



NARA Response to Head Start Regulatory Modernization Preserving National Protections Through Smart, Balanced Regulation

Reducing Federal Burden for Head Start Programs

45 CFR Parts 1301 through 1305 | RIN 0970-AD30 | Docket ACF-2026-0595

Submitted by the National Association for Regulatory Administration

September 29, 2026 | Comment deadline: October 6, 2026

Perspective: Strong, Balanced, Risk-Based Child Care Licensing

Executive Summary

Head Start was created as a national response to the effects of poverty on children's development and readiness to learn. Its defining contribution has been comprehensive service: education connected to health, nutrition, social and emotional development, family engagement, and access to services. That purpose remains embedded in the Head Start Act.[1]

The Office of Head Start proposes to rescind Parts 1301 through 1305 and replace them with a streamlined Part 1301. The proposal would remove more than 1,400 regulatory provisions, increase reliance on state, Tribal, local, and program-level systems, and reduce requirements affecting ratios, transportation, background-check procedures, workforce qualifications, health and mental-health services, and administration.[2]

The National Association for Regulatory Administration (NARA) supports a disciplined reduction of requirements that are duplicative, unnecessarily procedural, or unsupported by a material public benefit. NARA also recognizes that a requirement is not duplicative merely because another system addresses the same subject. It is duplicative only when the alternative system provides comparable protection in practice.

NARA's position is therefore constructive and direct: ACF should modernize the standards, remove genuine duplication, and preserve a limited national floor where state, Tribal, local, or alternative oversight does not provide equivalent protection. Flexibility should be paired with verified coverage, monitoring capacity, corrective authority, and public accountability.

NARA recommends that ACF:

- apply an Equivalency of Protection Test before removing a federal safeguard on the basis of duplication;
- retain enforceable federal backstops for essential health, safety, supervision, transportation, and staff-suitability risks;
- define equivalent oversight for license-exempt settings and prohibit reliance on self-attestation alone;

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- use risk-based monitoring, reciprocal recognition, and coordinated oversight to reduce burden without reducing protection;
- not finalize the proposed five percent administrative-cost cap without evidence that programs can maintain required oversight and management capacity; and
- phase implementation and publicly evaluate effects across jurisdictions, program models, and licensing statuses before protections are permanently withdrawn.

NARA's Standing and Scope

Founded in 1976, NARA is an international nonprofit professional association representing human-care licensing and regulatory professionals. NARA's mission centers on the health and safety of children and adults in regulated care, and its work includes regulatory research, model standards, training, compliance indicators, risk assessment, differential monitoring, and responsive enforcement.[3]

NARA has applied these methods across child care, child welfare, and adult care systems. Its prior work includes a 2013 project that provided the Office of Head Start with Key Indicators for the Head Start Program Performance Standards.[4] NARA's current Smart (Balanced) Regulation framework advances risk-based monitoring, responsive enforcement, data-driven improvement, and alignment across oversight systems.[5]

This response reflects NARA's institutional regulatory perspective. It focuses on licensing, health and safety, staff suitability, monitoring, enforcement, administrative capacity, and implementation. NARA does not attempt to address every educational, curriculum, language, family-governance, or service-delivery provision in the NPRM. When this response discusses health, mental-health, or comprehensive services, it addresses the regulatory question of whether statutory obligations remain verifiable and enforceable.

Head Start's Purpose Is the Decision Standard

Head Start began in 1965 with an understanding that children's readiness for school cannot be separated from the conditions affecting their health, development, families, and communities. Congress codified that comprehensive purpose. Under 42 U.S.C. 9831, Head Start promotes the school readiness of children from low-income families by supporting cognitive, social, emotional, physical, and academic development and by providing health, educational, nutritional, social, and other services based on family needs.[1]

That history matters because federal performance standards have served two functions. They establish program expectations, and they translate a national commitment into protections that do not depend entirely on geography. Longstanding requirements should not be retained only because they are familiar. Their removal, however, should follow an examination of why they were adopted, what risk they control, and whether another enforceable system now controls that risk.

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The central question is not how many provisions ACF can remove. It is whether the final rule changes only how Head Start's commitments are administered or also changes what children and families should be able to expect from the program. Head Start's statutory purpose should remain the decision standard.

