

New Head Start Eligibility for Migrant and Seasonal Head Start Programs

Office of Head Start

June 20, 2024



Presenters: Office of Head Start

- ❑ Khari Garvin, Director
- ❑ Jessica Bialecki, Director of Policy and Planning
- ❑ Sandra Carton, Regional Program Manager, Region XII/MSHS



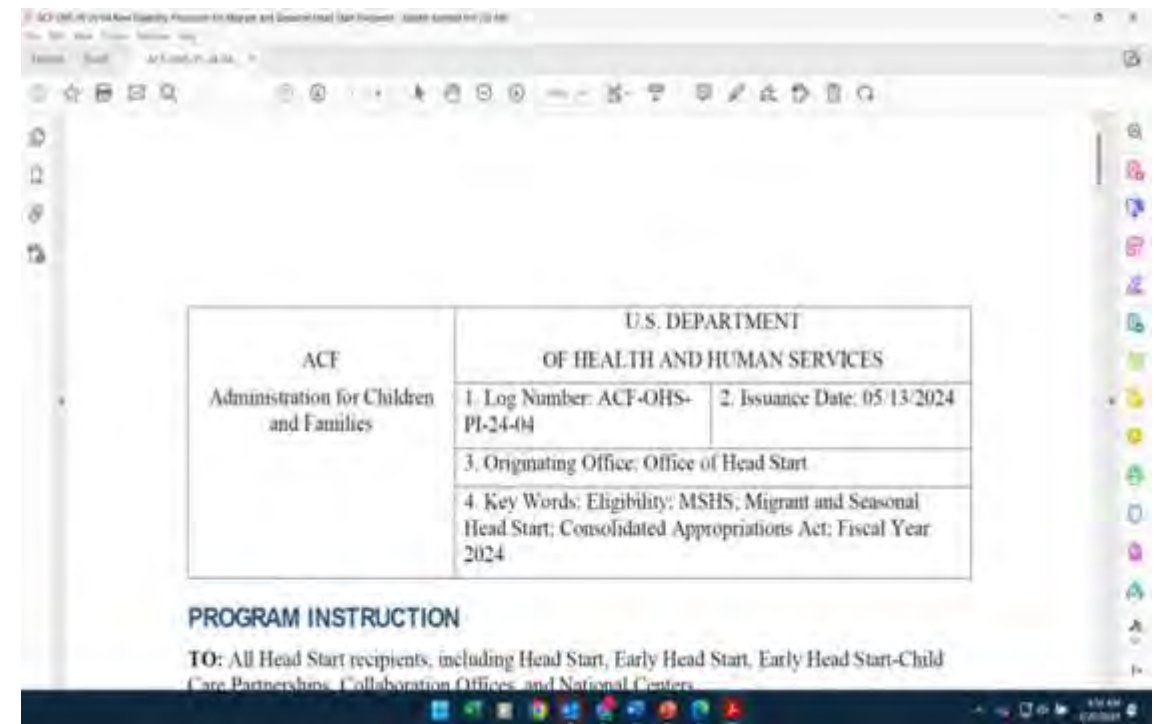
Agenda

- ❑ Provide an overview of new eligibility provisions for Migrant and Seasonal Head Start (MSHS) programs
- ❑ Discuss implications of new eligibility provisions on Head Start requirements and processes
- ❑ Share answers to questions about the new eligibility provisions
- ❑ Review next steps and opportunities for engagement



New Eligibility Provision for MSHS Programs

- ❑ MSHS programs can serve any age-eligible child who has one family member whose income comes primarily from agricultural employment as defined in Section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802), regardless of total family income.
- ❑ MSHS programs are still required to prioritize migrant families who move multiple times within a 2-year period for enrollment.



New Eligibility Provision for MSHS Programs

- ❑ This law will increase the number of children who are eligible to participate in Head Start services, however, it does not increase the number of slots for MSHS programs.
- ❑ This new law is effective immediately. However, no child who is currently served in a MSHS program should have their enrollment disrupted to accommodate new enrollees who may qualify based on this change.



Selection Criteria



- ❑ MSHS programs are still required to annually establish selection criteria to enroll children in their service area who would benefit most from Head Start services.
- ❑ Selection criteria must weigh the prioritization of participants based on needs identified in the community needs assessment.



Eligibility, Recruitment, Selection, Enrollment and Attendance (ERSEA)

- ❑ Programs should follow the new statutory provision in Section 239, not the existing HSPPS eligibility requirements
- ❑ Programs must still adhere to age eligibility requirements
- ❑ Programs must develop and implement a recruitment process to actively inform all families within the recruitment area of the availability of program services
- ❑ Existing enrollment (45 CFR § 1302.15) and attendance (45 CFR § 1302.16) regulations also remain.



