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Secretary Robert F. Kennedy, Jr.

The U.S. Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Public Comment—Docket ACF-2026-0595/RIN number 0970-AD30, proposed rulemaking to rescind and replace the Head Start Program Performance Standards at [45 CFR Chapter XIII](#)

Via Regulations.Gov

September 21, 2026

Dear Secretary Kennedy:

Thank you for the opportunity to provide comment on the proposed rule changes to Head Start regulations which, as they exist, provide critical protections to ensure that every eligible young child has access to quality early childhood programming through a foundational, federally administered program that serves as a national model for standards and implementation.

Who We Are

The Education Law Center-PA's (ELC-PA) mission is to ensure access to a quality public education for all children in Pennsylvania. For over 50 years, ELC-PA has been a known resource for parents, child-serving professionals, and advocates in Pennsylvania. Our work is centered on ensuring access to quality public schools, advocating for fair education funding, and dismantling the school-to-prison pipeline.

Commentary on Proposed Rulemaking Impacting 45 CFR 1302.17, Suspension and Expulsion

Head Start provides quality early childhood programs, including health and social service programs, to more than 20,000 Pennsylvania children ages 0-5.¹ This program, designed to provide foundational learning at a critical time of brain development, promotes better outcomes for all children, and especially for Black and Brown children, children with disabilities, children experiencing poverty, and children who share these identities.²

¹ See *Statistics on children, youth and families in Pennsylvania from the Annie E. Casey Foundation and Pennsylvania Partnerships for Children*, ANNIE E. CASEY FOUND., <https://datacenter.aecf.org/data/tables/4298-publicly-funded-high-quality-pre-k--number-of-children-enrolled-by-program-and-percent-of-population#detailed/2/any/false/2692,2671,2619,2547,2108,2051,1771,1740,1600,1536/478,480,4550,479,481,8554,8555/10967,10968> (last updated July 2026); *Head Start Program Facts: Fiscal Year 2024*, HEADSTART.GOV, <https://headstart.gov/program-data/article/head-start-program-facts-fiscal-year-2024> (last updated Aug. 14, 2025).

² *Head Start's Impact*, NAT'L HEAD START ASS'N, <https://nhsa.org/about-nhsa/our-impact/> (last visited Sept. 1, 2026).

Education Law Center-PA has grave concerns about the proposed rescission of Head Start performance standards that are fundamental to its successful implementation. We support the Together for Head Start coalition's comments regarding the devastating proposed changes, which would radically undermine the ability of Head Start programs across the country to fulfill their mission. We are also concerned that the proposed rule is particularly devastating for young children experiencing homelessness because it removes all twelve regulations that instruct Head Start and Early Head Start programs to find, enroll, and maintain the enrollment of children experiencing homelessness.³ In addition, Head Start programs would no longer be required to actively recruit and prioritize Head Start slots for children in foster care who, along with children experiencing homelessness, have had three percent of slots held open for them and preserved their enrollment even when children move.⁴

For these comments, we focus on the impact of rescinding rules that prohibit expulsion and severely limit suspension of children enrolled in Head Start. These rules, when implemented with fidelity, serve as a critical safeguard against the very real preschool-to-prison pipeline that exists as a result of exclusionary discipline being enforced in early childhood settings.⁵

The benefits of early childhood education, and Head Start specifically, are well-studied and measurable. These benefits are enumerated in comprehensive research which is referenced and summarized by the [National Head Start Association \("NHSA"\)](#), which notes that these "advantages appear immediately, last a lifetime, and even have an effect on other generations." NHSA outlines academic, social-emotional, and physical health benefits of Head Start programs, and notes that the impacts are "particularly strong" among underserved students, including students experiencing poverty and students with disabilities.⁶

Suspensions and expulsions, which negatively impact students at any age and are often rooted in systemic biases, are particularly harmful for our youngest learners. The [American Academy of Pediatrics](#) notes:

Currently, the most common indications for exclusionary school discipline are for behaviors that are neither violent nor criminal. There is little evidence that exclusionary school discipline practices make schools safer or deter future misbehavior. American Indian/Alaska Native students, Black students, students whose caregivers have low socioeconomic status, male students, lesbian, gay, bisexual, transgender, and queer or questioning students, and students with disabilities are disproportionately disciplined with

³ The proposed rule rescinds 45 CFR §§ 1305.2, 1302.11(b)(2)(i)(C), 1302.12(c)(1)(iii) and (i)(3), 1302.13, 1302.14(a)(1), 1302.15(b)(3), 1302.15(e), 1302.16(c)(1), 1302.16(c)(2), 1302.53(a)(2)(vi), and 1302.72(a). These standards are necessary to carry out Section 640(m) of the Head Start Act which directs the Secretary to issue rules removing barriers to the enrollment and participation of homeless children.

⁴ The proposed rules remove 45 CFR §§ 1302.13 and 1302.14 with no counterpart in proposed Part 1301, and the reserved slots provision is eliminated with the replacement of § 1302.15.

⁵ P. Gail Williams et al., *Addressing Early Education and Child Care Expulsion*, 152 J. AM. ACAD. PEDIATRICS 1, 1 (2023), <https://publications.aap.org/pediatrics/article/152/5/e2023064049/194508/Addressing-Early-Education-and-Child-Care?autologincheck=redirected>.

