preschool-aged children for such behaviors.

IDEA: Unlike the Head Start regulation's categorical "no expulsion" approach, IDEA takes a procedural, case-by-case approach — it doesn't prohibit suspension or expulsion outright, but layers specific rights and triggers around when and how discipline can occur. These provisions were added to IDEA in IDEA 1997 reauthorization and amended in IDEA 2004.

Elementary and Secondary Education Act: ESEA has no prohibition on suspension and expulsion of Title I children or any other children supported under ESEA. The only provision related to suspensions and expulsions was added in the 2015 reauthorization and includes a requirement for states and districts to publish an annual report card, available to parents, disaggregated by student subgroup (including students with disabilities and English learners), reporting rates of in-school suspensions, Out-of-school suspensions, and expulsions.

SECTION 2

Limited English Proficient Children & Language of Instruction

HEAD START ACT

vs.

HEAD START PROGRAM PERFORMANCE STANDARDS (45 CFR §1302.31)

vs.

PROPOSED RULE: “REDUCING FEDERAL BURDEN FOR HEAD START PROGRAMS” (Aug. 7, 2026)

A Three-Way Comparison of Limited English Proficient Children and Language of Instruction Provisions

Overview

This document compares how the Head Start Act, the Head Start Program Performance Standards, and the August 7, 2026 NPRM each treat each treat limited English proficient (LEP) children and the language of instruction.

Central Points: The statute establishes a definitional and structural framework — of who is limited English proficient and what agencies must plan for instructionally to help children progress towards English language acquisition. A specific operational pedagogy is not stipulated in the statute. The Head Start Performance standards, on the other hand, require a ‘dual language learner’ (DLL) instructional framework. In federal education law, the tension between limited English proficiency and bilingualism/dual language learner has persisted for decades. Both the No Child Left Behind Act (enacted in 2002) and the last reauthorization of Head Start (enacted in 2007) utilize the limited English/English acquisition framework. In 2015 when NCLB was reauthorized as the Every Student Succeeds Act, Congress swapped the term from limited English proficient to English language learner but did not move to a bilingual/dual language pedagogical framework as the Head Start Performance Standards did in 2016.

The NPRM's analysis reveals an unresolved tension between the statute's silence on a particular pedagogical framework and the Administration's push for English only. The NPRM explicitly acknowledges the Act requires LEP children to show progress 'while making meaningful progress' on other developmental domains 'including through culturally and linguistically appropriate instructional services' (Sec. 641A(a)(1)(B)(x)) — but the NPRM doesn't reconcile how English-only classroom instruction satisfies a statutory standard that specifically contemplates linguistically appropriate services.

The Tribal exception creates an asymmetry. Indian Head Start agencies retain the right to use tribal languages for the furtherance of tribal heritage, but no comparable exception is proposed for non-Tribal programs even though the statute's LEP protections (Sec. 637(22), Sec. 641(2)(K), Sec. 642A(a)(7)-(10)) apply to all LEP children regardless of language background.

Side-by-Side Comparison

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.31 et al.)	NPRM (Aug. 7, 2026), proposed §1301.04(a)
Core Definition	Sec. 637(22) The statute defines lack of English proficiency as a deficit to remediate — LEP children have ‘difficulties’ that may ‘deny’ them classroom success or social participation. The terms ‘dual language’ and ‘bilingual’ never appear in the statute. Statute consistently frames English language acquisition as a goal of the program. Sec. 641A(1)(b)(x), requires the Secretary to modify, as necessary, standards for LEP children that must include progress toward the acquisition of the English language while also making meaningful progress in the broader domains (language, literacy, math, etc.), including progress through the use of culturally and linguistically appropriate instructional services.	§1302.31(b)(2): explicitly reframes this — ‘a program must recognize bilingualism and biliteracy as strengths’ and implement research-based practices supporting both languages, not just English acquisition.	NPRM would shift regulations from current regulations which require programs to support bilingualism, including both English and the home language for children who are dual language learners to a primacy on English acquisition and learning arguing that English opens doors economically for families and helps individuals better engage with their communities.
Language of instruction	Not addressed — the Act doesn't mandate a language of instruction or particular pedagogy.	§1302.31(b)(2): ‘a program must recognize bilingualism and biliteracy as strengths’ and support both home-language and English development.	Reverses the current regulatory standard — programs would be required to conduct all education in English (proposed §1301.04(a)). Further, § 1301.04(a)(1) specifies that if a child's native language is not English, and the child does not speak

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.31 et al.)	NPRM (Aug. 7, 2026), proposed §1301.04(a)
		§1302.31(b)(2)(i): for an infant/toddler DLL, teaching practices must focus on developing the home language (when a teacher has appropriate language competency) plus exposure to English – a concrete instructional mandate with no statutory counterpart. §1302.31(b)(2)(ii): for a preschool-age DLL, practices must focus on both English acquisition and continued home-language development – again, a specific pedagogical model absent from the statute. §1302.31(b)(2)(iii): if staff don't speak the home language of all children in the learning environment, include steps to support the development of the home language for dual language learners.	English, a program must prioritize teaching English to the child. Under the proposed regulations in § 1301.17(d), an Indian Head Start agency will not be subject to § 1301.04(a) so long as the language being spoken relates to the furtherance of tribal heritage.
Application content – agency planning for LEP children	Sec. 641(d)(2)(K): applications must include a plan to meet LEP children's needs, including identification procedures, trained personnel, and services to help children progress toward English acquisition while making meaningful progress on other outcomes.	Implemented operationally through the child outcomes/curriculum framework (§1302.31–.32) rather than restated as an application-content requirement.	Statutory provision stands.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.31 et al.)	NPRM (Aug. 7, 2026), proposed §1301.04(a)
Performance standards / child outcomes	Sec. 641A(a)(1)(B)(x): LEP children must show progress toward English acquisition while making meaningful progress on the other Child Outcomes Framework domains, 'including progress made through the use of culturally and linguistically appropriate instructional services.'	§1302.31(a): center-based/family child care programs must promote growth aligned with the Head Start Early Learning Outcomes Framework 'including for children with disabilities' – DLL-specific alignment is carried by 1302.31(b)(2) provisions.	Statutory provision stands.
Assessment accommodations	Sec. 641A(b)(2)(A),(D),(F): assessments must provide appropriate accommodations for LEP children,	§1302.33(c): four-tier bilingual assessment cascade (qualified bilingual staff → interpreter → English-only with supplemental home-language observation).	Regulation removed. Statutory provision stands. The NPRM proposes to rescind §1302.33 entirely as 'duplicative' of the statute; the NPRM states programs 'will continue to be required' to meet the statutory assessment-accommodation standard.
Parent outreach and communication & Identification of LEP children	Sec. 642(b)(11): agencies must provide LEP parents outreach/information 'in an understandable and uniform format' and, to the extent practicable, 'in a language the parents can understand'. Sec. 642(f)(10): agencies must inform parents of LEP children about the instructional services used to help children make progress towards acquiring the knowledge and skills described in section 641A(a)(1)(B) and acquisition of the English language'.	§1302.101(b)(2): family/community-engagement management-system requirement, §1302.101(b)(2), requiring 'the full and effective participation of children who are dual language learners and their families,' including bilingual staff, oral language assistance, interpretation, or translation of materials.	Regulation removed. Statutory provisions stand. NPRM states these statutory requirement related to outreach to parents 'will continue to be required' – the NPRM's own text (citing Sec. 642(b)(11) and 642(f)(10)).

