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Help SRCD Respond to Proposed New Head Start Rules

On November 11th, 2023, the Office of Head Start (OHS), located within the Administration for Children and Families (ACF), within the U.S. Department of Health and Human Services (HHS) released a set of proposed rules for the Head Start Program Performance Standards (HSPPS). Their aim is to support and stabilize the Head Start workforce and provide enhanced support for staff health and wellness. This follows President Biden's April 2023 Executive Order, which directed HHS to develop strategies to encourage comparability of compensation and benefits between staff employed by Head Start grant recipients and elementary school teachers, and to make childcare and Head Start more accessible for those families most in need.

This Notice of Proposed Rule Making (NPRM) would represent the most significant changes to Head Start and Early Head Start programs in several years and would have a significant impact on how these programs operate, and how many children can be enrolled.

In January 2024, SRCD members, the SRCD Science and Social Policy Committee, and the SRCD Caucuses joined the Policy Department to respond to some of the most significant proposed changes to the Head Start program in years. Our members' input is helping achieve SRCD's mission to improve evidence-based policymaking, particularly for marginalized children. See our letter and scroll down for the background summary of the proposed new rules.

Read SRCD's response

Below, we have summarized the proposed changes and provided links to more information.

In summary, this rulemaking proposes to:

- Increase wages to align with preschool teachers in public school settings, to make progress toward full pay parity with elementary school teachers;
- Improve benefits for Head Start staff, including health insurance and paid leave, and enhance staff health and wellness supports;
- Ensure better integration of mental health supports in program services;
- Improve child health and safety in program facilities;
- Improve family engagement services; and
- Modernize the processes for programs to identify and meet community needs.

Within the proposed new rules, OHS and ACF has asked for feedback on the following areas:

1) Workforce Supports

- The proposed changes require programs to make progress towards achieving pay parity for Head Start education staff with kindergarten through third grade teachers by providing these staff with wages that are at least comparable to those paid to public school preschool teachers. These proposed standards require programs to take into account staff responsibilities, qualifications, and experience when determining these wages. In addition, it adds new language for full-time and part-time workers, and staff benefits that would apply to these workers.
- As a rule change, these requirements are unfunded unless future action is taken by Congress. OHS accepts that these changes will mean fewer placements will be offered to students, though they argue that workforce shortages are, in effect, already reducing placement availability. To reduce the impact to service delivery, OHS will phase in the rules over seven years.
    - This session looks for feedback in the following areas:

1. Progress to pay parity—Programs must make progress toward pay parity for Head Start education staff with kindergarten through third grade teachers in local or neighboring school districts. This must be demonstrated by ensuring that, by August 2031, annual salaries for Head Start education staff are at least comparable to the annual salaries of public-school preschool teachers, accounting for responsibilities, qualifications, and experience. Programs must also regularly track data on their progress toward pay parity.
    - **OHS request public comment on our proposed effective date for this standard for progress to pay parity for Head Start teachers.**
2. Pay Scale-- Programs must update or establish a pay scale that applies to all staff and promotes competitive wages across positions. The pay scale must consider responsibilities, qualifications, and experience. Programs must review this pay structure at least once every five years.
    - **OHS is requesting comments on whether the newly proposed language is sufficient to ultimately achieve full pay parity for Head Start teachers with kindergarten through third grade teachers.**
    - **OHS is requesting comments on the barriers that HS programs may have to properly establish a benchmark for wages based on population of school-based preschool teachers, and if the proposed alternative is sufficient to overcome those challenges.**
    - **In addition, OHS also requests comments the benchmark of annual salaries paid to public school preschool teachers is an accurate reflection of approximately 90% of annual salaries paid to kindergarten teachers with comparable qualifications.**
3. Salary floor-- Programs must establish a minimum pay floor to ensure all staff receive wages sufficient to cover basic costs of living in the geographic area.
    - **OHS is request public comment on our proposed effective date for this standard.**
4. Wage Comparability-- Programs must promote wage comparability across Head Start Preschool and Early Head Start positions for staff with similar qualifications and experience. This aligns with recommendations from Early Childhood Education (ECE) research experts, which suggest that wages for the ECE workforce should be reflective of job role, experience, and education. In addition, the proposed standard elevates the importance of considering an

individual's experience when establishing wages, in addition to qualifications.

