



## **Comments On Proposed Regulations for Supporting the Head Start Workforce and Consistent Quality Programming**

**Docket number ACF–2023-25038/ RIN number 0970–AD01  
January 19, 2024**

SchoolHouse Connection is a national nonprofit organization working to overcome homelessness through education, from prenatal through postsecondary. We submit these comments in response to the Notice of Proposed Rulemaking (NPRM) issued on November 20, 2023 by the Office of Head Start (OHS), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS): Supporting the Head Start Workforce and Consistent Quality Programming.

Driven by an affordable housing crisis, addiction crisis, mental health crisis, immigration crisis, and climate change, homelessness is at record levels in many communities. Over 1 million children under the age of six are estimated to experience homelessness in the United States; in addition, approximately 1.2 million children and youth experiencing homelessness were identified by public schools in the 2021-2022 school year.<sup>1</sup> In October 2023, the Proceedings of the National Academy of Sciences published a [study](#) revealing that the Americans who are the most at risk of eviction are babies and toddlers, and that children under the age of 5 make up the largest group by age of people whose households have had an eviction action filed against them.

Children who experience homelessness face a host of traumatic challenges over and above poverty that threaten their health, development, and ability to succeed. Homelessness is associated with delays in language, literacy, and social-emotional development, putting children at risk for later academic problems.<sup>2</sup> The younger and longer a child experiences homelessness, the greater the cumulative toll of negative health outcomes, which can have lifelong effects on the child, the family, and the community.<sup>3</sup>

---

<sup>1</sup> [Child and Youth Homelessness in the United States: Data Profiles](#) (Poverty Solutions at the University of Michigan & SchoolHouse Connection, 2022)

<sup>2</sup> Ziol Guest, K. M., & McKenna, C. C. (2014). "Early childhood housing instability and school readiness". *Child Development*, 85(1), 103–113

<sup>3</sup> Sandel M, Sheward R, Ettinger de Cuba S, et al. Timing and Duration of Pre- and Postnatal Homelessness and the Health of Young Children. *Pediatrics*. 2018;142(4): e20174254 Retrieved from <http://pediatrics.aappublications.org/content/pediatrics/early/2018/08/30/peds.2017-4254.full.pdf>

High quality early childhood development programs, especially Head Start and Early Head Start, can change the trajectory of these children's lives, while supporting parents' efforts to pursue the education and employment that they need to be economically independent and to permanently escape homelessness. Yet homelessness creates unique barriers to accessing Head Start, including high rates of mobility, lack of required documentation, and lack of transportation.

A number of federal laws, including the Head Start Act, the McKinney-Vento Act, the Individuals with Disabilities Education Act, and the Child Care and Development Block Grant (CCDBG) address these barriers. Specifically, the Improving Head Start for School Readiness Act of 2007 and the 2016 Head Start Program Performance Standards include requirements related to enrollment, outreach, prioritization and training to support enrollment and services for children and families experiencing homelessness. Yet despite these requirements, children experiencing homelessness continue to face barriers enrolling in and attending Head Start and Early Head Start programs.

While we are supportive of some of the proposed changes in the Notice of Proposed Rulemaking (NPRM) that will improve quality programming, we are concerned about the potential of other proposed changes to undercut the enrollment and support of children experiencing homelessness in Head Start. We provide specific comments and recommendations below.

P. 80896, Second Column, § 1302.11 - Determining community strengths, needs, and resources

*(4) When determining what data to acquire under paragraph (b)(2) of this section, if the burden or cost to acquire certain data is unreasonable, programs should identify other publicly or locally available data that could be used as a proxy.*

*(5) A program must annually review and, where needed as determined by the program, update the community assessment to identify any significant shifts in community demographics, needs, and resources that may impact program design and service delivery. Programs must consider how the annual update can inform and support management approaches for continuous quality improvement, program goals, ongoing oversight, and results from their self-assessment as required in subpart J of this part (§§ 1302.101 through 1302.103).*

Under the proposed rule, if a Head Start program determines that the data required by the statute and the performance standards for the community needs assessment are “burdensome” or costly, they should identify other publicly or locally available data. In the preamble to the rule, OHS uses counts of homeless children as an example of a required data element that is burdensome and costly requirement, and asserts that it is feasible to meet the intended outcome of the community needs assessment without exact counts of homeless children by using other available data such as location of homeless shelters, enrollment rates of children experiencing homelessness in schools, and through discussions with local community-based

organizations that provide services to populations experiencing homelessness. The proposed rule also eliminates the current requirement that in revisiting the community needs assessment annually, programs must examine rates of homelessness among children and families. Instead, it leaves to the discretion of programs whether or not the program should update the community assessment to identify significant shifts in demographics or needs that may impact program design and service delivery.