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.31 et al.)	NPRM (Aug. 7, 2026), proposed §1301.04(a)
Workforce training / technical assistance for LEP-serving staff	Sec. 637(24)(v): professional development definition includes acquiring skills to provide instruction and language support to LEP children. Sec. 648(b)(2)(A): Secretary must fund training for personnel serving LEP children. Sec. 648(g)(3)(A)(ii): HSI grants must build linguistic skills/expertise for staff.	Embedded in general teaching-practices standard, §1302.31(b)(2).	Statutory provision stands.
Monitoring/review teams	Sec. 641A(c)(1)(A)(i)(II): triennial review teams must include, to the maximum extent practicable, individuals knowledgeable about the 'diverse (including linguistic and cultural) needs' of LEP children.	No direct regulatory counterpart identified — implemented through Part 1304 monitoring provisions rather than Part 1302.	Statutory provision stands.

NPRM: Verbatim Text and Administration's Analysis

Proposed §1301.04(a) — Language of Instruction

NPRM Preamble, 'Language' section

"The proposed regulation regarding language in § 1301.04(a) will require programs to conduct all education to children in English. Further, § 1301.04(a)(1) specifies that if a child's native language is not English, and the child does not speak English, a program must prioritize teaching

English to the child. Under the proposed regulations in § 1301.17(d), an Indian Head Start agency will not be subject to § 1301.04(a) so long as the language being spoken relates to the furtherance of tribal heritage."

NPRM Preamble, rationale

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

NPRM Preamble, statutory-compliance framing

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

NPRM Preamble, summary statement

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

Verbatim Citations

Full statutory and regulatory text underlying the comparison above, organized by dimension.

1. Core Definition

Statute — Sec. 637(22)

"The term 'limited English proficient', used with respect to a child, means a child— (A)(i) who was not born in the United States or whose native language is a language other than English; (ii)(I) who is a Native American (as defined in section 8101 of the Elementary and Secondary Education Act of 1965), an Alaska Native, or a native resident of an outlying area (as defined in such section 8101); and (II) who comes from an environment where a language other than English has had a significant impact on the child's level of English language proficiency; or (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and (B) whose difficulties in speaking or understanding the English language may be sufficient to deny such child— (i) the ability to successfully achieve in a classroom in which the language of instruction is English; or (ii) the opportunity to participate fully in society."

Regulation --45 CFR §1305(2):

The regulations use 'dual language learner (DLL)' throughout Part 1302 rather than restating the statutory 'limited English proficient' definition.

"Dual language learner means a child who is acquiring two or more languages at the same time, or a child who is learning a second language while continuing to develop their first language. The term "dual language learner" may encompass or overlap substantially with other terms frequently used, such as bilingual, English language learner (ELL), Limited English Proficient (LEP), English learner, and children who speak a Language Other Than English (LOTE)."

2. Language-of-Instruction Practices

Regulation — 45 CFR §1302.31(b)(2)

"For dual language learners, a program must recognize bilingualism and biliteracy as strengths and implement research-based teaching practices that support their development. These practices must: (i) For an infant or toddler dual language learner, include teaching practices that focus on the development of the home language, when there is a teacher with appropriate language competency, and experiences that expose the child to English; (ii) For a preschool age dual language learner, include teaching practices that focus on both English language acquisition and the continued development of the home language; or, (iii) If staff do not speak the home language of all children in the learning environment, include steps to support the development of the home language for dual language learners such as having culturally and linguistically appropriate materials available and other evidence-based strategies. Programs must work to identify volunteers who speak children's home language/s who could be trained to work in the classroom to support children's continued development of the home language."

3. Application Content — Agency Planning for LEP Children

Statute — Sec. 641(d)(2)(K)

"the plan of such applicant to meet the needs of limited English proficient children and their families, including procedures to identify such children, plans to provide trained personnel, and plans to provide services to assist the children in making progress toward the acquisition of the English language, while making meaningful progress in attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B);"

4. Performance Standards / Child Outcomes

Statute — Sec. 641A(a)(1)(B)(x)

"(x) in the case of limited English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development described in clauses (i) through (ix), including progress made through the use of culturally and linguistically appropriate instructional services;"

5. Assessment Accommodations

Statute — Sec. 649A(b)(2)(A), (D), (F)

Measures must "(A) be developmentally, linguistically, and culturally appropriate for the population served;...(D) be valid and reliable in the language in which they are administered;...(F) provide for appropriate accommodations for children with disabilities and children who are limited English proficient"

Regulation — 45 CFR§1302.33(c)

"(1) Screenings and assessments must be valid and reliable for the population and purpose for which they will be used, including by being conducted by qualified and trained personnel, and being age, developmentally, culturally and linguistically appropriate, and appropriate for children with disabilities, as needed. (2) If a program serves a child who speaks a language other than English, a program must use qualified bilingual staff, contractor, or consultant to: (i) Assess language skills in English and in the child's home language, to assess both the child's progress in the home language and in English language acquisition; (ii) Conduct screenings and assessments for domains other than language skills in the language or languages that best capture the child's development and skills in the specific domain; and, (iii) Ensure those conducting the screening or assessment know and understand the child's language and culture and have sufficient skill level in the child's home language to accurately administer the screening or assessment and to record and understand the child's responses, interactions, and communications. (3) If a program serves a child who speaks a language other than English and qualified bilingual staff, contractors, or consultants are not able to conduct screenings and assessments, a program must use an interpreter in conjunction with a qualified staff person to conduct screenings and assessments as described in paragraphs (2)(i) through (iii) of this section. (4) If a program serves a child who speaks a language other than English and can demonstrate that there is not a qualified bilingual staff person or interpreter, then screenings and assessments may be conducted in English. In such a case, a program must also gather and use other information, including structured observations over time and information gathered in a child's home language from the family, for use in evaluating the child's development and progress."

6. Parent Outreach/Communication & Identification of LEP Children

Statute — Sec. 642(b)(11)

"Provide to parents of limited English proficient children outreach and information, in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand."

Statute — Sec. 642(f)(10)

"develop procedures for identifying children who are limited English proficient, and informing the parents of such children about the instructional services used to help children make progress towards acquiring the knowledge and skills described in section 641A(a)(1)(B) and acquisition of the English language."

Regulation — 45 CFR §1302.101(b)(2)

"[A program must design and implement program-wide coordinated approaches that ensure:] The full and effective participation of children who are dual language learners and their families, by (i) Utilizing information from the program's community assessment about the languages spoken throughout the program service area to anticipate child and family needs; (ii) Identifying community resources and establishing ongoing collaborative relationships and partnerships with community organizations consistent with the requirements in §1302.53(a); and, (iii) Systematically and comprehensively addressing child and family needs by facilitating meaningful access to program services, including, at a minimum, curriculum, instruction, staffing, supervision, and family partnerships with bilingual staff, oral language assistance and interpretation, or translation of essential program materials, as appropriate."

7. Staff Qualifications

Statute — Sec. 637(24)(v)

"(v) acquiring the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of limited English proficient children, as appropriate; or"

Statute — Sec. 648(b)(2)(A)

"[The Secretary shall support training for personnel] (A) providing services to limited English proficient children and their families (including services to promote the acquisition of the English language);"

Statute — Sec. 648(g)(3)(A)(ii)

"(ii) in the case of Hispanic-serving institutions, programs to help Head Start Agency staff members develop skills and expertise needed to teach in programs serving large numbers of Hispanic children, including programs to develop the linguistic skills and expertise needed to teach in programs serving a large number of children with limited English proficiency; and"

8. Monitoring / Review Teams

Statute — Sec. 641A(c)(1)(A)(i)(II)

"[reviews must be conducted by review teams that] include individuals who are knowledgeable about Head Start programs and, to the maximum extent practicable, individuals who are knowledgeable about— ...(II) the diverse (including linguistic and cultural) needs of eligible children (including children with disabilities, homeless children, children in foster care, and limited English proficient children) and their families;"

SECTION 3

Teacher & Staff Credential / Education Requirements

HEAD START ACT

VS.

