

HHS Notice of Implementation: Toolkit for Submitting Public Comment

Comments are due on August 13, 2025 at 11:59pm ET and should be submitted [HERE](#)

Purpose of a public comment – Why does submitting a comment matter?

- Comments are an opportunity to provide feedback on an agency action or rule.
- Typically, agencies rely on input from experts and the general public to inform the details of their regulatory action, and to address issues in the rule when making final decisions.
- **Any member of the public can submit a public comment. Public comments can also be submitted anonymously.**
- Comments do not function as votes for or against a rule, but they are a method of providing the federal government with relevant opinions, and to provide insights into the on-the-ground implications of the rule or notice for the parties to which it applies.
- Your experience *is* your expertise! Families, staff, alumni, and others with direct lived experience with Head Start/Early Head Start programs are strongly encouraged to submit their feedback on HHS's actions.

Components of a public comment – What's the overall structure of a public comment?

Public comments follow a typical structure, opening with an identification of the rule or notice and its associated docket number or regulation identifier number (RIN).

- **INTRODUCTION:** The introduction typically gives submitters an opportunity to establish credibility and illustrate the potential impact of the rule or notice on you, your organization, or the communities you serve.
 - **YOUR ASK:** As part of the introduction, you should clearly state the position or action you think HHS should take.
- **CRITIQUES / FEEDBACK:** Subsequent sections throughout the body of the comment identify specific areas of concern and raise primary critiques, with brief explanations and any available data supporting those critiques.
- **CONCLUSION:** The conclusion summarizes key points and restates the desired outcome of the comment, or what action the submitter would like the agency to take in response.

Resource: [*What Makes an Effective Public Comment on a Federal Regulation*](#)

Navigate to – What do I write in my comment?

1. Introduction
 - a. [Identify yourself or organization](#)
 - b. Skip to [content intro](#) if you would like to submit an anonymous comment
2. Primary critiques / Feedback
 - a. [How would this notice harm Head Start programs and the communities they serve?](#)
 - b. [How would this notice deter families from participating in Head Start, and what are the long-term implications of this chilling effect?](#)
 - c. [How does this notice prevent Head Start programs from achieving their educational purpose?](#)
 - d. [How does this notice misrepresent Head Start as a welfare program?](#)

- e. [How does this notice introduce new costs and administrative burdens on Head Start programs?](#)

3. [Conclusion](#)

IF YOU ARE A HEAD START GRANTEE, YOU MAY CHOOSE FROM THIS SECTION or USE THIS TEMPLATE

You may also consider including:

- As is relevant to you/your organization, reference to other programs impacted by this notice (e.g., Community Services Block Grant, Community Mental Health Services Block Grant, Certified Community Behavioral Health Clinics), provided that their legal arguments are consistent with those included in this template (i.e., a misclassification of the program as a federal public benefit)

What should NOT be included in a comment?

- Personal contact information, such as your phone number or address.
- Identifiable information about any of the children or families you serve.
- Information about current enrollment numbers or enrollment challenges your program may currently be facing, except as needed to explain the chilling effect going forward.

Still have questions? Email Nadia Gronkowski (ngronkowski@startearly.org); Whitney Pesek (wpesek@nwlc.org); Hailey Gibbs (hgibbs@americanprogress.org); or Anali Alegria (anali@childcareforeveryfamily.org) for assistance.

TOP-LINE MESSAGING FOR OTHER ORGANIZATIONS WRITING & ENCOURAGING COMMENTS

- The main request is **total withdrawal of the notice**.
 - *Example: The notice will have a severe and negative impact on the communities served by Head Start and we urge the agency to withdraw it.*
- Reiterate that Head Start's comprehensive services (e.g. education, health, parent support, prenatal services) are all **in service of school readiness**.
 - *Example: To support school readiness, Head Start also helps to connect low-income families with health services, including prenatal and preventive care.*
- Reiterate that Head Start is a program that **serves and impacts the community**.
 - *Example: Head Start is an early education and community program that helps children in families with low incomes prepare for school by supporting their cognitive, social, and emotional development.*
- Focus on the **chilling effect** and future impacts on program enrollment. A chilling effect refers to the impact a rule/policy has on deterring families from participating in programs.
 - *Example: This notice would create a chilling effect that will deter families from participating in Head Start, endangering the stability of those programs and harming communities that depend on the program for providing early childhood education and promoting healthy child development*
- Focus any questions about how the notice would be implemented on the **significant barriers that**