- **OHS is requesting comments on whether the proposed language provides flexibility to programs to determine how they consider responsibilities, qualifications and experience when determining salaries.**

5. Staff Benefits-- the proposed ruling adds new requirements for grant recipients to provide benefits to staff. The proposed requirements vary based on whether staff are part-time or full-time (i.e., work 30 hours a week or more while the program is in session). Those requirements are:
    - Provide or facilitate access to health insurance for all staff. For full-time staff, programs must either provide employer-sponsored health insurance coverage or facilitate enrollment in another health insurance option, such as through the Healthcare.gov Marketplace, appropriate state-specific health insurance marketplace, or Medicaid. The proposed standard also requires programs to facilitate enrollment of part-time employees in health insurance.
        - **OHS request comments on how to best improve language.** OHS acknowledges implementation issues for small grant recipients with fewer than 50 employees who do not currently offer or administer employer-sponsored benefits like health insurance.
    - Provide paid sick, personal, and family leave for full-time staff. The proposed standards would require programs to offer:
        - Paid sick leave based on an accrual system or specific number of sick hours offered each year. The proposed language requires that programs offer paid sick leave to full-time staff, based on an accrual system based on hours worked or by offering a number of days updated annually. At a minimum, the accrual must meet the standards set by State or local laws, if applicable. Paid leave due to illness or other reasons is a typical employer-sponsored benefit in the U.S. workforce.
            1. **OHS seeks comments on if they should specify a minimum number of leave days or accrual rate.**
        - Full or partially paid family leave to those employees that would be eligible for the Family and Medical Leave Act (FMLA) of 1993,

regardless of employer size. Programs may meet this requirement through direct payments or through an employer-sponsored disability insurance plan.

1. **OHS request comments on whether the reasons for leave or eligibility requirements, such as how long a staff member has been with an employer or employer size, should be modified for this proposed standard, or if aligning with FMLA is the best approach.**

- Accrual of paid personal leave, if the program operates year-round (i.e., longer than the typical school year).
    1. **OHS acknowledges that HS staff works on more of a year-round schedule and that they should have the opportunity to accrue paid vacation leave, however, the proposed ruling does not specify the number of days per year or accrual rate.**
    2. **OHS request comment on whether these requirements regarding paid vacation or personal leave are important for attracting and retaining qualified staff. In addition, OHS seek comments on whether the implementation of these requirements would lead to unintended consequences or unpredictable expenses, particularly in the case of paying out upon an employee leaving a program.**

- Provide behavioral health services for staff: Programs must provide access to short-term, free, or low-cost behavioral health services for full-time staff.
    - **OHS is requesting comments on the proposed rule, especially as the proposed ruling requires programs to cover approximately three to five outpatient visits, nothing in these rules prohibit a program from providing additional visits.**
- Programs must facilitate access to Public Service Loan Forgiveness and childcare subsidies for eligible staff.
    1. The proposed ruling established a selection criterion that clarifies programs can choose to prioritize the enrollment of staff

members' children through selection criteria. OHS is aware that the wage requirements proposed in this proposed ruling are implemented, this would likely affect eligibility for some staff.

2. The proposed ruling requires programs to facilitate access to Public Service Loan Forgiveness (PSLF), or other applicable student loan debt relief programs, for any Head Start staff who may have student loan debt. This includes timely certification of employment for the staff member.

- Assess benefits package: at least once every five years, programs must assess whether their benefits package for full-time staff is comparable to elementary school staff and, if feasible, offer additional identified benefits to staff.
- Retirement Benefits: the proposed ruling adds retirement savings plans to the list of required benefits to be provided to full-time Head Start staff.
    1. **OHS seeks public comment on whether to add an additional requirement for recipients to provide retirement savings benefits to full-time staff.**
    2. **In addition, OHS requests comments on whether retirement savings benefits, ranging from employer assistance in establishing retirement accounts to more comprehensive benefits with employer matching contributions, consistent with what public schools offer, should be required as an effective mechanism for staff recruitment and retention, especially when weighed against potential slot loss.**

6. Staff Wellness: the proposed ruling seeks to provide much needed supports to reduce staff stress and burnout; improve the quality of interactions between teachers and children; and improve staff recruitment and retention. It requires grant recipients to provide a minimal level of regular breaks for staff as well as brief unscheduled `wellness breaks' for staff who work directly in classrooms with children. It also adds a requirement for classroom staff to have access to appropriate adult-sized furniture in classrooms to support ergonomic health.
    - **OHS requests public comment on the length or ideal frequency of these brief wellness breaks. In addition, OHS seek public comment**

on how any of the proposed staff wellness requirements in this section may impact various communities, especially special populations served by Head Start, including American Indian and Alaska Native (AIAN) and Migrant and Seasonal Head Start (MSHS) programs and communities.