HEAD START PROGRAM PERFORMANCE STANDARDS (45 CFR §1302.91)

VS.

PROPOSED RULE: “REDUCING FEDERAL BURDEN FOR HEAD START PROGRAMS” (Aug. 7, 2026)

A Three-Way Comparison of Teacher and Staff Credential / Education Requirements

Overview

This document compares how the Head Start Act, the current Head Start Program Performance Standards, and the August 7, 2026 NPRM (‘Reducing Federal Burden for Head Start Programs) each address teacher and staff credential/education requirements.

Central Points: (1) While the Head Start statute sets very specific requirements for teachers, assistant teachers, and curriculum specialists, the statute has no such detailed credential/education requirement for other positions in a Head Start program. The regulations have created several role-specific requirements covering directors, fiscal officers, health professionals, coaches, and family child care specialists that the statute never mentions. The NPRM seeks to remove the requirements that are not detailed in statute. (2) While the NPRM removes several provisions not based in statute, it proposes to create a new provision (not based in statute) that would bar grantees from requiring or incentivizing degrees/credentials unless they can demonstrate that such educational attainment is necessary for the position based on specified skills that can only be acquired through a particular postsecondary education pathway.

Side-by-Side Comparison

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.91)	NPRM (Aug. 7, 2026)
Classroom teacher	Sec. 648A(a)(2)(A): At least 50% of Head Start teachers nationwide in center-based programs must have a BA or advanced degree in early childhood education (or equivalent coursework + preschool teaching experience).	§1302.91(e)(2)(i): restates statute.	Removes regulation. Statutory provisions stand.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.91)	NPRM (Aug. 7, 2026)
	Sec. 648A(a)(3): Classroom teachers not meeting the BA degree above, must have an AA in early childhood education (or equivalent AA coursework + preschool teaching experience); or a BA admitted into a Teach for America program, passed the equivalent of Praxis II in early childhood, and participated in a TFA summer institute and receiving PD support from TFA.	§1302.91(e)(2)(ii): restates statute.	
Education coordinators / curriculum specialists	Sec. 648A(a)(2)(B)(i): must have a BA or advanced degree in early childhood education (or equivalent + experience), plus capacity to assist other teachers with curriculum.	§1302.91(d)(2): program must ensure staff and consultants that serve as education managers or coordinators, including those that serve as curriculum specialists, have a baccalaureate or advanced degree in early childhood education or a baccalaureate or advanced degree and equivalent coursework in early childhood education with early education teaching experience. ●	Removes regulation. Statutory provisions stand.
Assistant teachers	Sec. 648A(a)(2)(B)(ii): must have at least a CDA credential, OR be enrolled in an associate/baccalaureate program, OR be enrolled in a CDA program to complete within 2 years.	§1302.91(e)(3): restates statute.	Removes regulation. Statutory provisions stand.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.91)	NPRM (Aug. 7, 2026)
Teacher in-service / professional development hours	Sec. 648A(a)(5): each Head Start teacher must attend at least 15 clock hours of professional development per year, described as high-quality, sustained, and classroom-focused. Sec. 637(24): provides a very detailed definition of professional development which includes the acquisition of content knowledge and teaching strategies regarding early language and literacy, early mathematics, early science, cognitive skills, approaches to learning, creative arts, physical health and development, and social and emotional development linked to school readiness; advancing their understanding of effective instructional strategies that are based on scientifically valid research (a term also defined in statute) and aligned with the Head Start Child Development Framework. Sec. 648A(f): each Head Start must create, in consultation with an employee, a professional development plan for all full-time Head Start employees who provide direct services to children and ensure such plans are regularly evaluated for their impact on teacher and staff effectiveness.	§1302.92(b)(1): restates statute on 15 clock hours. No standalone regulatory counterpart for definition of professional development.	Removes regulation. Statutory provisions stand.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.91)	NPRM (Aug. 7, 2026)
		1302.92: contains an extensive set of provisions related to training and professional development for all staff consultants and volunteers not found directly in statute.	Removes regulation. Statutory provisions stand.
Mentor Teachers/Coaches	Sec. 648A(b)(1): defines the role of mentor teacher. Sec. 648A(b)(2) stipulates that the Secretary shall provide technical assistance and encouragement on the use of mentor teachers. There is no statutory definition or mention of coaches; however, it appears that the regulations created for coaches were meant to implement the statutory concept of mentor teachers.	No current regulation directly addresses the role of mentor teacher. This role appears to have been subsumed by the current regulations related to coaching. §1302.91(f): coaches must have a minimum baccalaureate degree in early childhood education or a related field — a regulatory requirement with no direct statutory counterpart.	Removes coaching regulation. Statutory provisions for mentors stand.
Family Service Workers	Sec. 645A(c): No credential requirements in statute. Secretary, in coordination with	1302.91(e)(7): family services staff must within 18 months of hire have a	Removes regulation.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.91)	NPRM (Aug. 7, 2026)
	concerned public and private organizations, is to examine the issues of standards and training for family service workers.	credential or certification in social work, human services, family services, counseling or a related field.	
Infant/toddler teachers (Early Head Start)	Sec. 645A(h): All EHS center-based teachers must have at minimum a CDA credential (or equivalent) and be trained in early childhood development with a focus on infant/toddler development.	§1302.91(e)(1): restates statute.	Removes regulation. Statutory provisions stand.
Home visitors	Sec. 645A(i): directs the Secretary to establish training/qualification/conduct standards with specific content areas listed – strengths-based parent education, early childhood development, emergent literacy, ascertaining needed health and developmental services. No specific credential named in statute.	§1302.91(e)(6): home visitors must have, at minimum, a home-based CDA (or comparable credential) or equivalent coursework as part of an associate's/bachelor's degree, plus demonstrated competency in home-based learning delivery.	Removes regulation.
Head Start director	No statutory credential/degree requirements for HS directors.	§1302.91(b): Directors must have, at minimum, a baccalaureate degree plus experience in staff supervision, fiscal management, and administration – a regulatory requirement with no direct statutory counterpart.	Removes regulation.
Fiscal officer	No statutory credential/degree requirements for fiscal officers.	§1302.91(c): fiscal officer must be a certified public accountant or have, at a minimum, a baccalaureate degree in accounting, business, fiscal management, or a related field – a regulatory requirement with no statutory counterpart.	Removes regulation.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.91)	NPRM (Aug. 7, 2026)
Family/health/disabilities management staff degree requirement	No statutory credential/degree requirements for these positions.	§1302.91(d)(1): staff responsible for management and oversight of family services, health services, and services to children with disabilities must have a baccalaureate degree, preferably related to one or more of the disciplines they oversee .	Removes regulation.
Health professionals	No statutory credential/degree requirements for health professionals.	§1302.91(d)(8): health procedures/mental health services must be performed only by a licensed or certified professional; nutrition services must use registered dietitians/nutritionists — a regulatory requirement with no direct statutory counterpart.	Removes regulation.
New: restriction on requiring postsecondary credentials (skills-based hiring)	Not in the Act.	Not in regulations.	Proposed §1301.12(c): ‘programs may not require or incentivize the attainment of postsecondary education credits, hours, or credentials unless they can demonstrate that such educational attainment is necessary for the position based on specified skills that can only be acquired through a particular postsecondary education pathway. Programs must also provide explicit alternatives for demonstrating required skills, including assessments, industry-recognized credentials, or relevant work experience, rather than

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.91)	NPRM (Aug. 7, 2026)
			relying solely on postsecondary educational attainment.'