the notice creates to implementing Head Start’s work to promote school readiness and its significant harms to communities. Grantees are encouraged to focus on the fact that the burden and immediate harm caused by the notice will directly interfere with their ability to implement the Head Start program, rather than open questions about the implementation guidance we anticipate receiving from the Office of Head Start.

- *Example: Implementation of the agency’s re-interpretation of PRWORA will create significant operational challenges and administrative burden for Head Start programs that will interfere with our service to the community.*

August 13, 2025

Electronic Submission

The Honorable Robert F. Kennedy, Jr.
Office of the Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington DC, 20201

**Re: Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA);
Interpretation of “Federal Public Benefit,” RIN: 0991-ZA57**

Dear Secretary Kennedy:

INTRODUCTION *(Please feel free to select a script and make edits as you see fit; you may also skip to the next section if you would prefer to exclude an intro and submit a comment anonymously.)*

[Individual]

My name is [name] and my work focuses on [list expertise] at [organization name, if applicable]. Through my extensive [research and/or experience], it is clear to me that the inclusion of Head Start as a federal public benefit under the notice issued [Docket No: AHRQ-2025-0002] will have a severe and negative impact on the children and communities it serves.

[Organization - Option 1]

[Organization or affiliation] is a [some details about the organization - e.g., state/national organization, key issue areas]. High-quality early learning services, family and community growth and well-being fostered through the Head Start program are priorities for our organization. It is clear, based on our work and extensive research by the early childhood community, that the notice issued [Docket No: AHRQ-2025-0002] will have a severe and negative impact on the communities served by Head Start.

[Organization - Option 2 (Head Start Grantees)]

[Organization name] appreciates the opportunity to offer information to the U.S. Department of Health and Human Services’ (HHS’s) recent notice “*Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ‘Federal Public Benefit’*.”

We are deeply committed to providing Head Start services to our community and currently serve # children ages #-#. We are proud of the impact that [organization name] has had on [community] and are concerned that HHS’s new interpretation of Head Start’s status as a federal public benefit under PRWORA will adversely affect our ability to serve the community and fulfill Head Start’s charge from Congress per the Head Start Act of 1965 to promote school readiness for low-income children. In addition to increasing administrative burden, HHS’s decision to re-interpret PRWORA is likely to have a negative impact on local health and education systems and the economy at large. As such, we urge the agency to withdraw the notice.

We appreciate the opportunity to submit a comment on the notice issued by Health and Human Services (HHS), entitled “*Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of ‘Federal Public Benefit’*.”¹ This notice represents a stark departure from established precedent regarding what constitutes a federal public benefit and who should qualify and, consequently, **our organization, alongside a broad coalition of early childhood advocacy partners strongly urges you to immediately withdraw it.** This reversal on a nearly 30-year-old interpretation of PRWORA, in many cases, violates statutory requirements for changes to program eligibility, and is both broadly counterproductive and harmful to programs that serve vulnerable children and their families.

Programmatic Impacts on Head Start

How would this notice harm Head Start programs and the communities they serve?

[If you would like to include this section – Add your perspective on why this notice would have a negative impact, or choose one or more of the options below.]

Head Start is a community-led, early education program that helps children in families with low incomes prepare for school by supporting their cognitive, social, and emotional development.² The program has never conditioned eligibility on citizenship or immigration status and, like many parts of the early learning sector, relies heavily on the work of immigrant early educators and may serve immigrant children and their families.³ Programs and families have relied on HHS’s longstanding interpretation that “federal public benefits” excludes Head Start.