NARA's Regulatory Framework

NARA's Smart (Balanced) Regulation framework rejects the false choice between preserving every federal procedure and removing federal oversight. Effective regulation identifies material risk, establishes understandable minimum requirements, verifies compliance, responds proportionately to violations, and supports timely correction. It also removes processes that consume resources without improving safety, quality, or accountability.[5]

This distinction matters. Active supervision, staff suitability, emergency readiness, safe transportation, sanitation, medication practices, safe sleep, and serious-incident accountability control foreseeable harm. They are not equivalent to duplicative forms, overlapping inspections, or repetitive reporting requirements.

The NARA Equivalency of Protection Test

In plain language, equivalency means that children receive substantially the same protection after a federal requirement is removed. Similar terminology or general subject-matter coverage is not enough.

Before ACF rescinds a federal safeguard on the basis that another authority addresses it, ACF should determine whether the replacement system provides:

- Coverage: every affected Head Start setting, service model, employee, contractor, and volunteer is within scope.
- Protection: an enforceable standard addresses the same material risk.
- Verification: a clearly identified authority conducts routine, risk-based, and complaint-driven oversight.
- Correction and enforcement: the authority can require timely correction and respond to repeated or serious noncompliance.
- Capacity: the responsible system has trained personnel, reliable data, and resources to carry out its duties.
- Transparency: serious incidents, findings, corrective actions, and trends are reported and reviewed sufficiently to support accountability.

Where these conditions are not met, the federal safeguard should remain until ACF approves an alternative that provides equivalent protection. ACF, not an individual program acting alone, should make or validate that determination using a transparent methodology and consultation with the responsible state, Tribal, or local regulator.



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Modernization NARA Supports

NARA supports burden reduction that strengthens regulatory performance. ACF can reduce friction and preserve protection by:

- recognizing equivalent state, Tribal, or local inspection findings instead of repeating the same inspection;
- coordinating federal and licensing review schedules and using shared evidence where lawful;
- aligning definitions, incident categories, and reporting fields across systems;
- eliminating duplicate data entry and building secure information exchange among authorized oversight bodies;
- using validated risk indicators and compliance history to adjust monitoring intensity;
- consolidating background-check processes when a single process covers all required sources and populations; and
- removing documentation requirements that do not inform risk assessment, corrective action, program improvement, or statutory accountability.

These actions address administrative burden directly. They also reflect NARA's established work in differential monitoring and regulatory science.[4][5]

Application to the Proposed Rule

1. Licensing and License-Exempt Settings: Proposed Section 1301.09

Proposed section 1301.09 would require programs to be licensed by the applicable state, Tribal, or local entity and to comply with applicable safety and transportation laws. Programs exempt from licensing would be required to meet Child Care and Development Fund basic health and safety requirements. ACF estimates that 26 percent of Head Start service locations are not licensed under state child care licensing requirements. That category includes school-based and Tribal programs, home-based and other non-center models, sites overseen through another authority, and sites obtaining or renewing licensure.[2]

The category should not be treated as uniformly unregulated. It does, however, demonstrate why a general reference to basic requirements cannot substitute for a defined oversight structure. Topic coverage, training requirements, operational standards, monitoring, and enforcement are distinct components of protection.

NARA recommendation. ACF should revise proposed section 1301.09 to identify the standards applicable to license-exempt settings, the entity responsible for monitoring compliance, minimum inspection and complaint-response expectations, corrective-action authority, and consequences for unresolved serious violations. Oversight should include independent verification and should not rest solely on program attestation.

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2. Group Size and Staff-to-Child Ratios: Proposed Section 1301.05

Proposed section 1301.05 would replace federal Head Start group-size and ratio limits with limits consistent with applicable state and local law and CCDF regulations. Programs would publish their maximum group size and ratio. This may provide staffing flexibility and increase capacity. It may also create materially different supervision conditions for similarly situated Head Start children.[2]

Licensing ratios establish the maximum conditions under which a program may legally operate. They do not establish that the maximum is appropriate for every classroom, trip, or group of children. Age, disability, mixed-age groupings, staff experience, room configuration, transitions, and transportation affect supervision risk. Disclosure informs parents but does not control that risk.

