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## GENERAL MEMORANDUM 26-035

### **Forthcoming Head Start Rule Could Increase Administrative Burdens and Weaken Federal Protections for Native Programs**

The Department of Health and Human Services (HHS) is preparing a proposed rule, [“Modernize the Head Start Program by Reducing Requirements and Enhancing Alignment with State and Local Systems.”](#) that could substantially reshape Head Start programs across the country. The specifics of the rule have yet to be published, and we do not have a copy of the draft. This memorandum is based on reporting by the [Associated Press](#), which cites sources familiar with the draft regulation. They describe a proposed deregulation of Head Start standards and a potential increase in administrative burden.

Among the reported changes is a policy restricting Head Start eligibility to children who have at least one parent who is a citizen, U.S. national, or “qualifying immigrant,” which could exclude a number of children and families from services and place the burden of verifying citizenship status on Head Start programs. The administrative task of collecting and retaining families’ eligibility information may place additional responsibilities on already under-resourced programs. Simultaneously, the proposal would reduce the share of grant funds that programs are allowed to spend on administration from 15 percent to 5 percent.

The forthcoming proposal would also allegedly repeal the Head Start Program Performance Standards in favor of greater reliance on the often far more permissive requirements of states and localities. Such a repeal would remove federal prohibitions on corporal punishment, regulations for the treatment of children with disabilities and families experiencing homelessness, curriculum requirements, health screening mandates, and strict child-to-teacher ratios.

The removal of regulations does not necessarily mean the removal of restrictions or greater flexibility for Native Head Start programs. Many core American Indian and Alaska Native (AIAN) protections are established in the [Head Start Act](#), including Tribal consultation requirements, Tribal control in designation and competition decisions, funding flexibility, and broader eligibility authority. Those protections are established in statute, but other important AIAN provisions exist solely in the Head Start Performance Standards. These include provisions that each state have a Native Head Start representative on the State Advisory Council, protections for Tribal-language immersion, and special governance and alternative-agency procedures. Repealing or replacing the federal standards with state-based requirements could

weaken these Tribal-specific guardrails, opening programs to greater uncertainty in their rights and obligations.

In response to the news reports that analyzed the leaked draft, HHS published a [tweet](#) on August 1, 2026, that said the following:

Contrary to @NYTimes reporting, the Trump Administration is strengthening —not gutting —Head Start. Reporting based on leaked, incomplete information is misleading the public.

After the Biden Administration oversaw the largest decline in Head Start slots in American history, @HHSGov’s forthcoming proposed rule expands opportunity for children, cuts unnecessary red tape, and reinforces Head Start’s core mission.

The proposed rule will be released this week. Stay tuned.

It is important to note that the notice of proposed rulemaking remains under review, and the reported provisions may change before publication. Once it is released, interested parties will have an opportunity to submit comments, and HHS may revise the proposal before issuing any final rule. Please reach out if you would like to be informed of future developments or have questions relating to this issue.

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