

Docket No. ACF-2026-0595 | RIN 0970-AD30

91 Fed. Reg. 51248 (August 7, 2026)

October 6, 2026

Submitted by TESOL International Association

To Whom It May Concern:

Thank you for the opportunity to comment on the proposed revisions to the Head Start Program Performance Standards. TESOL International Association (TESOL) respectfully submits these comments to the Office of Head Start, Administration for Children and Families (ACF), U.S. Department of Health and Human Services.

TESOL is an individual membership organization advancing the expertise of professionals who teach English to speakers of other languages at all levels of education. Our more than 8,000 members include teachers and instructors, teacher educators and trainers, researchers, program administrators, coordinators, supervisors, and students. TESOL has a direct professional interest in the preparation and support of educators serving young multilingual learners of English¹ and in the instructional practices, assessments, and family partnerships that support their development.

TESOL supports ACF's goals of responsible stewardship, effective program administration, meaningful parent involvement, and stronger school readiness outcomes. We recognize the importance of reducing unnecessary administrative demands so that programs can devote resources to children and families. Our recommendations focus on preserving the instructional flexibility and information that programs need to achieve these shared goals.

For young children learning English, language development is integral to participation in early learning. The term "dual language learners" (DLLs) recognizes that these children are developing English while also developing another language. Migration Policy Institute's September 2026 analysis² reports that DLLs accounted for roughly 35 percent of Head Start enrollment in 2024 and identifies concerns about ACF's proposed instructional, language-access, and data changes. The needs of English learners should remain central to the standards governing program quality.

Specific Requests

- Revise proposed § 1301.04(a) to preserve research-based bilingual and dual language instruction and home-language support alongside intentional English language development.
- Retain in proposed § 1301.13 the substance of existing DLL subgroup analysis requirements and preserve linguistically appropriate screening and assessment safeguards.
- Preserve clear expectations for meaningful communication with families, support for children's home languages, and access to personnel with relevant language competencies.

¹ TESOL adopts asset-based language over policy-centered language, highlighting the achievement of learners with literacy already in a home language. For policy-based discussions, we align with the use of "English learners" as they are entitled to specific educational and language rights from both U.S. federal law, regulation, and rulings.

² Kim, V., & Hofstetter, J. (2026, September 29). Head Start changes would harm dual language learners and their families. Migration Policy Institute. <https://www.migrationpolicy.org/commentary/head-start-changes-dlls>

1. Preserve Research-Based Instruction That Supports English Acquisition and Home-Language Development

Proposed § 1301.04(a); current § 1302.31(b)(2)

TESOL requests that ACF replace the proposed English-only requirement with a standard that promotes English acquisition while permitting and supporting research-based bilingual and dual language approaches. Proposed § 1301.04(a) would make English the language of all education, subject to the tribal exception in proposed § 1301.17(d). This would restrict the instructional choices available to educators and families.

The National Academies of Sciences, Engineering, and Medicine's 2017 consensus report³ found no evidence that early exposure to two languages confuses DLLs. Its review of early care and education found that children receiving instruction in both languages can make as much progress in English language and literacy as children instructed only in English, while strong first-language skills can facilitate English development. ***These findings support a standard that treats children's existing language knowledge as an educational resource.***

A 2017 study of dual language programs on student achievement⁴ provides complementary evidence from K–12 education. Steele and colleagues used admission lotteries to examine dual language immersion programs and found positive effects on reading in grades five and eight, together with a lower probability of remaining classified as an English learner in grades six and seven. They found no statistically significant benefit or detriment in mathematics or science. Because this study concerns school-age children in one district, TESOL presents it as supporting evidence, rather than a direct estimate of Head Start outcomes.

Head Start's own national evaluation also warrants consideration. The 2010 Head Start Impact Study⁵ identified favorable effects for DLL subgroups, with variation by cohort, outcome, and follow-up year. The subgroup findings were exploratory, and many early benefits did not persist through first grade. The study evaluated access to Head Start; it did not randomly assign children to bilingual versus English-only instruction. Its findings therefore support examining DLL outcomes carefully without attributing the effects of the entire program to one instructional approach.