Selection Criteria

- ❑ Programs are not required to update their selection criteria, but if they opt to change, they must engage in consultation with and obtain approval from its governing body and policy council.
- ❑ Programs will continue to include their selection criteria in their annual funding application.
- ❑ MSHS programs only need to collect income information from one family member but may choose to use total family income in selection criteria to prioritize children most in need of MSHS services.



Definitions

- ❑ *Agricultural employment* (29 U.S.C. § 1802 (3)) means employment in any service or activity included within the provisions of Section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of Title 26, such as the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.



Definitions

- ❑ The definition of *family* has not changed from the HSPPS.
 - *Family* means all persons living in the same household who are supported by the child's parent(s)' or guardian(s)' income; and are related to the child's parent(s) or guardian(s) by blood, marriage, or adoption; or are the child's authorized caregiver or legally responsible party.
- ❑ The definition of *migrant family* is now outdated in part – with Section 239, now **more than 50% of one family member's income** must come from **agricultural employment, rather than more than 50% of the entire family's** income coming from agricultural employment. MSHS programs follow Section 239.



Data and Reporting

- ❑ For the 2023-2024 program year, for question #A13, children enrolled in MSHS programs after the passage of the new eligibility law passed on March 23, 2024, may be reported under A13 e **“eligibility based on other type of need.”** There is no limit on the number of children reported in this category on the PIR form.
- ❑ The 2024–2025 PIR will be updated to reflect these changes to MSHS eligibility policy



Monitoring

- ❑ Recipients with upcoming FY 2024 monitoring reviews will be monitored according to these changes to MSHS eligibility policy.
- ❑ FY 2025 monitoring protocols will reflect these changes.



Full Enrollment Initiative

- ❑ There are no plans to change the Full Enrollment Initiative (FEI) process for MSHS programs at this time.

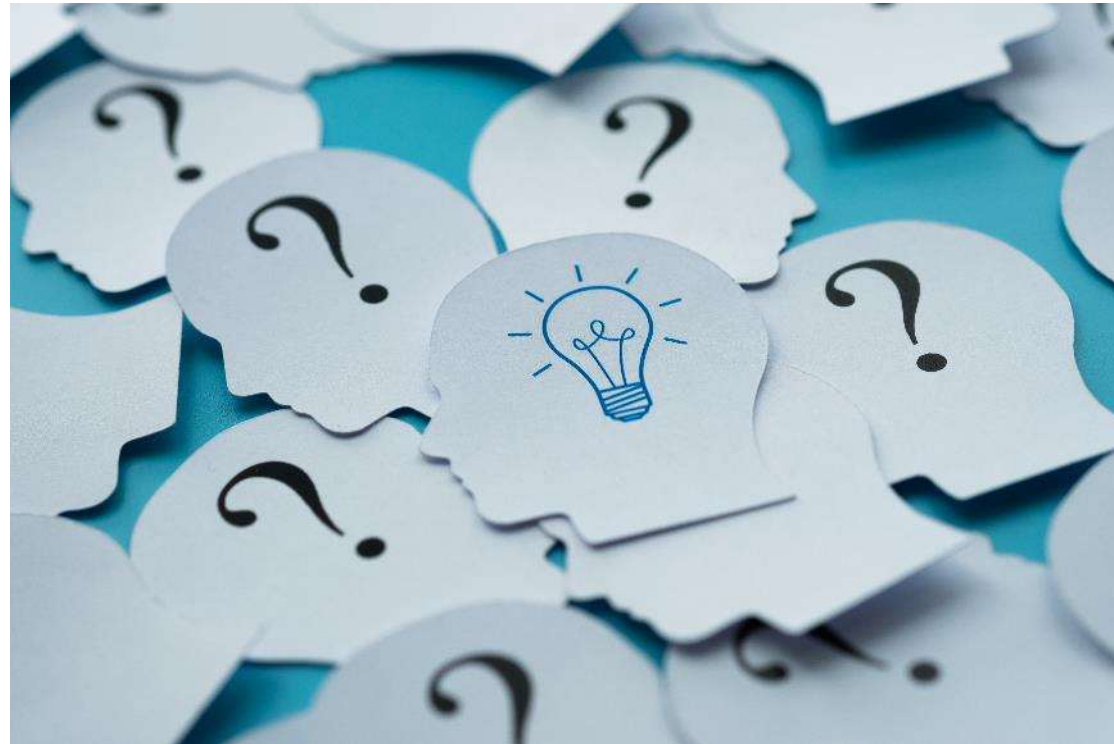


Change in Scope

- ❑ This new eligibility provision will not impact Change in Scope applications that have already been approved and implemented.



