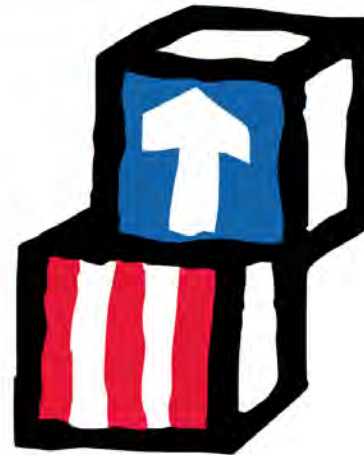


American Indian and Alaska Native (AIAN) Head Start Eligibility through Tribal TANF Overview of ACF-IM-HS-23-02 and FAQs

June 1, 2023



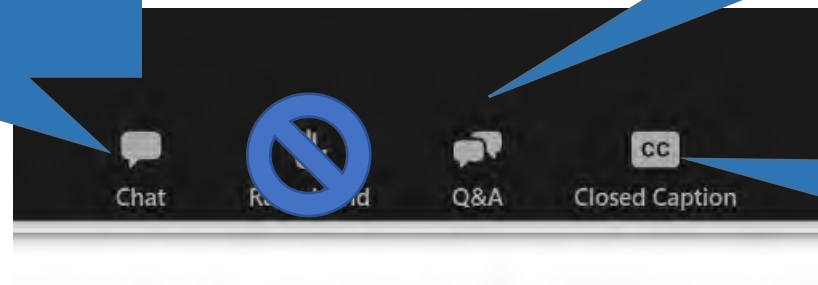
HOUSEKEEPING ITEMS

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- Participate in discussion via chat.
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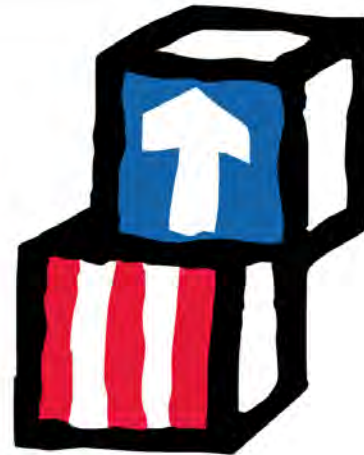
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American Indian and Alaska Native (AIAN) Head Start Eligibility through Tribal TANF Overview of ACF-IM-HS-23-02 and FAQs

June 1, 2023



Today's Presenters

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 - Director, Office of Head Start
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 - Regional Program Manager, RXI
- ❑ Lindsey Hutchison
 - Acting Policy and Planning Director



Agenda

- ❑ Overview ACF-IM-HS-23-02
 - Background
 - Policy Guidance
 - AIAN Head Start Eligibility
 - Tribal TANF Overview
 - Implementation of Policy Guidance

- ❑ Frequently Asked Questions (FAQs)

American Indian and Alaska Native (AIAN) Head Start Eligibility Through Tribal TANF ACF-IM-HS-23-02

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
	1. Log Number: ACF-IM-HS-23-02	2. Issuance Date: 05/23/2023
	3. Originating Office: Office of Head Start	
	4. Key Words: Head Start; Eligibility; TANF; Tribal; AIAN; American Indian Alaska Native; Public Assistance	

INFORMATION MEMORANDUM

TO: American Indian and Alaska Native Head Start Agencies

SUBJECT: American Indian and Alaska Native (AIAN) Head Start Eligibility Through Tribal TANF

INFORMATION:

The Office of Head Start (OHS) administers AIAN Head Start programs in partnership with Tribes. Through a nation-to-nation relationship, OHS regularly engages with Tribes to understand the special circumstances of AIAN Head Start programs and to support Tribal sovereignty. Through regular consultation, Tribal leaders and Tribal Head Start program administrators have indicated that Tribes should exercise appropriate discretion in determining which children should be eligible and prioritized for Head Start services. OHS affirms that Tribes – to the maximum extent possible under the Head Start Act – should determine eligibility for Head Start and which children would most benefit from Head Start services. This information memorandum (IM) explains how AIAN programs can maximize the use of an existing eligibility criterion to enroll additional Tribal children, which expands tribal control and decision making in determining which children to serve in Head Start.