NPRM: Preamble Text Staff Qualifications and Professional Development

NPRM: Administration's Rationale

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

In a 2016 final rule, ACF introduced several additional staff qualification requirements beyond those expressly required by statute, in an effort to increase staff quality. However, at the time, ACF acknowledged that the available research did not support the need for specific degree requirements for certain positions. In general, education requirements of classroom staff are not strongly related to quality or child outcomes; research finds that increased qualifications do not consistently correlate to better child outcomes.[9] There is not significant or meaningful research on educational requirements of other staff roles and their relationship to quality or child outcomes. Upon further consideration, ACF believes that these non-statutory qualification requirements unnecessarily restrict grant recipients' ability to recruit and retain qualified staff and may limit programs' ability to respond to local workforce conditions and community needs. ACF now believes that, for positions not subject to qualification requirements in statute, grant recipients are better positioned to determine the combination of education, training, experience, competencies, and other qualifications necessary for effective service delivery. Removing these requirements will reduce barriers to hiring, expand the pool of qualified candidates, and provide important flexibilities for programs to determine the needed qualifications for staff positions and return qualifications to what Congress authorized in the Act.

Programs must continue to meet statutory requirements related to professional development for staff. This includes creating and regularly evaluating professional development plans for all full-time Head Start employees who provide direct services to children (Sec. 648A(f)). Programs must also continue to ensure each classroom teacher completes at least 15 clock hours of professional development annually (Sec. 648A(a)(5)). The Act continues to require Mentor Teachers (648A(b)) which align to coaching requirements. Programs also remain required

under statute to establish plans to assist limited English proficient children in making progress toward English language acquisition and toward attaining the knowledge, skills, abilities, and development described in section 641A(a)(1)(B) (Sec. 641(d)(K)).

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

NPRM Preamble Text — New Skills-Based Hiring Provision, Proposed §1301.12(c)

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

Verbatim Citations

Full statutory and regulatory text underlying the comparison above, organized by dimension.

1. Classroom Teacher Preschool

Statute — Sec. 648A(a)(2)(A)

"HEAD START TEACHERS.—The Secretary shall ensure that not later than September 30, 2013, at least 50 percent of Head Start teachers nationwide in center-based programs have— (i) a baccalaureate or advanced degree in early childhood education; or (ii) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children."

Regulation — 45 CFR §1302.91(e)(2)(i)

"...no less than fifty percent of all Head Start teachers, nationwide, have a baccalaureate degree."

2. Education Coordinators / Curriculum Specialists

Statute — Sec. 648A(a)(2)(B)(i)

"Head Start education coordinators, including those that serve as curriculum specialists, nationwide in center-based programs— (I) have the capacity to offer assistance to other teachers in the implementation and adaptation of curricula to the group and individual needs of children in a Head Start classroom; and (II) have— (aa) a baccalaureate or advanced degree in early childhood education; or (bb) a baccalaureate or advanced degree and coursework equivalent to a major relating to early childhood education, with experience teaching preschool-age children."

Regulation — 45 CFR §1302.91(d)(2)

"Education management. As prescribed in section 648A(a)(2)(B)(i) of the Act, a program must ensure staff and consultants that serve as education managers or coordinators, including those that serve as curriculum specialists, have a baccalaureate or advanced degree in early childhood education or a baccalaureate or advanced degree and equivalent coursework in early childhood education with early education teaching experience."

3. Assistant Teachers

Statute — Sec. 648A(a)(2)(B)(ii)

"Head Start teaching assistants nationwide in center-based programs have— (I) at least a child development associate credential; (II) enrolled in a program leading to an associate or baccalaureate degree; or (III) enrolled in a child development associate credential program to be completed within 2 years."

Regulation — 45 CFR §1302.91(e)(3)

"A program must ensure Head Start [preschool] assistant teachers, at a minimum, [either]: have a child development associate (CDA) credential or a state-awarded certificate that meets or exceeds the requirements for a CDA credential, are enrolled in a program that will lead to an associate or baccalaureate degree; or, are enrolled in a CDA credential program to be completed within two years of the time of hire."

4. Teacher In-Service / Professional Development Hours

Statute — Sec. 648A(a)(5)

"TEACHER IN-SERVICE REQUIREMENT.—Each Head Start teacher shall attend not less than 15 clock hours of professional development per year. Such professional development shall be high-quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and regularly evaluated by the program for effectiveness."

Statute — Sec. 637(24)

"The term "professional development" means high-quality activities that will improve the knowledge and skills of Head Start teachers and staff, as relevant to their roles and functions, in program administration and the provision of services and instruction, as appropriate, in a manner that improves service delivery to enrolled children and their families, including activities that— (A) are part of a sustained effort to improve overall program quality and outcomes for enrolled children and their families; (B) are developed or selected with extensive

participation of administrators and teachers from Head Start programs; (C) are developmentally appropriate for the children being served; (D) include instruction in ways that Head Start teachers and staff may work more effectively with parents, as appropriate; (E) are designed to give Head Start teachers and staff the knowledge and skills to provide instruction and appropriate support services to children of diverse backgrounds, as appropriate; (F) may include a 1-day or short-term workshop or conference, if the workshop or conference is consistent with the goals in the professional development plan described in section 648A(f) and will be delivered by an institution of higher education or other entity, with expertise in delivering training in early childhood development, training in family support, and other assistance designed to improve the delivery of Head Start services; and (G) in the case of teachers, assist teachers with— (i) the acquisition of the content knowledge and teaching strategies needed to provide effective instruction and other school readiness services regarding early language and literacy, early mathematics, early science, cognitive skills, approaches to learning, creative arts, physical health and development, and social and emotional development linked to school readiness; (ii) meeting the requirements in paragraphs (1) and (2) of section 648A(a), as appropriate; (iii) improving classroom management skills, as appropriate; (iv) advancing their understanding of effective instructional strategies that are— (I) based on scientifically valid research; and (II) aligned with— (aa) the Head Start Child Outcomes Framework developed by the Secretary and, as appropriate, State early learning standards; and (bb) curricula, ongoing assessments, and other instruction and services, designed to help meet the standards described in section 641A(a)(1); (v) acquiring the knowledge and skills to provide instruction and appropriate language and support services to increase the English language skills of limited English proficient children, as appropriate; or (vi) methods of teaching children with disabilities, as appropriate.

Statute — Sec. 645A(f)

“PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and program shall create, in consultation with an employee, a professional development plan for all full-time Head Start employees who provide direct services to children and shall ensure that such plans are regularly evaluated for their impact on teacher and staff effectiveness. The agency and the employee shall implement the plan to the extent feasible and practicable.”

Regulation — 45 CFR §1302.91(a)

“A program must ensure all staff, consultants, and contractors engaged in the delivery of program services have sufficient knowledge, training and experience, and competencies to fulfill the roles and responsibilities of their positions and to ensure high-quality service delivery in accordance with the program performance standards. A program must provide ongoing training and professional development to support staff in fulfilling their roles and responsibilities. (See also §1302.92, Training and professional development, a separate regulatory section.)”

Regulation — 45 CFR §1302.92

“(a) A program must provide to all new staff, consultants, and volunteers an orientation that focuses on, at a minimum, the goals and underlying philosophy of the program and on the ways they are implemented.