7. Employee Engagement: the proposed ruling requires programs to implement a management system that provides regular and ongoing staff supervision to support individual professional development and continuous program quality improvement.

2) Mental Health Services

- The proposed rule looks to enhance mental health support for HS staff. The proposed rule also proposes changes throughout the HSPPS to promote a holistic approach to healthy development, elevating the importance of mental health. These proposed changes cut across multiple areas of the standards and it's proposed to strengthen, clarify, and enhance existing Head Start requirements to highlight a comprehensive and integrated approach to elevate mental health across the entire Head Start program
    - The proposed ruling looks to:
        1. increase mental health integration, coordination, and consultation in a range of settings outside traditional mental health service spaces;
        2. create healthy environments that focus on promotion and prevention efforts across the lifespan; and
        3. connect people to the care they need via an approach that engages high-risk populations in integrated mental health care through targeted outreach tailored to their needs.
- **OHS seeks public comment on whether the proposed ruling enhances and clarifies the importance of mental health services for Head Start children, families, and staff.**

3) Suspension and Expulsion

- The Administration for Children and Families (ACF) has limited the use of suspension and expulsion across early childhood programs and aims to reduce the disproportionate use of these practices across different racial and ethnic groups of children. Many of the proposed changes to HSPPS regulations codify this further. The proposed changes are intended to continue to reduce suspension and prohibit expulsion in programs.
    - The proposed ruling looks to retain the prohibition on “expulsions” and seeks to provide severe limitations on the use of “suspension”, clarifying that a suspension is a measure of last resort to allow the program time to put needed supports and accommodations in place.
    - In addition, the proposed ruling on mental health support to HS staff looks to build adult capacity to understand and respond to challenging behaviors associated with suspension/expulsion early and effectively, such as requiring staff to be trained to understand behavior and implement positive disciplinary strategies as well as effective implementation of mental health consultation.
        1. **ACF seeks public comment on whether the proposed definitions for suspension and expulsion are appropriate, as well as on the process proposed in order to support programs in determining whether a temporary suspension is warranted.**
    - Proposed ruling on health program services
        1. The proposed language intends to reinforce that mental health is integral to many other aspects of the Head Start system and propose regulatory changes that utilize preventive approaches to mental health in other comprehensive service areas, such as health and family engagement.
            - The proposed ruling would change the name of this section from “Health Program Services” to “Health and Mental Health Program Services” to include mental health more explicitly in the standards, seeking to affirm that mental health is a critical component of health, and to facilitate ease of access to standards that closely relate to mental health topics.
    - Communication with Parents.

1. The proposed ruling adds “mental health” wherever health is mentioned with the intention to clarify that mental health is an integral part of health. These proposed regulatory changes are intended to increase conversations about mental health strengths and areas of concern early on with parents.
2. The proposed ruling also seeks to add “mental health” on Section 1302.42: “Child Health Status and Care” so that it aligns with the purpose and intent of the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefits that provides comprehensive and preventive health care services, including mental health, for children who are enrolled in Medicaid.
3. In addition, the proposed ruling adds “relevant developmental or mental health concerns” to clarify that when a program is identifying a child's nutritional health needs, that developmental and mental health concerns should also be considered.
    - **ACF seeks public comment on whether or not the proposed additions capture the best practices in the field, which acknowledges that developmental and mental health factors such as sensory aversions and feeding disorders play a role in nutritional health.**
4. Finally, the proposed language seeks to strengthen, clarify and enhance existing Head Start mental health requirements, including intentionally integrating more staff attuned to the mental health needs of children and families by requiring a multidisciplinary team responsible for mental health within the program. These changes are:
    - Change the title of session 1302.45, from “Child mental health and social and emotional well-being” to “Supports for mental health and well-being.”
    - Changes in the name of 1302.45(a), from “Wellness promotion” to “Program-wide wellness supports” to align with the new title of this section and to clarify that programs should provide wellness supports across the program.
        1. The proposed ruling in 1302.45(a) also seeks to remove children's” in this section to clarify that program-wide wellness supports are intended to promote the wellness of both children and adults.
        2. To add “safety” in the description of a program-wide culture because wellness is dependent on meeting basic needs, including

safety, and because it aligns with language in other standards which refer to children's health and safety.