This notice is a violation of the Head Start Act, which requires any changes to eligibility to go through the regular notice and public comment rulemaking process. Head Start has never in its 60-year history conditioned eligibility on citizenship or immigration status. This re-interpretation of the statutory requirements on which the 1998 notice was based overturns 30 years of standard Head Start practice. Additionally, the notice fails to account for reliance interests impacted by the reversal of this practice.

It is clear that the main purpose of this notice is to harm Head Start programs and the communities they serve.

- Changes to eligibility criteria for Head Start have no meaningful impact on migration at the southern border, and a reversal in the interpretation of who can access the program will have meaningful negative impacts for communities’ public health and economic stability.
- The enrollment of immigrant families in Head Start does not come at a unique cost to U.S. citizens – the program is designed to serve children who come from families with low

¹ Department of Health and Human Services, Office of the Secretary, July 14, 2025, [“Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\); Interpretation of Federal Public Benefit.”](#)

² Office of Head Start, Administration for Children and Families, [“Head Start Services”](#); Head Start Policy and Regulation, [“Sec. 636 \[42 U.S.C. 9831\] Statement of Purpose”](#); Center for American Progress, April 16, 2025, [“5 Things to Know About Head Start.”](#)

³ National Women’s Law Center, April 21, 2025, [“Four Things You Should Know About How Immigration Impacts Care Work.”](#); Hechinger Report, Jul 16, 2025, [“America’s Child Care System Relies on Immigrants. Without Them, It Could Collapse.”](#)

incomes, those who are experiencing homelessness, or who participate in the foster system – which it has historically always done, regardless of the child’s or family’s citizenship status. The integrity of Head Start has never been threatened by the presence or enrollment of immigrant families, regardless of their status, and there is no evidence that it in any way incentivizes “illegal immigration.”

- Administrative actions that drive away still-eligible families, and wrongfully making eligibility changes through improper regulatory means only makes it harder for programs to meet their statutory mandate of preparing all of the children they serve from low-income families for school, including through the services Head Start provides to support families’ health and economic wellbeing.

How would this notice deter families from participating in Head Start, and what are the long-term implications of this chilling effect?

[If you would like to include this section – Add your perspective on why this notice includes inaccurate or misleading analyses about program participation, and introduces potential chilling effects on family participation, or choose one or more of the options below.]

This notice would create a chilling effect that will deter families from participating in Head Start , endangering the stability of those programs and harming communities that depend on the program for providing early childhood education and promoting healthy child development.

There is no way for grantees to implement this notice without contributing to deterrence of participation among all families. Adding citizenship verification to the Head Start enrollment process will create obstacles to enrolling and retaining families who are not qualified immigrants who – based on the Head Start Act – are eligible for the program. The notice conflicts with statutory requirements around eligibility criteria set by the Head Start Act of 1965, which mandates the programs serve children who come from families with low incomes, those who are experiencing homelessness, or who participate in the foster system, without regard to immigration status. The additional challenges and red tape associated with producing citizenship verification documents will also be a deterrent for all families who have difficulty obtaining documentation, i.e. families who are unhoused, children engaged in the foster care system, families in rural areas, families with low incomes who are unable to pay the fees associated with accessing documentation, and others).

- This notice goes against the best interest of the U.S. As is discussed in a multistate study of immigration policy’s effects on young children,⁴ experiences early in life affect children’s physical, social, and emotional development.
- Children of immigrants represent a large and growing share of young children, and the overwhelming majority of them are U.S. citizens. Their experiences, development, and education are essential to all of us. In fact, there is emerging evidence that the presence of immigrant students in

⁴ Center for Law and Social Policy, March 2018, [*“Our Children’s Fear: Immigration Policy’s Effects on Young Children”*](#)

classrooms boosts the test scores of their U.S.-born student peers.⁵ Our future is tied to their education and wellbeing, as well as their success in school and later careers.

How does this notice prevent Head Start programs from achieving their educational purpose?

[If you would like to include this section – Add your perspective or choose one or more of the options below.]