(b) A program must establish and implement a systematic approach to staff training and professional development designed to assist staff in acquiring or increasing the knowledge and skills needed to provide high-quality, comprehensive services within the scope of their job

responsibilities, and attached to academic credit as appropriate, and integrated with employee engagement practices in accordance with § 1302.101(a)(2). At a minimum, the system must include: (1) Staff completing a minimum of 15 clock hours of professional development per year. For teaching staff, such professional development must meet the requirements described in section 648A(a)(5) of the Act, and includes creating individual professional development plans as described in section 648A(f) of the Act; (2) Annual training on mandatory reporting of suspected or known child abuse and neglect, that complies with applicable Federal, State, local, and Tribal laws; (3) Annual training on positive strategies to understand and support children's social and emotional development, such as tools for managing children's behavior; (4) Training for child and family services staff on best practices for implementing family engagement strategies in a systemic way, as described throughout this part; (5) training for child and family services staff, including staff that work on family services, health, and disabilities, that builds their knowledge, experience, and competencies to improve child and family outcomes; and, (6) Research-based approaches to professional development for education staff, that are focused on effective curricula implementation, knowledge of the content in Head Start Early Learning Outcomes Framework: Ages Birth to Five, partnering with families, supporting children with disabilities and their families, providing effective and nurturing adult-child interactions, supporting dual language learners as appropriate, addressing challenging behaviors, preparing children and families for transitions (as described in subpart G of this part), and use of data to individualize learning experiences to improve outcomes for all children.

(c) A program must implement a research-based, coordinated coaching strategy for education staff that: (1) Assesses all education staff to identify strengths, areas of needed support, and which staff would benefit most from intensive coaching; (2) At a minimum, provides opportunities for intensive coaching to those education staff identified through the process in paragraph (c)(1) of this section, including opportunities to be observed and receive feedback and modeling of effective teacher practices directly related to program performance goals; (3) At a minimum, provides opportunities for education staff not identified for intensive coaching through the process in paragraph (c)(1) of this section to receive other forms of research-based professional development aligned with program performance goals; (4) Ensures intensive coaching opportunities for the staff identified through the process in paragraph (c)(1) of this section that: (i) Align with the program's school readiness goals, curricula, and other approaches to professional development; (ii) Utilize a coach with adequate training and experience in adult learning and in using assessment data to drive coaching strategies aligned with program performance goals; (iii) Provide ongoing communication between the coach, program director, education director, and any other relevant staff; and, (iv) Include clearly articulated goals informed by the program's goals, as described in §1302.102, and a process for achieving those goals; and, (5) Establishes policies that ensure assessment results are not used to solely determine punitive actions for staff identified as needing support, without providing time and resources for staff to improve.

(d) If a program needs to develop or significantly adapt their approach to research-based professional development to better meet the training needs of education staff, such that it does not include the requirements in paragraph (c) of this section, the program must partner with external early childhood education professional development experts. A program must assess whether the adaptation adequately supports staff professional development, consistent with the process laid out in subpart J of this part."

5. Mentor Teachers/Coaches

Statute – Mentor Teachers – Sec. 648A(b)(1) and (2)

“(1) DEFINITION; FUNCTION.—For purposes of this subsection, the term “mentor teacher” means an individual responsible for observing and assessing the classroom activities of a Head Start program and providing on-the-job guidance and training to the Head Start program staff and volunteers, in order to improve the qualifications and training of classroom staff, to maintain high quality education services, and to promote career development, in Head Start programs. (2) REQUIREMENT.—In order to assist Head Start agencies in establishing positions for mentor teachers, the Secretary shall—(A) provide technical assistance and training to enable Head Start agencies to establish such positions; (B) give priority consideration, in providing assistance pursuant to subparagraph (A), to Head Start programs that have substantial numbers of new classroom staff or that are experiencing difficulty in meeting applicable education standards; (C) encourage Head Start programs to give priority consideration for such positions to Head Start teachers at the appropriate level of career advancement in such programs; and (D) promote the development of model curricula, designed to ensure the attainment of appropriate competencies of mentor teachers in Head Start programs.”

Statute – Coaches.

"Not addressed."

Regulation Coaches – 45 CFR §1302.91(f)

"Coaches. A program must ensure coaches providing the services described in §1302.92(c) have a minimum of a baccalaureate degree in early childhood education or a related field."

6. Family Service Workers

Statute – Sec. 648A(c)

"FAMILY SERVICE WORKERS.—To improve the quality and effectiveness of staff providing in-home and other services (including needs assessment, development of service plans, family advocacy, and coordination of service delivery) to families of children participating in Head Start programs, the Secretary, in coordination with concerned public and private agencies and organizations examining the issues of standards and training for family service workers, shall— (1) review and, as necessary, revise or develop new qualification standards for Head Start staff providing such services; (2) review, and as necessary, revise or develop maximum caseload requirements, as suggested by best practices; (3) promote the development of model curricula (on subjects including parenting training and family literacy) designed to ensure the attainment of appropriate competencies by individuals working or planning to work in the field of early childhood and family services; (4) promote the establishment of a credential that indicates attainment of the competencies and that is accepted nationwide; and (5) promote the use of appropriate strategies to meet the needs of special populations (including populations of limited English proficient children)."

Regulation – 45 CFR §1302.91(e)(7)

"Family services staff qualification requirements. A program must ensure staff who work directly with families on the family partnership process hired after November 7, 2016, have within eighteen months of hire, at a minimum, a credential or certification in social work, human services, family services, counseling or a related field."

7. Infant/Toddler Teachers (Early Head Start)

Statute — Sec. 645A(h)

"CENTER-BASED STAFF.—The Secretary shall— (1) ensure that, not later than September 30, 2010, all teachers providing direct services to children and families participating in Early Head Start programs located in Early Head Start centers, have a minimum of a child development associate credential, and have been trained (or have equivalent coursework) in early childhood development; and (2) establish staff qualification goals to ensure that not later than September 30, 2012, all such teachers have been trained (or have equivalent coursework) in early childhood development with a focus on infant and toddler development."

Regulation — 45 CFR §1302.91(e)(1)

"As prescribed in section 645A(h) of the Act, a program must ensure center-based teachers that provide direct services to infants and toddlers... have: A minimum of a Child Development Associate (CDA)... or comparable credential; and Been trained or have equivalent coursework in early childhood development with a focus on infant and toddler development."

8. Home Visitors

Statute — Sec. 645A(i)(1)

"HOME VISITOR STAFF STANDARDS.—In order to further enhance the quality of home visiting services provided to families of children participating in home-based, center-based, or combination program options under this subchapter, the Secretary shall establish standards for training, qualifications, and the conduct of home visits for home visitor staff in Early Head Start programs."

Regulation — 45 CFR §1302.91(e)(6)

"Have a minimum of a home-based child development associate (CDA) or comparable credential or equivalent coursework as part of an associate's or bachelor's degree. ... Demonstrate competency to plan and implement home-based learning experiences that ensure effective implementation of the home visiting curriculum and promote children's progress across the standards described in the Head Start Early Learning Outcomes Framework: Ages Birth to Five, including for children with disabilities and dual language learners, as appropriate, and to build respectful, culturally responsive, and trusting relationships with families."

9. Head Start Director

Statute

"Not addressed in the statute at this level of specificity."

Regulation — 45 CFR §1302.91(b)

"Head Start director. A program must ensure a Head Start director hired after November 7, 2016, has, at a minimum, a baccalaureate degree and experience in supervision of staff, fiscal management, and administration."

10. Fiscal Officer

Statute

"Not addressed in the statute."