⁶ *Head Start's Impact*, *supra* note 2.

suspension and expulsion. In addition, exclusionary school discipline in the preschool period can be harmful to early childhood development.⁷

Despite these disparate impacts and damaging implications, preschools suspend students at rates 3 times higher than in K-12 settings.⁸

Further, in a single year, preschools across the nation suspended an estimated 174,000 preschool students, and nearly half of the suspensions of public preschoolers were Black children — even though Black children represented less than 20 percent of enrolled preschoolers. This stark disparity is not explained by differences in children’s behavior. Rather, it reflects the racial bias and inequitable disciplinary practices that disproportionately subject Black children to exclusionary discipline.⁹

Similarly, preschools suspend and expel young children with disabilities, often for disability-related behaviors, at a rate 14.5 times higher than that of their peers without disabilities.¹⁰

The [American Academy of Pediatrics outlines](#) the dire consequences of these discriminatory practices:

Once a child is expelled, child care or preschools may no longer provide further education or counseling services to the student or family. Children expelled from preschool or child care are 10 times as likely to drop out of high school, experience academic failure and grade retention, have negative attitudes toward school, and are more likely to face incarceration. Half of kindergarteners with behavioral health concerns need special education by grade 4. Children with disabilities are less likely to receive the critical special needs services to which they are entitled.¹¹

In April 2026, ELC-PA released its report [Ending Preschool Pushout in Pennsylvania: Parent Testimonies and a Path Forward](#)¹² which centered the testimonies of parents whose families have experienced the devastating consequences of preschool suspension and expulsion and offered policy recommendations to end policies and practices that unjustly exclude young children.

One of ELC-PA’s [strongest recommendations](#)¹³ shared with local and state officials here in Pennsylvania is to adopt the existing Head Start policy and implement it with fidelity across programs.

⁷ Susanna K. Jain et al., *School Suspension and Expulsion: Policy Statement*, 154 J. AM. ACAD. PEDIATRICS 1 (2024), <https://publications.aap.org/pediatrics/article/154/4/e2024068466/199495/School-Suspension-and-Expulsion-Policy-Statement>.

⁸ Songtian Zeng et al., *Adverse childhood experiences and preschool suspension expulsion: A population study*, 97 CHILD ABUSE & NEGLECT 104149 (2019), <https://www.sciencedirect.com/science/article/abs/pii/S0145213419303266?via%3Dihub>.

⁹ Cf. *Id.*

¹⁰ P. Gail Williams et al., *supra* note 5, at 3.

¹¹ P. Gail Williams et al., *supra* note 5, at 3.

¹² *Ending Preschool Pushout in Pennsylvania: Parent Testimonies and a Path Forward*, EDUC. L. CTR. REP. (2026), https://www.elc-pa.org/wp-content/uploads/2026/04/ELCPA_PreKPushout_April2026_FINAL.pdf

¹³ Rose Wehrman, *Testimony re: Council Resolution 260617*, EDUC. L. CTR. (Aug. 6, 2026), <https://www.elc-pa.org/wp-content/uploads/2026/08/UPDATED-8.5.26-Rose-ELC-Pushout-Hearing-Testimony-8.26-1.pdf>

As ELC-PA works to secure additional local and statewide protections in Pennsylvania, it is particularly troubling that HHS is seeking to upend policies that are designed to ensure equitable access to Head Start. The proposed rescission of Head Start's current suspension and expulsion regulations would have catastrophic and lifelong consequences for our youngest learners.¹⁴

The impact of such suspension and expulsions have profound consequences for children and families. Jennifer Garrison's 4-year-old son Terrell is a constant source of joy for everyone around him. Ms. Garrison described him to members of Philadelphia City Council as "loving, gentle, and full of energy." But Terrell, who is Black and has autism, was denied his most basic needs at his preschool and was effectively excluded from his program under conditions that would not have been permissible under Head Start's regulations. To hear Ms. Garrison talk about the juxtaposition of who Terrell is compared to how he was treated¹⁵ is gutting, and unfortunately too common.

Had Terrell been enrolled in a program with the protections explicitly outlined by Head Start's now-in-jeopardy regulation prohibiting such exclusion, he and his family might not have endured such a traumatic experience. Head Start's policy is one that should be expanded to more programs — not rescinded.

To think that HHS will make it *more* likely that our youngest learners will be suspended and expelled is unconscionable. ELC-PA strongly urges HHS not to enact the proposed rules outlined in Docket ACF-2026-0595, and we particularly urge HHS to consider the need for stronger protections, not fewer, to prevent exclusionary discipline and ensure equitable access for all young children in Head Start as envisioned by the Head Start Act. As reflected in its statement of purpose, the law was enacted to promote the school readiness of all children who are economically disadvantaged by enhancing their cognitive, social, and emotional development in a supportive learning environment.¹⁶

Sincerely,



Hillary Linardopoulos
Policy Director
Education Law Center-PA

¹⁴ P. Gail Williams et al., *supra* note 5, at 2-4.

¹⁵ Jennifer Garrison, *Testimony re: Council Resolution 260617* (Aug. 6, 2026), <https://www.elc-pa.org/wp-content/uploads/2026/08/Garrison-Council-Testimony-8.6.26-Resolution-260617.pdf>.

¹⁶ 42 U.S. Code § 9831