3. Adds language in the hopes of clarifying programs must do to support a program-wide culture that promotes mental health, social and emotional well-being, and overall health and safety.
    - The new guidance would have a multidisciplinary team responsible for mental health.
4. **OHS seeks public comment as the proposed changes are intended to align the standards with best practices in infant and early childhood mental health consultation as it also clarifies expectations and responsibilities of the mental health consultant by aligning with the definition of the consultation model that appears in research as well as in other Federal entities such as the Substance Abuse and Mental Health Services Administration.**

4) High-Quality Programming Supports

- This part describes several proposed changes that looks to support consistent, high-quality programming across several areas of Head Start services. These proposed changes are intended to integrate the preventive approach to mental health into family support services by using more strengths-based language, providing opportunities to engage families in discussions about mental health even when there is not an identified problem, and ensuring the mental health of parents is also a function of family support services.
    - Services to Enrolled Pregnant Women and People: Section 1302.81 describes the prenatal and postpartum information, education, and services programs must provide enrolled pregnant women and people, fathers, and partners or other relevant family members.
        1. The proposed ruling looks to expand the scope of awareness of the mental health information and education that may be helpful to provide to expectant

families

- The proposed ruling looks for inclusivity of different family compositions, clarify that any family member identified by the enrolled pregnant woman or person may be eligible to receive such information, and make clear that a program does not have to determine whether a family member is relevant.
- It also looks to revise the phrase “benefits of breastfeeding” to “including breastfeeding” and relocate it to earlier in the standard to clarify that this is a component of “the importance of nutrition.” The purpose of this change is to clarify that breastfeeding, in addition to other forms of healthy infant feeding, is one aspect of nutrition when programs are providing prenatal and postpartum information.

- Human Resources Management: this session establishes the staff qualifications and competencies for all staff, consultants, and contractors engaged in the delivery of program services. OHS looks to change two regulatory provisions:
  1. First, to remove “certified” and replace it with “under the supervision of a licensed” do that it aligns with the qualifications of a mental health consultant in the field; and
  2. Secondly, to remove “if available in the community.” in session 1302.91(e)(8)(ii).
     - OHS believes that with the proposed changes, it clarifies that mental health consultants can include individuals who are working under the supervision of another licensed individual will open avenues to a larger pool of mental health consultants to choose from and provide opportunities to build the mental health workforce in the ECE field.
- Staff Health and Wellness: the proposed ruling looks to add a new session to include that “a program should cultivate a program-wide culture of wellness that empowers staff as professionals and supports staff to effectively accomplish their job responsibilities in a high-quality manner, in line with the requirement at § 1302.101(a)(2).”. OHS believes that with the addition of this language, it clarifies that program-wide wellness supports extend to staff and that these supports include addressing program management such as implementing positive employee engagement practices, opportunities for training and professional development and ongoing supervisory support.

    - **ACF seeks public comment on the proposed changes, especially whether it would improve or not the services to children, families and staff.**
    - **In addition, ACF wants to know how these changes in mental health requirements may impact various communities, including AIAN and MSHS**
- The proposed changes would impact:
    - How to properly modernize Head Start engagements with families
        1. First, the proposed ruling seeks to add a new session under 1302.11(b)(1) that seeks to require programs to identify communication methods and modalities that best engage with prospective and enrolled families of all abilities.
        2. Secondly, the proposed ruling look to outline the requirements for recruiting children to a Head Start program. This includes specific language regarding the usage of modern technologies in the program's recruitment strategies with the purpose of reducing family burden during the enrollment process.
        3. Finally, the proposed ruling adds language with the intention to serve both the child and their family in innovative two-generation approaches, which includes addressing the needs of family members who have limited English proficiency or who are individuals with disabilities.
        4. **ACF is seeking public comments on what new and innovative approaches or methodologies programs might use to fulfill this requirement, as well as potential costs associated with new approaches.**
    - Community assessment
        1. The proposed ruling seeks to define the intended outcomes of the community assessment and requires programs to be strategic in what data is collected and how it will be used to achieve those intended outcomes.
            - The proposed ruling adds a new sub-section, which describes in more detail the objectives of community assessment. This are:
                1. identifying who programs will serve and their associated risk factors;
                2. how they will serve them in a manner that reflects their needs and diversity, while promoting equity, inclusion, and accessibility in service delivery;
                3. informing eligibility, recruitment, selection, enrollment and attendance (ERSEA) processes to prioritize the enrollment of those most in need of services; and

4. identify strengths and resources in the community a program can leverage in service delivery.
    - The proposed ruling also seeks to add “Children living in poverty” in sub-section (b)(2) under section 1302.11 in the hope of making it more explicit on the data collected.
- To better understand transportation issues and other barriers to enrollment and attendance.
    1. The proposed ruling seeks to include “such as transportation needs” in 1302.11(b)(ii) as an economic factor impacting well-being and “especially transportation resources” in 1302.11(b)(2)(v) to require programs to consider what resources are available in the community to address the needs of eligible children and families.
    2. The proposed ruling also requires programs to consider barriers to enrollment and attendance, by adding a new paragraph (d) in section 1302.14 that would programs to use data from the selection process to understand why children selected for the program do not enroll or attend.
        - The proposed ruling would also require programs to, if possible, provide or facilitate transportation if needed.