Regulation — 45 CFR §1302.91(c)

"Fiscal officer. A program must assess staffing needs in consideration of the fiscal complexity of the organization and applicable financial management requirements and secure the regularly scheduled or ongoing services of a fiscal officer with sufficient education and experience to meet their needs."

11. Family/Health/Disabilities Management Staff Degree Requirement

Statute

"Not addressed in the statute."

Regulation — 45 CFR §1302.91(d)(1)

"A program must ensure staff responsible for management and oversight of family services, health services, and services to children with disabilities hired after November 7, 2016 have, at a minimum, a baccalaureate degree, preferably related to one or more of the disciplines they oversee."

12. Health Professionals

Statute

"Not addressed at this level."

Regulation — 45 CFR §1302.91(d)(8)

"Health professional qualification requirements. (i) A program must ensure health procedures are performed only by a licensed or certified health professional. ... A program must use staff or consultants to support nutrition services who are registered dietitians or nutritionists with appropriate qualifications."

13. Restriction on Requiring Postsecondary Credentials (Skills-Based Hiring)

Statute —

"Not addressed."

Current Regulation

"No such restriction in current regulations."

Proposed New Regulation § 1301.12(c)

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

SECTION 4

Health, Dental, Vision & Developmental Screening

HEAD START ACT

VS.

HEAD START PROGRAM PERFORMANCE STANDARDS (45 CFR §1302.91)

VS.

PROPOSED RULE: “REDUCING FEDERAL BURDEN FOR HEAD START PROGRAMS” (Aug. 7, 2026)

A Three-Way Comparison of Health, Dental, Vision & Developmental Screening Requirements

Overview

This document compares how the Head Start Act, the Head Start Program Performance Standards , and the August 7, 2026 NPRM each treat health, dental/oral health, vision, hearing, and developmental screening Health screening follows a pattern similar to staff qualifications: the statute sets a general, non-specific screening mandate (“research-based developmental screening tools” in Sec. 642(f)(6)), while the regulations build a far more granular, deadline-driven compliance system — 45-day vision/hearing screenings, 90-day medical/dental status determinations, daily toothbrushing, a standing Health and Mental Health Services Advisory Committee — that the statute never specifies.

Side-by-Side Comparison

Dimension	Head Start Act (Statute)	Current Regs	NPRM (Aug. 7, 2026)
Developmental screening	Sec. 642(f)(6): statutory mandate to utilize research-based, standardized, reliable, valid, and accurate developmental screenings that cover multiple domains – health, physical development, social emotional development cognitive, etc.	§1302.33(a)(1)–(2): concrete 45-day (30-day for short programs) deadline for conducting; must use one or more research-based standardized tools plus family/teacher input.	Removes regulation. Preamble: NPRM proposes to rescind §1302.33 entirely to “remove duplication with the Act... and restore more flexibility.” Statutory screening duty (Sec. 642(f)(6)) survives, but the 45-day deadline is no longer required.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs	NPRM (Aug. 7, 2026)
	Sec. 641A(b)(2) defines the characteristics of research based measures (developmentally, linguistically, culturally appropriate; consistent with professional and technical standards; valid and reliable for language of administration; provide for accommodations, etc.). Statute provides no required timeline for the administration of such assessments.		
Vision & hearing screening	Not addressed with this specificity. Sec. 642(f)(6) provides a general statutory requirement for screenings that covers multiple domains – health, physical development, social emotional development cognitive, etc. Further, Sec. 642(f)(9) stipulates that to be designated a Head Start agency, such agency must “establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under” the program.	§1302.42(b)(2)–(3): must obtain/performance evidence-based vision and hearing screening within 45 days (30 for short-duration programs).	Removes regulation. Preamble regulations “would no longer specify that programs must conduct hearing and vision screenings,” but the duty “will still apply due to statutory requirements” with “more flexibility on timeline and process.”

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs	NPRM (Aug. 7, 2026)
Medical & oral health “up-to-date” status determination	Not addressed at this level of specificity. Sec. 642(f)(6) provides a general statutory requirement for screenings that covers multiple domains– health, physical development, social emotional development cognitive, etc. Further, Sec. 642(f)(9) stipulates that to be designated a Head Start agency, such agency must “establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under” the program.	§1302.42(b)(1)(i)–(ii): 90-day deadline to obtain medical/mental/oral health determinations tied to state EPSDT (Medicaid benefit) and dental periodicity schedules; assist parents to come up to date.	Removes regulation. Preamble lists removal of requirements “to conduct health determinations” among the prescriptive mechanics eliminated in the Health and Nutrition section.
Oral health hygiene – daily toothbrushing	Not addressed in statute.	§1302.43: programs must ensure all children with teeth are assisted in brushing with fluoride toothpaste once daily.	Removes regulation. Preamble, names removal of the requirement “to assist children with daily teeth brushing” as one of the prescriptive mandates eliminated.
Oral health treatment & follow-up (fluoride, dental treatment)	Not addressed specifically in statute. Sec. 649(5)(A): research/evaluation mandates the Secretary to identify oral-health strategies and dental referral networks – not a program operating requirement.	§1302.42(c)(3): program must facilitate/monitor oral health preventive care, treatment, and fluoride supplementation where indicated.	Removes regulation.
Extended follow-up & referral tracking for flagged problems	Not addressed specifically in statute. Sec. 642(f)(9) has general stipulation that to be designated a Head Start agency, such agency	§1302.42(d)(1)–(2): must facilitate diagnostic follow-up for flagged problems (e.g., abnormal	Not separately named; folded into the general rescission of §1302.42.

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs	NPRM (Aug. 7, 2026)
	must “establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under” the program.	hearing/vision, elevated lead) and maintain a referral-tracking system.	
Source of ongoing health care / medical home	Not addressed specifically in statute. Sec. 642(f)(9) has general stipulation that to be designated a Head Start agency, such agency must “establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under” the program.	§1302.42(a)(1)–(2): must determine within 30 days whether each child has an ongoing health-care source and insurance; assist families in accessing one.	Removes regulation. Preamble specifically calls out removal of requirements “to assist families in navigating health systems, and to facilitate access to health care and insurance.”
Early Head Start behavioral screening & referral (trauma)	Sec. 645A(b)(6): EHS programs must ensure children with documented behavioral problems, including trauma-related behavior, receive appropriate screening and referral.	No standalone counterpart in §1302.33/.42/.43; addressed contextually through current §1302.17 (suspension/expulsion limits) and §1302.45 (mental health supports).	Preamble (Suspension and Expulsion section) acknowledges “programs serving infants and toddlers must comply with this statutory requirement” (Sec. 645A(b)(6)) even as §1302.17 is proposed for removal.
EHS home visitor — annual health, vision, hearing & developmental screening	Sec. 645A(i)(2)(E): home visitor standards must include offering annual health, vision, hearing, and developmental screening for children birth to kindergarten entry, when needed.	No separate annual-screening frequency provision distinct from the general §1302.33/.42 timelines, which apply regardless of program option.	Not separately discussed; covered by the general rescission of §1302.33/.42.
IDEA referral & early intervening services	Sec. 642(b)(14)–(15): must establish timely IDEA referral procedures and provide early intervening	§1302.33(a)(3)–(4): must refer to the local IDEA agency for formal evaluation with parent consent;	Regulation removed. Preamble (Services for Children with Disabilities section): proposed §1301.10 requires compliance with “all applicable Federal and state

HEAD START ACT VS. REGULATIONS VS. NPRM

Dimension	Head Start Act (Statute)	Current Regs	NPRM (Aug. 7, 2026)
	services before formal eligibility determination.	partner through the evaluation process.	statutes and regulations," expressly citing Sec. 642(b)(14) as continuing to apply.
Reporting — health, dental & vision services	Sec. 650(12): the Secretary's annual report to Congress must describe health, mental health, dental care, and vision care services provided.	No standalone counterpart in §1302.33/.42/.43 — implemented via the Secretary's reporting obligation, not program-level regulation.	Not addressed in the Health and Nutrition preamble discussion.