Specifically, this IM reminds AIAN Head Start programs that if families are eligible for benefits and services funded by tribal TANF, then they also meet categorical eligibility requirements for Head Start. Congress established Head Start eligibility criteria in Section 645(a)(1)(B)(i) of the Head Start Act to include families with incomes at or below the federal poverty level and families eligible for public assistance. Families eligible for public assistance are categorically eligible for Head Start services. Categorical eligibility allowances consider family circumstances rather than income to determine eligibility for Head Start. Children experiencing homelessness, children in foster care, and families who receive, or are eligible to receive, public assistance in the form of Supplemental Security Income, Supplemental Nutrition Assistance Program, and TANF are eligible for Head Start services solely on the basis of these circumstances. While the guidance in this IM does not create new policy, OHS believes prior guidance issued on TANF eligibility has not explicitly addressed tribal

Background

- ❑ HHS has heard through Tribal Consultation, the desire for categorical eligibility for AIAN families for Head Start services.
- ❑ While categorical eligibility for Head Start for tribal members would require change to the Head Start Act (Act), this guidance maximizes HHS' existing authority.
- ❑ **This guidance clarifies existing policy allowing tribal governments to expand access to Head Start for tribal families that are eligible for any form of TANF assistance.**

Policy Guidance

- ❑ OHS affirms that Tribes—to the maximum extent possible under the Act—should determine which children would most benefit from Head Start services.
- ❑ Section 645(a)(1)(B)(i) of the Head Start Act includes families with incomes at or below the federal poverty level and families eligible for public assistance.
- ❑ **This IM reminds AIAN Head Start programs that if families are eligible for benefits and services funded by Tribal TANF, then they also meet public assistance eligibility requirements for Head Start.**
 - For example, eligibility for TANF-funded programs beyond cash assistance -- such as work education and training activities -- also means that family is eligible for Head Start.

Overview of AIAN Head Start Eligibility

- ❑ The Head Start Act allows up to 49 percent of an AIAN Head Start program's enrollment to be comprised of enrollees in the over-income eligibility.
- ❑ A minimum of 51 percent of the AIAN program enrollment must be comprised of income-eligible families, children experiencing homelessness, children in foster care, or families who **receive, or are eligible to receive, public assistance.**
- ❑ **Families who receive, or are eligible to receive, Tribal TANF, would count toward the minimum 51 percent of income-eligible families irrespective of their actual income.**

Overview of Tribal TANF

- ❑ Tribal TANF gives federally recognized Indian tribes funding to operate their own programs. Tribes have great flexibility in Tribal TANF program design and implementation, including defining elements of their program such as eligibility, service area and service population.
- ❑ Tribal TANF block grant funds provide support for a broad range of benefits and services in addition to cash assistance, such as: workforce training, counseling, case management, transportation, adolescent pregnancy prevention, and healthy marriage education.

Implementation of Policy Guidance

- ❑ Head Start Program Performance Standard (HSPPS) 1302.12(i)(2) requires documentation from either the State, local, or Tribal public assistance agency showing that a family receives public assistance or is eligible to receive public assistance.
- ❑ Tribes determine the process for establishing documentation that works best for them and meets HS requirement for documentation of public assistance eligibility.
- ❑ Any approach adopted by Tribes must also align with the eligibility for Tribal TANF as stated in the Tribal TANF plan.

Implementation of Policy Guidance

❑ Utilizing the Tribal TANF plan as documentation.

- Since the Tribal TANF plan is issued by the Tribal public assistance agency, a Head Start program could include a copy of this Tribal TANF plan, or the specific eligibility section in each enrolled child's file to satisfy Head Start eligibility documentation.
- A Tribe could also develop a one-page statement confirming the Tribe's determination that all Tribal members are eligible for TANF benefits or services, and therefore meet eligibility requirements for Head Start services. This statement could be included in each enrolled child's file.