NARA recommendation. ACF should retain age-specific federal maximums as a national backstop. If ACF does not retain those maximums, the final rule should require a documented supervision-risk assessment before a program exceeds current Head Start limits. The assessment should address child characteristics, staff competency, physical setting, breaks, transitions, emergencies, and transportation, and should be subject to independent review.

3. Safety and Transportation: Proposed Section 1301.09

The NPRM would remove or substantially reduce detailed requirements concerning facilities, equipment, hygiene, safety training, disaster preparedness, vehicle operation, transportation of children with disabilities, and bus monitors. Some provisions may duplicate enforceable state or local standards. Others may provide the only consistent rule across Head Start settings.

The proposed removal of the universal bus-monitor requirement is a substantive staffing change. ACF's regulatory impact analysis models a 25 to 75 percent reduction in bus-monitor hours and a primary annual personnel reduction of approximately \$39.9 million.[2] This is not solely a paperwork saving. It changes the adult capacity available for child accountability, loading and unloading, behavior and health emergencies, and evacuation.

NARA recommendation. ACF should retain a national floor for active supervision, safe arrival and release, child-passenger restraints, post-trip vehicle checks, emergency preparedness, sanitation, medication administration, safe sleep, mandatory reporting, and serious-incident response. ACF should retain the bus-monitor requirement unless an ACF-approved equivalency determination shows that another staffing and safety arrangement controls the same risks for the children and vehicle involved.



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4. Background Checks and Staff Suitability: Proposed Section 1301.12

The proposal would retain statutory and applicable jurisdictional background-check obligations while removing federal implementation requirements, including the recurring five-year check. Initial screening does not detect later disqualifying conduct. Jurisdictions also differ in the sources checked, treatment of out-of-state history, use of continuous criminal-record notification, and coverage of contractors and volunteers.[2]

NARA recommendation. ACF should require comprehensive checks before unsupervised access to children and a renewed check at least every five years, while recognizing continuous monitoring or rap-back systems that provide equivalent or stronger protection. The final rule should address interstate history, provisional employment, supervision while checks are pending, disclosure obligations as permitted by law, and coverage of employees, contractors, transportation personnel, and volunteers with potential unsupervised access.

5. Workforce Qualifications and Competency

NARA supports skills-based pathways that reduce unnecessary barriers and recognize education, credentials, validated assessment, and relevant experience. Removing credentials without a reliable method to demonstrate competency, however, transfers risk to children, coworkers, and supervisors.

NARA recommendation. For positions no longer subject to a specific federal qualification, ACF should require programs to define job-related competencies and verify them before independent practice. Workforce flexibility should remain connected to orientation, ongoing training, supervision, and demonstrated performance, with additional preparation for employees serving infants, children with disabilities, children with significant health needs, or children receiving transportation services.

6. Health, Mental-Health, and Comprehensive Services

The NPRM would remove several procedural requirements concerning health, oral health, and mental-health services while retaining statutory obligations. NARA does not prescribe a single service model. The regulatory issue is whether the required outcome remains identifiable, accessible, monitored, and enforceable.

NARA recommendation. For each removed procedure, ACF should identify the statutory outcome that remains required, the evidence a program must maintain, and the monitoring method used to determine whether children and families can obtain the intended service. Referral alone should not be treated as successful access when no provider is reasonably available or the program does not determine whether access occurred.



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7. Administrative Capacity: Proposed Section 1301.14

Proposed section 1301.14 would reduce the allowable administrative-cost cap from 15 percent to 5 percent. ACF reports that administrative costs average approximately 11.2 percent, only 3.7 percent of grants currently operate at or below 5 percent, and the proposal would shift approximately \$754.3 million annually from administrative expenditures. About half of Head Start grants serve 200 or fewer children and may have limited ability to distribute fixed costs.[2]

The proposal places greater responsibility on programs and other regulatory systems while restricting resources used for supervision, internal controls, compliance, training, incident review, data quality, quality assurance, and corrective action. These functions are part of safe and accountable service delivery.

NARA recommendation. ACF should not finalize the five percent cap as proposed. ACF should retain the current cap until it demonstrates that a lower limit will not impair required management and oversight. At minimum, ACF should adopt the 10 percent alternative identified in the NPRM, exempt or provide a separate standard for grants serving 200 or fewer children, use a phased implementation period, and establish a prospective waiver process with clear criteria and timely decisions.