Head Start investments yield strong and enduring returns for children, their families, and their communities.⁶ Improving children's school readiness through high-quality early education services helps improve outcomes throughout school; early intervention services, developmental screenings, and access to preventive pediatric care helps reduce the need for special education services later on; and the ability for parents to trust that their children are in safe, trusted environments in their Head Start programs helps them pursue work, school, and job training opportunities that improve their overall economic stability, as well as that of their local economies.

- By design, Head Start programs are community-embedded, drawing on parental involvement and reflecting the needs of the families that they serve – this design helps them provide early education most effectively and foster better outcomes for the children in their care. The notice threatens these critical goals.
- This will shift the cost of early education to states and localities– after cutting health care and food assistance for millions, young children are faced with losing access to early education opportunities too.
- Head Start connects families with low incomes to health services, including prenatal and preventive care, which are provided in support of eventual school readiness by ensuring healthy development early in life. It can be reasonably expected that, lacking this assistance, families with low incomes may struggle to secure care for their children, including immunizations for communicable diseases that pose significant risks to public health.
- The need for the services Head Start programs provide for families will not go away and communities will now be left without access to early learning programs, which will have impacts on educational, professional, health, and other outcomes.
- Babies and young children build the blueprints for later learning, social relationships, health, and wellbeing that will shape lifelong outcomes – including educational attainment, adult employment, and earnings.⁷ Programs like Head Start help foster strong blueprints, and stripping the most vulnerable families of those opportunities risks generational harm.

How does this notice misrepresent Head Start as a welfare program?

⁵ David Figlio, Paola Giuliano, et. al., "Diversity in Schools: Immigrants and the Educational Performance of U.S.-Born Students," *The Review of Economic Studies*, Volume 91, Issue 2, April 2023, <https://doi.org/10.1093/restud/rdad047>

⁶ Center for American Progress, June 24, 2025, "[Debunking Myths About Head Start: How the Program Promotes Opportunity and Strengthens Families, Communities, and Economies.](#)"

⁷ Center for American Progress, June 24, 2025, "[Debunking Myths About Head Start: How the Program Promotes Opportunity and Strengthens Families, Communities, and Economies.](#)"

[If you would like to include this section – Add your perspective on the additional misrepresentations of Head Start as a welfare or federal public benefit program, or choose from the section below.]

Section 401(c) of PRWORA defined federal public benefit as, with some exceptions, any “(A) any grant, contract, loan, professional license or commercial license provided by an agency of the United States or by appropriated funds of the United States; and (B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or appropriated funds of the United States.” This definition, alone, did not provide sufficient guidance for programs or providers to make independent determinations about who should qualify, as evidenced by a two-year period following the passage of PRWORA during which time HHS received numerous inquiries related to the application of the terms “federal public benefit” and “eligible entity.”⁸

Accordingly, HHS issued a 1998 interpretation of PRWORA⁹ which, among other programs, clarified that Head Start was exempt because not only is the child the beneficiary of Head Start services, but **Head Start is an early education program, not one that provides direct cash relief to the families they serve as is the case for other non-exempt welfare programs.** As an early education program, Head Start is also not subject to PRWORA’s explicit identification of “postsecondary education” services as among those for which citizenship is an eligibility requirement – this is not an erroneously narrow interpretation; it is a fact to state that, since **Head Start is not a postsecondary program, nor does it directly offer such services, it does not meet the definition of a “other similar benefit.”**

- The notice of interpretation also explicitly states, with reference to §1611(c)(1)(B), that a benefit may be considered a “Federal public benefit” as long as the benefit “is ‘provided to’ one of three types of recipients: (i) “an individual,” (ii) “a household,” or (iii) a “family eligibility unit.”¹⁰ **In the case of Head Start, the recipients of federal funds, who then use those funds to administer early education services, along with other related services for the benefit of qualifying families, may include school districts, nonprofits, private entities, local governments, Tribal organizations, and even religious institutions.**¹¹
- Because the language in PRWORA referring to ‘grants’ is also broad and nonspecific, the 1998 notice rightfully clarifies that, as a pass-through entity which delivers services to child beneficiaries, Head Start is not classified as a grant recipient and should not be subject to new, expansive, and burdensome verification protocols. This notice therefore reflects a misunderstanding of the nature of the program and who it is designed to serve.
- The structure and context of PRWORA make clear that “welfare” meant cash assistance or comparable benefits. Head Start is no such program, but is instead an early education program statutorily designed to help prepare vulnerable children from families with low incomes for school.