Implementation of Policy Guidance

- ❑ **Issuing a letter to communicate eligibility to AIAN families and use as documentation.**
 - Tribes have the discretion to determine what the process of issuing a letter may look like.
 - Any letter issued by a Tribe must include the beneficiary's name, the Tribe's name, and confirmation that the beneficiary receives or is eligible to receive Tribal TANF benefits or services per the Tribal TANF plan.

Q1: Does this Information Memorandum (IM) change requirements in the Head Start Act or Head Start Program Performance Standards (HSPPS)?

A1: No, this IM does not create new policy. It is a reminder to AIAN programs to use an existing authority under the Head Start Act (Act), per Sec. 645(a)(1)(B)(i). All programs must also continue to follow all eligibility, recruitment, selection, enrollment, and attendance (ERSEA) requirements under the Act and HSPPS, which remain the same.



Q2: If families are eligible for Head Start services due to eligibility for Tribal TANF, are they guaranteed placement in a Head Start program?

A2: No. Eligible applicants are not guaranteed enrollment in a program. Children who are income-eligible, in foster care, experiencing homelessness, or receiving TANF, Supplemental Security Income (SSI), or Supplemental Nutrition Assistance Program (SNAP) benefits are eligible for Head Start services. Programs then use their selection criteria to prioritize families most in need for enrollment.

Q3: How does public assistance factor into the 51/49% income eligibility requirements for tribal programs?

A3: The Head Start Act allows up to 49% of an AIAN Head Start program's enrollment to be comprised of enrollees in the over-income eligibility criterion, subject to Sec. 645(d)(1)(B)(C). A minimum of 51% of the AIAN program enrollment must be comprised of income-eligible families, children experiencing homelessness, children in foster care, or families who receive or are eligible to receive public assistance. Families who receive, or are eligible to receive, Tribal TANF would count toward the minimum 51% of income-eligible families irrespective of their actual income.

Q4: How would a program verify receipt of a Tribal TANF-funded benefit or service?

A4: Tribes will have to determine the process for verifying documentation that works best for their unique population. The HSPPS at 45 CFR § 1302.12(i)(2) require documentation from either the state, local, or tribal public assistance agency that shows the family either receives, or is eligible to receive, public assistance.

The IM references possible approaches to verify eligibility. Whichever approach is selected must also align with the Tribal TANF plan.



Q5: How does a family prove they are currently receiving, or eligible to receive, Tribal TANF benefits or services?

A5: To ensure that the family is currently receiving or eligible to receive Tribal TANF benefits or services, programs should adhere to their TANF plan and any other internal policies and procedures around eligibility verification.



Q6: If a child is eligible for Head Start services via Tribal TANF, how does a program satisfy the documentation requirements in the HSPPS?

A6: Any eligibility documentation issued by a tribe must include the beneficiary's name, the tribe's name, and confirmation that the beneficiary receives or is eligible to receive Tribal TANF benefits or services, per the Tribal TANF plan.



Q7: Can a family provide a self-attestation that they are eligible for Tribal TANF?

A7: No, a family cannot provide self-attestation that they are eligible for Tribal TANF. Self-attestation is only appropriate verification for a family documenting no income or experiencing homelessness.

Q8: If a family is slightly over income but receives, or is eligible to receive, Tribal TANF benefits and services, would we then consider them categorically eligible or over income for Head Start eligibility determination purposes?

A8: If a family receives, or is eligible to receive, Tribal TANF, they are categorically eligible through public assistance. As such, a program would not need to verify the family's income for eligibility purposes, so they would not be considered over-income.

Q9: If families are eligible for Head Start services via public assistance, they do not need to verify that family's income for the purposes of eligibility. However, should programs still consider a family's income for the purposes of selection?