The Head Start Act⁶ calls for scientifically based, developmentally appropriate education standards and for progress in English acquisition alongside broader developmental progress, including through culturally and linguistically appropriate instructional services. It also directs ACF to consider research-based practices when

³ National Academies of Sciences, Engineering, and Medicine. (2017). Promoting the educational success of children and youth learning English: Promising futures. The National Academies Press. <https://doi.org/10.17226/24677>. See chapter 4, conclusions 4-1–4-3, pp. 147–148; and chapter 5, family engagement discussion, pp. 197–198, and conclusions 5-2, 5-5, and 5-6, pp. 199–200. Chapters: <https://www.nationalacademies.org/read/24677/chapter/6> and <https://www.nationalacademies.org/read/24677/chapter/7>

⁴ Steele, J. L., Slater, R. O., Zamarrro, G., Miller, T., Li, J., Burkhauser, S., & Bacon, M. (2017). Effects of dual-language immersion programs on student achievement: Evidence from lottery data. *American Educational Research Journal*, 54(1_suppl), 282S–306S. <https://doi.org/10.3102/0002831216634463>. Author manuscript: <https://files.eric.ed.gov/fulltext/ED577026.pdf>

⁵ U.S. Department of Health and Human Services, Administration for Children and Families. (2010, January). Head Start impact study: Final report, executive summary. See "Impacts on Subgroups of Children," pp. xxii–xxiv, and "Final Thoughts," pp. xxv–xxvi. <https://files.eric.ed.gov/fulltext/ED507847.pdf>

⁶ Head Start Act § 641A, 42 U.S.C. § 9836a(a)(1)(B), (a)(2), and (b)(2). <https://headstart.gov/policy/head-start-act/sec-641a-standards-monitoring-head-start-agencies-programs>

modifying standards. TESOL recommends that ACF expressly address the early-childhood evidence and provide explanation as to how its final instructional standard will advance these statutory objectives.

A workable final rule should:

- Preserve the substance of current § 1302.31(b)(2), which supports both English acquisition and home-language development, with approaches suited to infants, toddlers, and preschool children⁷.
- Permit programs to select and implement evidence-based bilingual or dual language models responsive to their enrolled children, families, staffing, and community context.
- Support educators with professional learning on early second-language development, comprehensible instruction, and the use of children's existing knowledge to introduce new concepts and English vocabulary.
- Clarify that bilingual books, multilingual classroom materials, and appropriate home-language interactions may be used to advance educational objectives.

TESOL is not recommending that every program operate the same bilingual model or provide full instruction in every language represented. We recommend a clear expectation of intentional English development, coupled with flexibility to use effective language supports. Teachers should be able to build on what children know as they introduce what children are learning.

2. Retain DLL Subgroup Analysis and Valid, Linguistically Appropriate Assessments

Proposed § 1301.13; current §§ 1302.102(c)(2) and 1302.33(c)

TESOL requests that ACF retain explicit DLL subgroup analysis within the final continuous improvement requirements. Proposed § 1301.13 retains program goals and self-assessment but omits the existing specificity concerning subgroup analysis. Current § 1302.102(c)(2)(ii)–(iii) requires⁸ child assessment data to be aggregated and analyzed, including for subgroups such as DLLs, as appropriate, at least three times annually, or twice for programs operating fewer than 90 days.

Program-wide averages alone cannot show whether instruction is meeting DLLs' needs. For example, improvement in an overall literacy measure may obscure limited progress among children who are still developing the English needed to participate in the assessment. Conversely, an English-language score may understate a child's knowledge of concepts that the child can demonstrate in another language. Programs need information that distinguishes English acquisition from development in other domains.

TESOL recommends that the final rule preserve the substance of these requirements while allowing programs to use existing assessment systems and records. Programs should examine DLL outcomes separately from overall outcomes and use the findings to improve instruction, curriculum implementation, educator preparation, and family engagement. Where sample size and assessment validity permit, programs should also consider home language, age, and English-language exposure to interpret progress meaningfully. Small-group confidentiality protections should accompany any external reporting.

⁷ 45 C.F.R. § 1302.31(b)(2), Teaching and the learning environment. <https://headstart.gov/policy/45-cfr-chap-xiii/1302-31-teaching-learning-environment>

⁸ 45 C.F.R. § 1302.102(c)(2), Program goals, continuous improvement, and reporting. <https://headstart.gov/policy/45-cfr-chap-xiii/1302-102-program-goals-continuous-improvement-reporting>

Subgroup analysis must also rest on valid measures. Current § 1302.33(c) provides safeguards for assessing English and home-language skills and for assessing other developmental domains in the language or languages that best capture a child's abilities. It provides alternatives when qualified bilingual personnel are unavailable, including interpretation and, in specified circumstances, structured observations and family information⁹. TESOL requests that ACF retain these safeguards in the replacement standards.

The Head Start Act independently requires developmentally, linguistically, and culturally appropriate measures, validity and reliability in the language of administration, trained assessors, and appropriate accommodations. ACF should provide practical guidance on implementing those requirements, including how to document assessment limitations and interpret results when suitable home-language instruments are unavailable.