⁸ Department of Health and Human Services, Office of the Secretary, August 4, 1998, [*“Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\): Interpretation of Federal Public Benefit”*](#)

⁹ Ibid.

¹⁰ Department of Health and Human Services, Office of the Secretary, July 14, 2025,

¹¹ U.S. Department of Health and Human Services, “Grant Application,” <https://headstart.gov/grant-application>

How does this notice introduce new costs and administrative burdens on Head Start programs?

There would be additional costs and administrative burdens to programs related to verifying citizenship of every family that applies – not only those who are suspected to be subject to the notice – which will divert time and funds away from school readiness-related activities and will prevent children who are still eligible from accessing the program.¹²

- It is unclear, based on the text of the notice, how the agency determined its expected expenditure effects (anticipated to range anywhere from \$184 million to \$1.8 billion), which purport to capture the share of Head Start beneficiaries who are non-citizens – although this information is unknown for a program for which verification of citizenship status has never been required.
- The Regulatory Impact Analysis provided in conjunction with the notice conflates “unauthorized” and “undocumented” immigrants. Under PRWORA, there are several categories of “unauthorized” immigrants, who are ineligible to participate in federal public benefits programs, but are nevertheless legal statuses for residency in the United States. This inconsistency only exacerbates uncertainty about how programs should implement this new interpretation, since, for example, DACA recipients and those with Temporary Protected Status are purportedly now ineligible for Head Start, though reside legally.
- The agency estimates a corresponding annual cost of \$21 million in associated administrative costs, including “opportunity cost of time, review of program eligibility, and transition costs associated with revising standard operating procedures” [sic], with no explanation as to how that estimate was calculated, and no apparent analysis of the costs to families, local businesses, health and education systems, and the overall economy as a result of restricting program access.
- The Regulatory Impact Analysis equates time spent on verification of immigration status with that of employment eligibility verification, with no rationale for why it should be assumed that the two are equivalent. It also suggests that participants can complete their immigration status verification in approximately 9 minutes per child,¹³ assuming all families (1) can read or access and understand the form instructions; and (2) have all available supporting documentation. It should be reasonably assumed that the time burden on participants will be significantly greater.
- It should also be assumed that both the financial and time costs imposed on Head Start programs to verify immigration status will be considerably higher than what is detailed in the Regulatory Impact Analysis provided in conjunction with the notice. The anticipated federal costs associated just with immigration status verification are already, per the notice’s Regulatory Impact Analysis, expected to divert funds away from implementing Head Start’s mission and are expected to result in the loss of services to 1,118 children and pregnant

¹² Center for the Study of Child Care Employment, April 22, 2025, [*“Immigration Policies Harm the Early Educator Workforce and the Communities They Serve.”*](#)

¹³ See “SUPPORTING STATEMENT FOR EMPLOYMENT ELIGIBILITY VERIFICATION OMB Control No.: 1615-0047 COLLECTION INSTRUMENT(S): Form I-9” page 7, <https://reginfo.gov/public.do/DownloadDocument?objectID=139141501>

women – an unacceptable outcome for eligible families who depend on Head Start.¹⁴ The inclusion of this estimate in the Regulatory Impact Analysis further showcases that the intent of the notice is to harm Head Start.

IF YOU ARE A HEAD START GRANTEE, YOU MAY CHOOSE TO USE THIS SECTION FOR REFERENCE

As a [your role, e.g. Head Start grantee, subrecipient, staff member, Policy Council member], I offer that implementation of the agency’s re-interpretation of PRWORA will create significant operational challenges and administrative burden for Head Start programs that will interfere with our service to the community. Per the Head Start Act, programs are tasked with “promot[ing] the school readiness of low-income children... through the provision to low-income children and their families of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.” The notice creates obstacles for programs as they work to deliver on Head Start’s mission to support school readiness in the communities it serves.