NPRM: Verbatim Text and Administration's Rationale

Child Screenings and Assessments

NPRM Preamble, "Child Screenings and Assessments" section

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

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

In addition, the Act requires programs to use research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for the child being assessed, to the maximum extent practicable, and aligned to the Head Start Early Learning Outcomes Framework (Sec. 642(f)(6))... Based on the requirements included in the Act, under the proposed regulations programs will continue to be required to conduct screenings and assessments for enrolled children.

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

Health and Nutrition – Hearing and Vision

NPRM Preamble, "Health and Nutrition" section

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

Other Health/Mental Health/Oral Health Mechanics

NPRM Preamble, "Health and Nutrition" section

"While the Act establishes high-level requirements for these services, the proposed removal of multiple prescriptive requirements, including requirements to maintain a Health and Mental Health Services Advisory Committee, to obtain advance authorization for health, mental health, and developmental procedures, to have monthly mental health consultation, to assist children with daily teeth brushing, to conduct health determinations, to assist families in navigating health systems, and to facilitate access to health care and insurance, would provide recipients more flexibility to design and implement health, nutrition, and mental health services that best meet their communities' needs."

Continuing Statutory Obligations Named in the Health and Nutrition Discussion

NPRM Preamble, "Health and Nutrition" section

"The Act contains additional requirements that programs will continue to be required to comply with under the proposed regulations. The Act requires all recipients to establish goals and measurable objectives for health and nutritional services (Sec. 642(f)(9))... Early Head Start programs must coordinate with other state and local entities to ensure a comprehensive array of services, including health and mental health services (Sec. 645A(b)(5)). In addition, Section 657A of the Act outlines requirements for parental consent for nonemergency intrusive physical examinations."

IDEA Referral Duty

NPRM Preamble, "Services for Children With Disabilities" section

"The Act requires Head Start programs to establish effective procedures for timely referral of children with disabilities to the State or local agency providing services under IDEA and collaborate with that agency (Sec. 642(b)(14)). It also requires that programs establish effective procedures for providing necessary early intervening services to children with disabilities prior to an eligibility determination by the State or local agency responsible for providing services (Sec. 642(b)(15))."

Early Head Start Trauma Screening Duty Named in Suspension/Expulsion Discussion

NPRM Preamble, "Suspension and Expulsion" section

"The Act requires that Early Head Start programs ensure that children with documented behavioral problems, including problems related to prior or existing trauma, receive appropriate screening and referral (Sec. 645A(b)(6)), thus programs serving infants and toddlers must comply with this statutory requirement."

Verbatim Citations

Full statutory and regulatory text underlying the comparison above, organized by dimension.

1. Developmental Screening – Timeline & Standardized Tools

Statute – Sec. 642(f)(6)

"use research-based developmental screening tools that have been demonstrated to be standardized, reliable, valid, and accurate for the child being assessed, to the maximum extent practicable, for the purpose of meeting the relevant standards described in section 641A(a);"

Statute – Ancillary statutory provisions in Sec.641(A)(b)(1-4)

"(1) IN GENERAL.—The Secretary, in consultation with representatives of Head Start agencies and with experts in the fields of early childhood education and development, family services, and program management, shall use the study on Developmental Outcomes and Assessments for Young Children by the National Academy of Sciences and other relevant research to inform, revise, and provide guidance to Head Start agencies for utilizing, scientifically based measures that support, as appropriate— (A) classroom instructional practices; (B) identification of children with special needs; (C) program evaluation; and (D) administrative and financial management practices. (2) CHARACTERISTICS OF MEASURES.—The measures under this subsection shall— (A) be developmentally, linguistically, and culturally appropriate for the population served; (B) be reviewed periodically, based on advances in the science of early childhood development; (C) be consistent with relevant, nationally recognized professional and technical standards related to the assessment of young children; (D) be valid and reliable in the language in which they are administered; (E) be administered by staff with appropriate training for such administration; (F) provide for appropriate accommodations for children with disabilities and children who are limited English proficient; (G) be high-quality research-based measures that have been demonstrated to assist with the purposes for which they were devised; and (H) be adaptable, as appropriate, for use in the self-assessment of Head Start agencies, including in the evaluation of administrative and financial management practices."

Regulation – 45 CFR §1302.33(a)(1)–(2)

"(1)In collaboration with each child's parent and with parental consent, a program must complete or obtain a current developmental screening to identify concerns regarding a child's developmental, behavioral, motor, language, social, cognitive, and emotional skills within 45 calendar days of when the child first attends the program or, for the home-based program option, receives a home visit. A program that operates for 90 days or less must complete or obtain a current developmental screening within 30 calendar days of when the child first attends the program. (2) A program must use one or more research-based developmental standardized screening tools to complete the screening. A program must use as part of the screening additional information from family members, teachers, and relevant staff familiar with the child's typical behavior."

Regulation – 45 CFR §1302.33(c)(1)-(4)

(1) "Screenings and assessments must be valid and reliable for the population and purpose for which they will be used, including by being conducted by qualified and trained personnel, and being age, developmentally, culturally and linguistically appropriate, and appropriate for children with disabilities, as needed. (2) If a program serves a child who speaks a language other than English, a program must use qualified bilingual staff, contractor, or consultant to: (i) Assess language skills in English and in the child's home language, to assess both the child's progress in the home language and in English language acquisition; (ii) Conduct screenings and assessments for domains other than language skills in the language or languages that best capture the child's development and skills in the specific domain; and, (iii) Ensure those conducting the screening or assessment know and understand the child's language and culture and have sufficient skill level in the child's home language to accurately administer the screening or assessment and to record and understand the child's responses, interactions, and communications. (3) If a program serves a child who speaks a language other than English and qualified bilingual staff, contractors, or consultants are not able to conduct screenings and assessments, a program must use an interpreter in conjunction with a qualified staff person to conduct screenings and assessments as described in paragraphs (c)(2)(i) through (iii) of this section. (4) If a program serves a child who speaks a language other than English and can demonstrate that there is not a qualified bilingual staff person or interpreter, then screenings and assessments may be conducted in English. In such a case, a program must also gather and use other information, including structured observations over time and information gathered in a child's home language from the family, for use in evaluating the child's development and progress.

2. Vision and Hearing Screening

Statute

Not addressed with this specificity. Sec. 642(f)(6) provides a general statutory requirement for screenings that cover multiple – health, physical development, social emotional development cognitive, etc. Further, Sec. 642(f)(9) stipulates that to be designated a Head Start agency, such agency must "establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under" the program.

Regulation – 45 CFR §1302.42(b)(2)-(3)

"Within 45 calendar days after the child first attends the program or, for the home-based program option, receives a home visit, a program must either obtain or perform evidence-based vision and hearing screenings. If a program operates for 90 days or less, it has 30 days from the date the child first attends the program to satisfy paragraphs (b)(1) and (2) of this section."

3. Medical & Oral Health "Up-to-Date" Status Determination

Statute

Not addressed with this specificity. Sec. 642(f)(6) provides a general statutory requirement for screenings that cover multiple – health, physical development, social emotional development cognitive, etc. Further, Sec. 642(f)(9) stipulates that to be designated a Head Start agency, such

agency must “establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under” the program.