These recommendations preserve useful information while avoiding a separate duplicative federal reporting system. TESOL recommends that ACF supply common definitions, sample analysis templates, and technical assistance so that programs can use the data they already collect to make better decisions for DLLs.

3. Preserve Home-Language Support and Meaningful Family Participation

Proposed §§ 1301.04, 1301.06, and 1301.12; current § 1302.90(d)

TESOL requests that the final rule expressly preserve home-language support and meaningful language access for families. Proposed § 1301.06 recognizes parents' roles as primary teachers and nurturers. Programs should have clear authority and practical capacity to engage parents in the languages in which they can participate most effectively.

The National Academies' review identifies families as essential partners in home-language development and recommends strengths-based relationships and regular two-way communication. TESOL therefore recommends that programs encourage families to share stories, read, converse, and participate in learning activities in the languages they know best. Such engagement gives educators a fuller understanding of children's experiences and helps families contribute to learning.

The Head Start Act requires outreach and information for parents of children with limited English proficiency in an understandable format and, to the extent practicable, a language parents understand. It also requires procedures to identify these children and inform parents about instructional services¹⁰. These obligations remain applicable when regulatory text changes. Title VI and HHS's implementing regulations also continue to prohibit national-origin discrimination in federally assisted programs¹¹.

⁹ 45 C.F.R. § 1302.33(c), Child screenings and assessments. <https://headstart.gov/policy/45-cfr-chap-xiii/1302-33-child-screenings-assessments>

¹⁰ Head Start Act § 642(b)(7), (b)(11), and (f)(10), 42 U.S.C. § 9837(b)(7), (b)(11), and (f)(10).
<https://headstart.gov/policy/head-start-act/sec-642-powers-functions-head-start-agencies>

¹¹ Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; 45 C.F.R. pt. 80. U.S. Department of Health and Human Services, Office for Civil Rights. Discrimination on the basis of race, color, or national origin (including LEP).
<https://www.hhs.gov/civil-rights/for-individuals/race/index.html>

TESOL's September 2025 statement¹² concerning the rescission of school-based English learner guidance emphasized that withdrawing guidance does not change underlying law or the importance of informed family participation. For this rulemaking, the Head Start Act and applicable nondiscrimination requirements provide the relevant basis for clear language-access expectations.

TESOL recommends that ACF:

- Clarify that multilingual outreach, translation, interpretation, family conferences, home visits, and communications necessary for informed participation remain permissible and must be provided as applicable law requires.
- Preserve the substance of current § 1302.90(d), including effective communication directly or through interpretation and translation, and the classroom or home-based language staffing provision¹³.
- Recognize relevant language proficiency and knowledge of second-language development as professional competencies when needed to perform a position's duties.
- Provide implementation guidance addressing recruitment, enrollment, instructional services, assessment results, consent, health and safety information, and participation in program governance.
- Support feasible staffing and service arrangements, including qualified interpreters, shared language resources, and partnerships with families and community organizations.

Executive Order 14224 does not require agencies to discontinue services or materials in other languages¹⁴ and directs implementation consistent with applicable law. ACF can promote English acquisition while maintaining language supports needed to fulfill Head Start's mission and statutory responsibilities.

Conclusion

TESOL appreciates ACF's consideration of these recommendations. Preserving research-based bilingual and dual language approaches, retaining meaningful DLL subgroup analysis, and supporting home-language development and family participation would help programs strengthen English acquisition and school readiness while making responsible use of federal resources. We encourage ACF to retain these core protections and provide practical implementation guidance that enables educators and programs to serve children and families effectively.

TESOL may be reached by contacting Jeff Hutcheson, director of public affairs, at jhutcheson@tesol.org.

Respectfully submitted,

TESOL International Association

¹² TESOL International Association. (2025, September 2). TESOL statement on the rescission of guidance on serving multilingual learners of English in U.S. public schools. <https://www.tesol.org/news/tesol-statement-on-the-rescission-of-guidance-on-serving-multilingual-learners-of-english-in-us-public-schools/>

¹³ 45 C.F.R. § 1302.90(d), Personnel policies. <https://headstart.gov/policy/45-cfr-chap-xiii/1302-90-personnel-policies>

¹⁴ Executive Order 14224. (2025, March 1). Designating English as the official language of the United States. 90 Fed. Reg. 11363 (March 6, 2025), §§ 3(b), 4(b). <https://www.federalregister.gov/documents/2025/03/06/2025-03694/designating-english-as-the-official-language-of-the-united-states>