We are concerned that these proposed changes will undercut and decrease the enrollment of children experiencing homelessness in Head Start, thereby undermining and conflicting with the statutory requirement that the Secretary issue rules to require Head Start agencies to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment.

- First, the current rule does not specify that Head Start programs conduct “exact counts” of children experiencing homelessness. Rather, it states that the community needs assessment must include “the number of eligible children, including homeless children.” Further, there is no current evidence to support OHS’ assertion that this requirement is burdensome or costly, nor have we heard this concern from Head Start or Early Head Start programs.
- Second, there is no one single reliable proxy for the number of children experiencing homelessness; moreover, different federal agencies use different definitions of homelessness. The definition of homelessness required to be used by Head Start is much broader than what housing and homeless assistance agencies use; those agencies use the U.S. Department of Housing and Urban Development (HUD) definition of homelessness. The HUD definition of homelessness excludes children staying temporarily with other people and those in motels, yet children in these situations represent more than 80% of children identified as homeless by public schools.<sup>4</sup> Therefore, Head Start programs cannot simply reach out to shelters and community agencies that use the narrow HUD definition of homelessness and use only that data in their needs assessments, because it would reflect a very small percentage of children experiencing homelessness, severely underestimating the needs of families with young children who are homeless in the community. Programs that underestimate the extent of family and child homelessness in their community will not modify program design or service delivery to meet their needs.
- Third, by eliminating the requirement to include information on the rates of homelessness in the annual review of the community needs assessment, programs would not be taking into account the need to adjust their priorities and strategies based on significant trends among one of the most vulnerable populations, including better and more reliable estimates of young children that may become available, or increases in homelessness that result from local circumstances like immigration, natural disasters,

---

<sup>4</sup> [Student Homelessness in America: School Years 2019-20 to 2021-22](#). (National Center for Homeless Education, 2022)

and other sudden drivers of homelessness. For example, the end of pandemic-era housing protections have been linked to an increase in evictions and homelessness. Without an annual review of data on homelessness, this trend would be missed. Head Start programs should be examining homelessness trends annually, because shifts in homelessness also can be sudden and will impact program design and service delivery.

- Finally, and most importantly, these proposed rules undermine the current rule [45 CFR §1302.15(c)] that allows programs to reserve slots for homeless children if it is determined by the community needs assessment that these children could benefit from Head Start services. Reserving slots is an important way to ensure that some homeless children have access to Head Start, even as they move into an area during the program year after the initial enrollment period. But if Head Start programs include insufficient data on homeless children in their community needs assessment — either because programs only reach out to shelters, there are no shelters in their area, they don't know how to access school data on homelessness, or school data on homelessness is limited — then they will not take advantage of reserving slots. In this way, the proposed change undercuts the statutory requirement that the Secretary issue rules to require Head Start agencies to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment.

Rather than allowing Head Start programs to use unreliable and inconsistent proxies for child homelessness in community needs assessments, we recommend that the rule require Head Start programs to use the following data on homelessness, at a bare minimum, in community needs assessments, and in the annual review of community needs:

1. Data on homeless children identified and enrolled by local educational agencies (LEAs) in their area. Under the McKinney-Vento Act, LEAs must identify and enroll children experiencing homelessness – and ensure that young children have access to Head Start and other preschool programs – using the same definition of homelessness as used by Head Start. These data are publicly available on an annual basis on [eddataexpress.ed.gov](http://eddataexpress.ed.gov), and thus easily obtained.
2. Data on homeless children identified by the Head Start program itself. Since Head Start programs are required to identify children experiencing homelessness, and conduct specific recruitment efforts to recruit children experiencing homelessness, and remove barriers to their enrollment, this information should be easily accessible.

In addition to being more accurate and consistent, collecting the prescribed data described above directly would be less burdensome for Head Start programs and would require less staff time than it would to determine local sources of information, call housing programs, etc.

ACF also could clarify that “number” does not mean “exact count,” and that an estimate based on certain specific available data sources meets the requirement.