Federalism, Tribal Authority, and Implementation

Deference to state, Tribal, and local systems can support cooperative federalism, but it should not assume that every system has the same legal scope, resources, or enforcement capacity. ACF should assess protection and capacity rather than infer equivalence from the existence of a law or agency.

Tribal programs require a distinct analysis. ACF should recognize Tribal sovereignty and Tribal regulatory authority, use government-to-government consultation, and avoid applying a state-centered licensing model to Tribal settings. Any equivalency process should allow Tribal governments to identify the governing standards, oversight mechanisms, jurisdictional relationships, and capacity needs applicable to their programs.

ACF has requested comment on implementation timing.[2] NARA recommends a staged effective date of no less than 18 months for provisions that transfer or substantially change oversight responsibility. No federal safeguard should cease to apply in a setting until ACF has identified the replacement authority, completed the equivalency review, resolved material gaps, and provided necessary technical assistance.



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ACF should convene a technical implementation group that includes state, Tribal, and local licensing authorities; Head Start recipients; families; subject-matter experts; and organizations with demonstrated regulatory-science expertise. The group should develop a common equivalency template, implementation guidance, data definitions, and escalation procedures. NARA is prepared to contribute its experience in regulatory science, risk assessment, compliance indicators, differential monitoring, and cross-system alignment.

Implementation Measurement and Public Accountability

ACF should establish a pre-implementation baseline and determine whether the final rule reduces administrative burden without weakening protection or the comprehensive service model. National totals will not identify uneven effects. ACF should analyze results by jurisdiction, licensing status, program model, child age, program size, Tribal status, and rural or urban location.

At a minimum, ACF should monitor:

- serious injuries, fatalities, missing-child events, and transportation incidents;
- substantiated complaints, licensing violations, repeat violations, and corrective-action timeliness;
- changes in ratios, group size, supervision practices, and transportation staffing;
- background-check completion and use of provisional employment;
- staff turnover, vacancies, training, and supervisory capacity;
- waiver requests, decisions, and administrative-cost effects;
- access to required health, mental-health, dental, and disability services; and
- differences in outcomes between licensed, alternatively overseen, and license-exempt settings.

ACF should publish findings at regular intervals and establish objective thresholds for additional review, technical assistance, corrective action, or restoration of a safeguard. The agency should separately report paperwork savings and savings produced by staffing reductions, service reductions, higher ratios, or cost reclassification. Those mechanisms have different implications for children and program operations.

Conclusion

NARA supports modernization of the Head Start Program Performance Standards. Federal requirements should be clear, necessary, evidence-informed, proportionate to risk, and periodically reviewed. Requirements that duplicate an equally protective and enforceable system can be simplified or removed. Requirements that provide only consistent safeguards should remain until an equivalent alternative is verified.

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Head Start's history supplies the governing purpose. The program exists to give children from low-income families a comprehensive opportunity to develop and enter school ready to succeed. Modernization should improve how that commitment is administered without reducing the protection or service children receive because of geography, program model, or licensing status.

NARA urges ACF to pair flexibility with regulatory science, demonstrated equivalence, implementation capacity, enforceable accountability, and transparent evaluation. This approach reduces unnecessary burden while protecting children and sustaining public trust. NARA stands ready to assist ACF and its state, Tribal, local, and program partners in designing and evaluating that framework.

Authorities and Supporting Materials

- [1] Head Start Act, statement of purpose, 42 U.S.C. 9831
- [2] Reducing Federal Burden for Head Start Programs, 91 Fed. Reg. 51248 (Aug. 7, 2026). RIN 0970-AD30; Docket ACF-2026-0595
- [3] National Association for Regulatory Administration, About NARA
- [4] National Association for Regulatory Administration, Differential Monitoring and Key Indicator Projects. Includes the 2013 Office of Head Start Key Indicators project
- [5] National Association for Regulatory Administration, Publications and White Papers. Includes Anchoring Human Care Oversight in Smart (Balanced) Regulation and Regulatory Science and the Human Care Oversight Industry
- [6] Current Head Start Program Performance Standards, 45 CFR Chapter XIII

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