Frequently Asked Questions about MSHS Eligibility



Question & Answer

Q1: What are the eligibility requirements for children and families in MSHS Head Start programs?

A1: Following the passage of the Further Consolidated Appropriations Act, 2024 (Public Law 118-47) on March 23, 2024, MSHS programs can serve any age-eligible child who has at least one family member whose income comes primarily from agricultural employment as defined in Section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802), regardless of total family income.



Question & Answer

Q2: Is this new eligibility expansion considered **“categorical eligibility” for migrant and seasonal farmworker families?**

A2: No, this new provision does not provide for categorical eligibility. The new law still requires at least one family member to have more than 50% of their income come from agricultural employment.



Question & Answer

Q3: Are programs still required to follow other Head Start Program Performance Standards (HSPPS) requirements for eligibility, recruitment, selection, enrollment, and attendance (ERSEA)?

A3: Yes, while this new law changes income eligibility requirements, other HSPPS for eligibility, recruitment, selection, enrollment, and attendance remain. For example, programs must still adhere to age eligibility 45 CFR § 1302.12(b)). Per 45 CFR § 1302.13, programs must develop and implement a recruitment process designed to actively inform all families within the recruitment area of the availability of program services, and to encourage and assist them in applying for admission. Per 45 CFR §§ 1302.14 and 1302.11(b), MSHS programs are still required to annually establish selection criteria to enroll children in their service area who would benefit most from Head Start services. Existing enrollment (45 CFR § 1302.15) and attendance (45 CFR § 1302.16) regulations also remain. Should programs have any questions about whether an existing requirement in the HSPPS still applies, they should reach out to MSHeadStart@acf.hhs.gov.



Question & Answer

Q4: What if the HSPPS are now in conflict with the statutory change to MSHS eligibility?

A4: Due to this statutory change, the HSPPS on eligibility now reflect some outdated requirements. To update the HSPPS, OHS must engage in a rulemaking process. In the interim, where there is misalignment between Section 239 of the Further Consolidated Appropriations Act, 2024, and existing HSPPS eligibility requirements, MSHS programs should follow the new statutory provision in Section 239. For example, MSHS programs are no longer required to adhere to income eligibility requirements under 45 CFR § 1302.12(c). However, these programs are still required to verify eligibility under 45 CFR § 1302.12(f) based on the income of at least one family member coming primarily from agricultural employment.



Question & Answer

Q5: Do MSHS programs still need to collect income information from families?

A5: Yes, MSHS programs are still required to collect income information for one **family member to verify that more than 50% of that family member's income** comes from agricultural employment. However, MSHS programs are no longer **required to collect the family's total income for the purposes of eligibility. If a** MSHS program decides to use family income as part of its selection criteria to support making determinations regarding families most in need, it should collect and maintain family income information only for purposes of its own selection criteria. Total family income will not be required for the eligibility determination, verification or record keeping.



Question & Answer

Q6: Following this new statute, are MSHS programs required to update their selection criteria?

A6: No, but they may choose to update their selection criteria. Programs know their communities best and develop selection criteria with their policy council and governing body to make local decisions on enrollment priorities so they continue to serve families who would benefit most from MSHS services. MSHS programs are still required to prioritize migrant families who move multiple times within a 2-year period for enrollment.



Question & Answer

Q7: If a program chooses to update their selection criteria, do they need to get approval from their OHS Regional Office to make the change?

A7: No, it is not required for programs to get approval from their OHS Regional Office to make a change to their selection criteria. However, programs must engage in consultation with and obtain approval from its governing body and policy council. Once these approvals are obtained, the program can then begin using the updated criteria. Programs are encouraged to reach out to their Program Specialist to help support the process and answer any questions they might have. Additionally, all programs must include their selection criteria in their annual refunding application.



Question & Answer

Q8: How does this new provision impact the over-income eligibility allowances for MSHS programs?

A8: The “over-income” eligibility allowances for MSHS programs are no longer a consideration since income level is no longer a factor in eligibility. With this legislative change, income level is no longer a consideration, and a child is eligible for MSHS if at least one family member has more than 50% of their income coming from agricultural employment, regardless of the income level.



Question & Answer

Q9: How does this new provision impact categorical eligibility (families who receive public assistance, are experiencing homelessness, and children in foster care)?

A9: MSHS programs can now serve any age-eligible child who has at least one family member whose income comes primarily from agricultural employment, regardless of total family income. This includes families who receive public assistance, are experiencing homelessness, and have children in foster care, but in all circumstances, one family member must have more than 50% of their income coming from agricultural work to be eligible for a MSHS program. Programs are still required to annually establish selection criteria to enroll children who would benefit most from Head Start services, which may include prioritizing families who receive public assistance, are experiencing homelessness, and have children in foster care, and to report data on these families as required in Section C of the PIR form.