- **ACF seeks public comment on the current development, utilization, and challenges of the community assessment as well as perceived impact of the proposed changes.**
- **ACF also seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**
- **Finally, ACF seeks public comments if these proposed changes would reduce program operational costs related to the community assessment.**
    - Adjustment for Excessive Housing Costs for Eligibility Determination
        1. The proposed changes look to revise session 1302.12(i)(1) by adding a new (i) and (ii) to allow a program to adjust a family's income to account for excessive housing costs, when determining eligibility.
        2. The proposed ruling also looks to add “housing expenses” to the definition of “income” as described in session 1305.2.
        3. **ACF seeks public comment on if the proposed ruling should include a limit to the total amount in housing costs that can be deducted from a family's income, in other words, should there be a dollar limit or percentage limit**

to how much is allowed to be deducted from income to account for housing costs?

4. **In addition, ACF seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**

5) Migrant and Seasonal Head Start Eligibility (MSHS)

- The proposed changes would allow for eligibility if one family member is primarily engaged in agricultural employment.
    1. A family must still meet an eligibility criterion for Head Start services described in the Head Start Act (e.g., living at or below the 100% poverty guideline, experiencing homelessness, receiving public assistance, or in foster care).
    2. The proposed changes would also clarify that once an infant or toddler and their family are deemed eligible for an MSHS program, they are considered to be eligible for three years.
    3. **ACF seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**

6) Early Head Start Programs (EHS)

- Proposed changes to the following program:

- Ratios in Center-based Early Head Start Programs: The proposed changes add additional encouragement for programs to consider a lower teacher to child ratio for the youngest children they serve, provided it does not interfere with continuity of care.
    1. The proposed ruling adds a new standard of no more than three children to every teacher for classrooms where the majority of children are infants under 12 months.
    2. **ACF seeks public comments on possible costs associated with lowering ratios for the youngest children served, for programs that may choose to do so.**
- Center-based Service Duration for Early Head Start: the proposed changes clarify that the 1,380 hours of planned-class operations for children in EHS should occur across a minimum of 46 weeks per year. This fulfills the intent of the Early Head Start requirement for 1,380 hours of operation to provide full-day, full-year services.
    1. **ACF seeks public comments on how the proposed changes would impact service delivery and any challenges that may be associated with meeting a revised standard, including the implementation timeframe.**
    2. **ACF also seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**
- Services to Enrolled Pregnant Women and People: The proposed changes aim to ensure responsive, high-quality services in Early Head Start (EHS) programs and establish tracking and reporting requirements for data on services provided to pregnant and postpartum women and people.
    1. **ACF seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**

7) Family Childcare Settings

- The proposed changes distinguish between ratio and group size requirements in family childcare settings, remove references to assistant providers and describes all staff as “family childcare (FCC)” providers. In addition, all FCC staff must meet the existing qualification requirements for family childcare providers. It also proposes changes to the definitions of:
    - “Mixed age with preschoolers”, as it would now be defined as a group of children “older than 36 months”; and
    - “Infants and toddlers only” as it would now be defined as a group of children that are all “younger than 36 months”.
- **ACF seeks public comment on the potential impact of removing these two references to “assistant provider” in the family childcare option and the requirement that all family childcare providers meet the qualification requirements.**
- **ACF also seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**

8) Child Safety

- Head Start programs must ensure basic health, mental health, and safety measures are taken for the protection of all children. The proposed changes would change the description of:
    - Safety Practices and Standards of Conduct:
        1. As proposed, it would seek to ensure that the Head Start Program Performance Standards (HSPPS) are clear and continue to reflect best practices, the proposed changes;
        2. Clarify that Head Start staff, consultants, contractors, and volunteers are expected to follow safety practices;
        3. Align the definition of child abuse and neglect, as well as child maltreatment or endangerment, with other existing federal standards;