Regulation – 45 CFR §1302.42(b)(1)(i)–(ii)

"Within 90 calendar days after the child first attends the program... a program must: (i) Obtain determinations from health care and oral health care professionals as to whether or not the child is up-to-date on a schedule of age appropriate preventive and primary medical, mental health, and oral health care, based on: the well-child visits and dental periodicity schedules as prescribed by the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program of the Medicaid agency of the State in which they operate... and (ii) Assist parents with making arrangements to bring the child up-to-date as quickly as possible; and, if necessary, directly facilitate provision of health services to bring the child up-to-date with parent consent..."

4. Oral Health Hygiene – Daily Toothbrushing

Statute

"Not addressed."

Regulation – 45 CFR §1302.43

"A program must promote effective oral health hygiene by ensuring all children with teeth are assisted by appropriate staff, or volunteers, if available, in brushing their teeth with toothpaste containing fluoride once daily."

5. Oral Health Treatment & Follow-Up (Fluoride, Dental Treatment)

Statute – Sec. 649(5)(A)

Not addressed specifically in statute. Sec. 649(5)(A): research/evaluation mandates the Secretary to identify oral-health strategies and dental referral networks – not a program operating requirement.

Regulation – 45 CFR §1302.42(c)(3)

"A program must facilitate and monitor necessary oral health preventive care, treatment and follow-up, including topical fluoride treatments. In communities where there is a lack of adequate fluoride available through the water supply and for every child with moderate to severe tooth decay, a program must also facilitate fluoride supplements, and other necessary preventive measures, and further oral health treatment as recommended by the oral health professional."

6. Extended Follow-Up & Referral Tracking for Flagged Problems

Statute

Not addressed specifically in statute. Sec. 642(f)(9) has general stipulation that to be designated a Head Start agency, such agency must “establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under” the program.

Regulation – 45 CFR §1302.42(d)(1)–(2)

"A program must facilitate further diagnostic testing, evaluation, treatment, and follow-up plan, as appropriate, by a licensed or certified professional for each child with a health problem or developmental delay, such as elevated lead levels or abnormal hearing or vision results that may affect child's development, learning, or behavior. A program must develop a system to track referrals and services provided and monitor the implementation of a follow-up plan to meet any treatment needs associated with a health, oral health, social and emotional, or developmental problem."

7. Source of Ongoing Health Care / Medical Home

Statute

Not addressed specifically in statute. Sec. 642(f)(9) has general stipulation that to be designated a Head Start agency, such agency must “establish goals and measurable objectives for the provision of health, educational, nutritional, and social services provided under” the program.

Regulation – 45 CFR §1302.42(a)(1)–(2)

"A program, within 30 calendar days after the child first attends the program... must consult with parents to determine whether each child has ongoing sources of continuous, accessible health care — provided by a health care professional that maintains the child's ongoing health record and is not primarily a source of emergency or urgent care — and health insurance coverage. If the child does not have such a source... the program must assist families in accessing a source of care and health insurance that will meet these criteria, as quickly as possible."

8. Early Head Start Behavioral Screening & Referral (Trauma)

Statute – Sec. 645A(b)(6)

"ensure that children with documented behavioral problems, including problems involving behavior related to prior or existing trauma, receive appropriate screening and referral;"

Regulation

"No standalone counterpart identified in §1302.33/.42/.43; addressed contextually through current § 1302.17 (limitations on suspension, prohibition on expulsion, proposed for removal) and § 1302.45 (supports for mental health and well-being)."

NPRM – Preamble, “Suspension and Expulsion” section

"The Act requires that Early Head Start programs ensure that children with documented behavioral problems, including problems related to prior or existing trauma, receive appropriate screening and referral (Sec. 645A(b)(6)), thus programs serving infants and toddlers must comply with this statutory requirement."

9. EHS Home Visitor — Annual Health, Vision, Hearing & Developmental Screening

Statute — Sec. 645A(i)(2)(E)

"ascertaining what health and developmental services the family receives and working with providers of these services to eliminate gaps in service by offering annual health, vision, hearing, and developmental screening for children from birth to entry into kindergarten, when needed;"

Regulation

"No separate annual-screening frequency provision identified distinct from the general § 1302.33/.42 timelines (45/90 days), which apply program-wide regardless of program option type."

10. IDEA Referral & Early Intervening Services

Statute — Sec. 642(b)(14)–(15)

"(14) establish effective procedures for the timely referral of children with disabilities to the State or local agency providing services under section 619 or part C of the Individuals with Disabilities Education Act, and for coordinating such referral, evaluation, and eligibility determination with such agency; (15) establish effective procedures for providing necessary early intervening services to children with disabilities prior to an eligibility determination by the State or local agency responsible for providing services under section 619 or part C of the Individuals with Disabilities Education Act;"

Regulation — 45 CFR §1302.33(a)(3)

"If warranted through screening and additional relevant information and with direct guidance from a mental health or child development professional a program must, with the parent's consent, promptly and appropriately address any needs identified through: (i) Referral to the local agency responsible for implementing IDEA for a formal evaluation to assess the child's eligibility for services under IDEA as soon as possible, and not to exceed timelines required under IDEA; and, (ii) Partnership with the child's parents and the relevant local agency to support families through the formal evaluation process."

11. Reporting — Health, Dental & Vision Services

Statute — Sec. 650(12)

The Secretary's annual report to Congress must provide "a description of the types of services provided to children and their families, both on-site and through referrals, including health, mental health, dental care, vision care, parenting education, physical fitness, and literacy training;"

Regulation

"No standalone counterpart in §1302.33/.42/.43 – implemented via the Secretary's reporting obligation, not program-level regulation."

SECTION 5

Quality Rating and Improvement Systems (QRIS)

HEAD START ACT

vs.

HEAD START PROGRAM PERFORMANCE STANDARDS (45 CFR §1302.31)

vs.

PROPOSED RULE: “REDUCING FEDERAL BURDEN FOR HEAD START PROGRAMS” (Aug. 7, 2026)

A Three-Way Comparison of QRIS Provisions

Overview

This document compares how the Head Start Act and the Head Start Program Performance Standards address state QRIS and what changes the Head Start NPRM makes to the regulations as relate to QRIS.

Side-by-Side Comparison

The NPRM would rescind the current regulation related to QRIS §1302.53(b)(2).

Dimension	Head Start Act (Statute)	Current Regs (45 CFR §1302.53(b)(2))	NPRM (Aug. 7, 2026)
Quality Rating and Improvement Systems	Not addressed — the Act neither mandates or encourages programs to participate in QRIS	§1302.53(b)(2): ‘a program with the exception of American Indian and Alaska Native programs, should participate in its State or local Quality Rating and Improvement System (QRIS), to the extent practicable...’	Rescinds the requirement to participate in QRIS.

NPRM: Verbatim Text

The NPRM strikes §1302.53(b)(2) completely.

NPRM Discussion:

"In proposing to rescind the regulations at current § 1302.53, this NPRM removes prescriptive guidance for how programs should operationalize their coordination and collaboration, including that programs should participate in state Quality Rating and Improvement Systems (QRIS).

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

Research cited above:

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

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

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

Verbatim Citations

Full regulatory text underlying the comparison above.

Regulation: §1302.53 Community partnerships and coordination with other early childhood and education programs.

(b)(2) Quality Rating and Improvement Systems. A program, with the exception of American Indian and Alaska Native programs, should participate in its State or local Quality Rating and Improvement System (QRIS), to the extent practicable, if a State or local QRIS has a strategy to support Head Start participation without requiring programs to duplicate existing documentation from Office of Head Start oversight.