A9: Programs do not need to verify income information in order to meet eligibility criterion via public assistance (e.g., TANF, SSI, SNAP). However, programs may still consider income information from those families for the purposes of their selection criteria.

Programs are required to serve families most in need of services (45 CFR § 1302.12). A program must annually establish selection criteria that weigh the prioritization of selection of participants, based on community needs identified in the community needs assessment as described in 45 CFR § 1302.11(b).

Q10: How do we award points if families are receiving, or eligible to receive, Tribal TANF?

A10: Each program develops their own selection criteria based on community need and awards points accordingly.

Q11: Is there a required order for programs to use in their selection criteria when applying the addition of Tribal TANF categorical eligibility?

A11: No, there is no required order to use for entry points of eligibility. Each program determines selection criteria based on its community assessment to maximize finding eligible children and families consistent, with 45 CFR § 1302.14 of the HSPPS. Programs generally award points in their selection process to prioritize eligible applicants for enrollment.



Q12: When determining eligibility of a child whose parents are divorced and have either joint or split custody, do programs need to verify that both parents receive, or are eligible to receive, Tribal TANF benefits?

A12: If a child's parents are divorced or unmarried and have either joint or split custody, the child is eligible for a Head Start program if either parent receives, or is eligible to receive, Tribal TANF. The program does not need to verify that both parents receive or are eligible to receive Tribal TANF. Only one parent's eligibility or receipt of public assistance is required.

Q13: For parents that have either joint or split custody, are programs required to review the income of both parents if eligibility is being considered via Tribal TANF?

A13: No, the program does not need to review the income of either parent if Tribal TANF is being considered for eligibility. If anyone in a prospective Head Start child's family is receiving or is eligible to receive TANF benefits, that child is considered categorically eligible for Head Start services, irrespective of the child's family's income.

Q14: How often does a program need to reverify that a family is receiving, or eligible to receive, Tribal TANF benefits?

A14: A program does not have to reverify that a family is still receiving Tribal TANF benefits after the initial determination is made. As delineated in the Act, if a child is determined eligible and is participating in a Head Start program, they will remain eligible through the end of the succeeding program year. The exceptions to this rule are:

- 1) If the child moves from an Early Head Start program to a Head Start program.
- 2) If the Head Start program chooses not to enroll a returning child when there are compelling reasons for the child not to remain in the program, such as when there is a change in the child's family income and there is a child with a greater need for Head Start services.

Q15: If families receiving Tribal TANF are eligible for Head Start services, does that mean Head Start eligibility allows a family to be eligible for Tribal TANF?

A15: No. Tribal TANF eligibility is subject to its own requirements and each tribal agency or consortia administering Tribal TANF sets requirements for eligibility and program operations.



Q16: How often should the AIAN Head Start program check with their Tribal TANF office on the status and content of the relevant Tribal TANF plan?

A16: AIAN Head Start programs should connect with their Tribal TANF public assistance agency to determine the current status of the Tribal TANF plan and how best to communicate any changes that may be made to the plan between the two agencies.

Indian tribes are required to submit a three-year Tribal TANF plan to the Secretary of the Department of Health and Human Services (HHS) through the Administration for Children and Families (ACF) for review and approval. However, an amendment to the Tribal TANF plan might be made during the three-year period if the tribe makes any substantial changes to the plan, including those which impact an individual's eligibility for Tribal TANF services or participation requirements, or any other program design changes which alter the nature of the program. AIAN programs should coordinate regular communication with the relevant Tribal TANF offices to discuss any impact to Head Start eligibility.



Q17: Can prospective tribal families use Tribal TANF eligibility to enroll in a non-AIAN Head Start program?

A17: If Tribal families wish to enroll a child in a regional (non-AIAN) Head Start program, they could still use Tribal TANF eligibility, according to this IM and existing regulations and law. The family could receive documentation from the Tribal TANF agency to verify eligibility for Head Start services regardless of the Head Start program they choose.