Question & Answer

Q10: What is the definition of Agricultural Employment?

A10: The term agricultural employment (29 U.S.C. § 1802 (3)) means employment in any service or activity included within the provisions of Section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of Title 26, such as the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

In accordance with current practice, programs should apply this definition consistent with their community needs assessment and selection criteria.



Question & Answer

Q11: How does the new statute define one family member?

A11: One family member must meet the definition of family in the HSPPS. This definition is not changed by the new statutory language. *Family* means all **persons living in the same household who are supported by the child's parent(s)' or guardian(s)' income; and are related to the child's parent(s) or guardian(s) by blood, marriage, or adoption; or are the child's authorized caregiver or legally responsible party.**



Question & Answer

Q12: Are migrant families still prioritized in the new statute?

A12: Yes, as emphasized in Section 239 of the Further Consolidated Appropriations Act, 2024, a MSHS program is still required to prioritize migrant families who move multiple times within a 2-year period for enrollment. The definition of migrant family is now outdated, in part — a migrant family no longer needs to have a family income that comes primarily from agricultural employment. Rather, the family must have at least one family member whose income comes primarily from agricultural employment, which is **operationalized as more than 50 percent of one family member's income is derived from agricultural employment.**



Question & Answer

Q13: Does this mean families newly eligible for a MSHS program are guaranteed placement in a Head Start program?

A13: No. Eligible applicants are not guaranteed enrollment in a program. In accordance with the Head Start regulations at 45 CFR §§ 1302.14 and 1302.11(b), MSHS programs are still required to annually establish selection criteria to enroll children in their service area who would benefit most from Head Start services. These selection criteria must weigh the prioritization of participants based on needs identified in the community needs assessment.



Question & Answer

Q14: This new law is significantly increasing the number of children who are eligible in our community. Will we receive more funding to serve additional slots?

A14: No. There is no additional funding attached to this legislative change. OHS hopes that by providing the option of expanding eligibility to more families, MSHS programs will have the flexibility, based on their community assessment, to better meet the unique needs of children and families in their service area.

Because programs must fill any vacancy within 30 calendar days (45 CFR 1302.15 (a)), programs are required to maintain an active waiting list (45 CFR 1302.14(c)) to serve families as soon as possible if a slot(s) becomes available.



Question & Answer

Q15: How will programs report children's eligibility in question #A13 in the 2023-2024 Program Information Report (PIR)?

A15: For the 2023-2024 program year, for question #A13, children enrolled in MSHS programs after the passage of the new eligibility law passed on March 23, should be reported under added to A13 e “eligibility based on other type of need.” There is no limit on the number of children reported in this category on the PIR form.



Question & Answer

Q16: How will this new provision impact programs in the Full Enrollment Initiative (FEI)?

A16: There are no plans to change the Full Enrollment Initiative (FEI) process for MSHS programs at this time. Due to the nature of MSHS programs, enrollment determinations are based on cumulative enrollment at the end of the budget period. Any MSHS program experiencing underenrollment at the conclusion of its budget period will receive an Underenrollment Letter from the Regional Office, which starts the FEI process. While in the FEI, programs must develop, in collaboration with OHS, a 12-month plan for reducing and ultimately eliminating underenrollment.



Question & Answer

Q17: Will this new provision impact Change in Scope (CiS) applications?

A17: This new eligibility provision will not impact Change in Scope applications that have already been approved and implemented. If you have questions about a CiS request that is currently pending, please reach out to your Regional Office.



Question & Answer

Q18: How will this new provision impact Monitoring?

A18: Recipients with upcoming FY 2024 monitoring reviews will be monitored according to these changes to MSHS eligibility policy. FY 2025 monitoring protocols will reflect these changes.



Question & Answer

Q19: How long does this new income eligibility provision last?

A19: This new income eligibility provision applies this fiscal year and for all future years, as specified in the Further Consolidated Appropriations Act, 2024 (Public Law 118-47).



Question & Answer

Q20: Does this new eligibility provision apply to non-MSHS programs who serve migrant or seasonal farmworker families?

A20: No. This law is specific to MSHS programs in Region 12. If there is a migrant or seasonal farmworker family seeking to be served in a non-MSHS program (in Regions 1-**10**), **they must adhere to 'standard' eligibility** requirements for Head Start services, as outlined in 45 CFR 1302.12.



Additional Questions?



Continue to Contact OHS

Please send questions and comments to
MSHeadStart@acf.hhs.gov





THANK YOU!