We propose the following alternative:

*“When determining what data to acquire under paragraph (b)(2) of this section, programs may use estimates, and must specify the source of those estimates. With respect to data for children experiencing homelessness, programs must use, at a minimum, publicly available data on children experiencing homelessness obtained from local educational agencies and data on children experiencing homelessness obtained by programs in the enrollment process and through outreach, recruitment, and referral processes.”*

Another option to avoid negative consequences for children experiencing homelessness is for OHS to simply not change the rule on the data needed for community needs assessments, or annual review of community needs, and instead provide more technical assistance to Head Start programs on how they may obtain data that represents the full definition of homelessness in their needs assessments.

In addition, we recommend that Head Start programs be required to include in applications for enrollment questions to determine if the family might meet the definition of homelessness. Such application questions are already in use by some Head Start programs, and would help satisfy the requirement that the Secretary issue rules to require Head Start agencies to implement policies and procedures to ensure that homeless children are identified and prioritized for enrollment. Data from these applications could then be used in community need assessments. We therefore recommend adding the following rule for §1302.15 Enrollment.

*“A program must include voluntary questions related to potential homelessness in its enrollment processes, including categories of living situations represented in the definition of homelessness in Section 725(2) of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a(2).”*

P. 80896, Second Column, § 1302.12 - Determining, verifying, and documenting eligibility

*(ii) A program may make an adjustment to a family’s gross income calculation for the purposes of determining eligibility in order to account for excessive housing expenses. A program must use available bills, bank statements, and other relevant documentation provided by the family to calculate total annual housing expenses with appropriate multipliers to:*

- (A) Determine if a family spends more than 30 percent of their total gross income on housing expenses, as defined in part 1305 of this subchapter, and*
- (B) If applicable, reduce the total gross amount spent in housing expenses above the 30 percent threshold to calculate the adjusted gross income for determining income eligibility.*

In general, SHC is supportive of the proposed rule to allow Head Start programs to adjust a family’s gross income to account for excessive housing costs in their community.

However, we are concerned that efforts to make more families income eligible may come at the expense of vigorous efforts to first identify, enroll, and serve families who have no stable housing at all, and other categorically eligible children. We therefore recommend that programs that choose housing-related income adjustments be subject to the same requirements as for serving over-income families under §1302.12(d)(2). These measures would ensure that Head Start programs make every effort to serve children experiencing homelessness prior to serving families who have stable housing.

In addition, we recommend that OHS adopt a standard allowance that could be used as a simplified excessive housing cost proxy, based on HUD Fair Market Rent housing costs (40 percent of an area's median rental housing costs). HUD's Fair Market Rent data is well-established and used in a range of contexts. Adopting a localized excess housing cost proxy will reduce the potential for error both on the part of programs as well as applying families.

P. 80897. Third Column. § 1302.16 - Attendance

Lack of transportation is a persistent and often insurmountable barrier preventing families experiencing homelessness from participating and regularly attending Head Start and Early Head Start programs. The current Head Start Program Performance Standards recognize the severity of this barrier for homeless children at 45 CFR §1302.16(c)(2). Therefore, in order to ensure greater visibility and integration of the current rule on transportation for children experiencing homelessness, we recommend moving it and appending it to the proposed rule, as follows in the underlined text:

*(v) Examine barriers to regular attendance, such as access to safe and reliable transportation, and where possible, provide or facilitate transportation for the child if needed. If a child experiencing homelessness is unable to attend classes regularly because the family does not have transportation to and from the program facility, the program must utilize community resources, where possible, to provide transportation for the child.*

P. 80897. Third Column. § 1302.17 Suspension and expulsion.

Children experiencing homelessness are subject to exclusionary discipline at much higher rates than other low-income children. They may not have their basic needs met, and/or may lack access to health care, all of which may contribute to behavioral problems that manifest in the Head Start classroom. In addition, the traumatic events leading to homelessness, and the traumatic nature of experiencing homelessness, also may contribute to behavioral challenges. Yet homelessness and lack of basic needs may not be recognized as underlying causes of behaviors. We therefore recommend specifically calling out the role of health and family services staff in determinations and carrying out of suspensions, as these staff are most likely to be involved in connecting families to basic needs and housing supports. We have included suggested language in the underlined text below.

*(3) Before a program determines whether a temporary suspension is necessary, a program must engage with a mental health consultant, the multidisciplinary team responsible for mental health, health and family service staff, 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, the multidisciplinary team responsible for mental health, health and family service staff, 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 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*