4. Clarify children should never be left alone or unsupervised;
5. Strengthen the Standards of Conduct that are relevant to safety practices; and
6. Reinforce all staff are mandated reporters of suspected child abuse and neglect

- Staff Training to Support Child Safety. The proposed changes include requirements to provide staff the following:
    1. Mandated reporter training on an annual basis;
    2. Training on positive strategies to understand and support children on an annual basis; and
    3. Training on institutional reporting procedures
- Incident Reporting: the proposed ruling clarifies and strengthens reporting requirements. The proposed changes to incident reporting include:
    1. Requiring programs to make reports no later than three business days following the incident
    2. Clarifying that only incidents that occur in settings where Head Start services are provided are reportable to OHS
    3. Clarifying that reportable incidents include those that involve either:
        - A staff member, contractor, volunteer, or other adult that participates in either a Head Start program or a classroom that is at least partially Head Start-funded, regardless of whether the child receives Head Start services, OR
        - A child that receives Head Start services (fully or partially Head Start-funded) or a child that participates in a classroom which is at least partially Head Start-funded.
    4. Clarifying that any incidents involving mandated reporter responsibilities should be reported to OHS as well as the appropriate state, local, or tribal authority, independent of the status of investigation or outcome of such reports
    5. Granting a reporting exception for circumstances that interfere with program operations, such as natural disasters, when it may be unsafe or unreasonable to expect a program to report center closings within the proposed timeline, especially if communication channels are not operable.
    6. Requiring that programs must report:

    - Any violations of the portion of Standards of Conduct that describes behaviors that might impact the health, mental health, or safety of children (i.e., 45 CFR §1302.90(c)(ii))
    - Incidents associated with lack of appropriate supervision or failure to carry out reasonably expected facilities maintenance
    - Incidents involving the unauthorized release of children
- **ACF seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**

9) Preventing and Addressing Lead Exposure

- This section would be added to specifically require programs to address lead exposure through water and lead-based paint in Head Start facilities.
- The proposed ruling adds the following language:
    1. contains proposed requirements to prevent and address lead exposure through water, paragraph;
    2. contains proposed requirements to prevent and address lead exposure through paint, paragraph;
    3. contains proposed requirements to ensure public notification of test results and remediation actions as an outcome of paragraphs (a) and (b); and
    4. paragraph (d) contains a requirement that, should applicable State or local laws or regulations have more stringent requirements for lead testing or remediation, programs should comply with the more stringent requirements.
- **ACF seeks public comments on whether the dust-lead hazards should be specified or referenced to Environmental Protection Agency (EPA) established clearance levels, and whether the reassessment process proposed following abatements of lead-based paint hazards should be modified such that a reassessment is required if the EPA promulgates more stringent abatement requirements that take effect following the two reassessments envisioned by this proposal's regulatory text.**

10) Family Service Worker Family Assignments

- The proposed change would require programs to ensure individual family service staff have no more than 40 assigned families, unless the program can demonstrate high-quality family services with larger caseloads.
- **ACF seeks input from the public on the benefits and challenges of implementing a family assignment cap of 40 families per family service worker, using a phased in approach over a period of 3 years from the publication date of a final rule.**
- **ACF also seeks public comment on how the proposed requirements in this section may differentially impact different communities, specifically the special populations served by Head Start, including AIAN and MSHS programs and communities.**

11) Head Start Terminology

- It proposes definitions for Head Start, Head Start Preschool (HSP) and Early Head Start (EHS).

12) Income Calculations

- Using the current definition of income to determine eligibility has caused confusion for many Head Start programs. The proposed ruling changes this revised definition, with a goal of being more appropriate, clear, and less burdensome to implement.

1. The proposed ruling define income as gross income that only includes wages, business income, veteran's benefits, Social Security benefits, unemployment compensation, alimony, pension or annuity payments, gifts that exceed the threshold for taxable income, and military income (excluding special pay for a member subject to hostile fire or imminent danger under 37 U.S.C. 310 or any basic allowance for housing under 37 U.S.C. 403 including housing acquired under the alternative authority under 10 U.S.C. 169 or any related provision of law).
2. The revised definition is clear that gross income only includes sources of income provided in the definition; it does not include refundable tax credits nor any forms of public assistance.

The ACF has released a detailed summary of the proposed changes. You can find it here. **The deadline to submit comments is January 19th, 2024.**

For more information on this NPRM and for background information on the Federal Head Start program, click here. In addition, OHS leadership has pulled together a series of webinars. This one provides a general overview of the proposed changes, and this one takes a deeper dive into how the proposed changes support the Head Start workforce.