- **Additional red tape for families:** Parents will face additional red tape when enrolling their children, as they will have to spend time gathering documents and tracking down missing items, taking away from parenting and work time. The impact will also be felt beyond immigrant families. All families seeking to enroll their children will face additional paperwork and those with barriers to accessing documents, including families experiencing homelessness, children in foster care, and families that work long hours and cannot access administrative offices during business hours will have difficulty demonstrating their eligibility for Head Start. The families that would most benefit from Head Start will now face the most difficulty in accessing the program.
- **Administrative Burden & Cost:** Implementing HHS’s reinterpretation of PRWORA would require significant Head Start program staff time and costs to Head Start programs without a commensurate increase in federal funds. Increasing paperwork requirements through the notice would result in federally-funded program staff redirecting their time *away* from activities that advance Head Start’s return on investment and *towards* the many hours required to verify the citizenship status of all children in their programs. Head Start programs do not currently collect citizenship or immigration status information; the program was not designed – or charged by Congress – to collect citizenship or immigration documents. To enact the fundamental shift in the purpose of the Head Start program as directed by the notice will require hundreds of hours of: staff training; collecting and submitting families’ verification documents; communication with families; demonstrating compliance; and remediate errors. These hours of administrative work undermines grantees’ efforts to advance school readiness and will lessen the impact of the federal funds that were appropriated for that purpose.
- **Obstacles to Enrollment:** While screening may not be required for currently-enrolled children, whose eligibility determinations remain in effect through the end of the subsequent program year, programs are challenged with determining: how this applies to future enrollees or children currently on a waitlist; how this applies to expectant mothers, whose access to prenatal services is extremely time sensitive; the impact on children enrolled in public preschool programs which layer Head Start

¹⁴ See “Final Regulatory Impact Analysis, Docket No. AHRQ-2025-002,” page 13, <https://www.regulations.gov/document/AHRQ-2025-0002-0002>

funding to support mixed delivery services; the consequences for Early Head Start enrollees, including expectant parents; and how many children would ultimately be affected by this notice, given that Head Start does not currently document citizenship status.

- **Impact on Families Who are Eligible for Head Start:** There are also pressing concerns related to enforcement, as this newly-issued notice, without implementation guidance, poses very real risks to immigrants with legal status who would still qualify for services. Since the closure of half of Head Start's regional offices,¹⁵ whose staff historically provided technical assistance at the program level, program directors and families have even fewer resources at their disposal to ensure that they are in compliance or to adopt new procedural changes.
- **Negative Impact on Local Leadership Structures:** Head Start grantees and subrecipients consist of a wide array of public and private entities; this is intentional in order to ensure that the program can be embedded in communities across the country and is driven by local leadership. This complexity, in conjunction with the decreased availability of federal agency staff to support grantees through the Office of Head Start will result in uncertainty and inconsistency as programs navigate PRWORA's non-profit exemption and the roles of school districts, tribal nations, and other entities tasked with implementing Head Start's school readiness mission.
- **Destabilization of Communities' Early Care and Learning Infrastructure:** In many communities, early care and learning funding sources are layered to maximize the federal, state, and local return on investment of these funds. Limiting how Head Start funding can be used by limiting access to the program will destabilize early care and learning as a whole by upending blending and braiding efforts that many communities have engaged in in order to create sustainable and fiscally responsible early childhood services.

Conclusion

Investments in young children's health and wellbeing generate significant and enduring positive outcomes— and the economy benefits from the contributions of immigrant families nationwide. Stripping them of crucial support programs is both senseless and harmful to the communities to which these families belong. **This notice risks devastating Head Start programs, and the communities they serve, across the country.** This reversal on a nearly 30-year-old interpretation of PRWORA, in many cases, violates statutory requirements for changes to program eligibility, and is both broadly counterproductive and harmful to programs that serve vulnerable children and their families. **We strongly urge you to withdraw this notice.**

¹⁵ Center for American Progress, April 29, 2025, [*"Closures of Head Start Regional Offices Jeopardize Critical Services for Children and Families."*](#)