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**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 TANF benefits and services in addition to cash assistance as a means for Head Start eligibility.

As Tribal governments have flexibility in establishing tribal TANF eligibility and because they administer AIAN Head Start programs, they are uniquely positioned to leverage TANF as a means for categorical eligibility under public assistance. The Administration for Children and Families (ACF) reminds tribes administering tribal TANF and AIAN Head Start they have the ability to identify tribal members and other individuals who are eligible for tribal TANF (including all TANF benefits and services, not just cash assistance) as being eligible for AIAN Head Start program enrollment. Note that this approach does not guarantee a tribal TANF participant's enrollment in a Head Start program, as programs must adhere to their recruitment and selection criteria to ensure they prioritize enrollment for those who may benefit most from Head Start services.

## **Overview of AIAN Head Start Eligibility and the Need for Policy Guidance**

AIAN Head Start programs are operated by tribal governments, tribal colleges, or tribal agencies. The eligible population for Head Start includes pregnant women<sup>1</sup> and families with a child from birth through age 5. 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 if 1) all eligible pregnant women or children who wish to be enrolled from Indian and non-Indian families living within the approved service area are served, and 2) the tribe has resources within its grant to enroll pregnant women or children whose family incomes exceed low-income guidelines or who are not otherwise eligible. 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. Understanding tribal TANF eligibility and its relationship to Head Start eligibility creates a flexibility for tribes to make decisions about Head Start enrollment for AIAN Head Start grant recipients.

## **Overview of Tribal TANF**

Tribal TANF gives federally recognized Indian tribes the ability to apply for and receive funding to operate their own TANF programs. When Congress established the TANF program in the Personal Responsibility and Work Opportunity Act, Public Law 104-193, it recognized that tribes are in the best position to design TANF programs for the populations they serve. As of 2022, there are 75 approved tribal TANF programs which serve over 280 federally recognized Tribes and Alaska Native Villages.

Tribes receive federal funding as a block grant to design and operate tribal TANF programs and may use their TANF funds in any manner reasonably calculated to accomplish the following four purposes of TANF:

1. Provide assistance to needy families so that children can be cared for in their own homes or in the homes of relatives.
2. End the dependency of needy parents by promoting job preparation, work, and marriage.

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<sup>1</sup> The term "pregnant women" is inclusive of pregnant transgender or nonbinary people per [ACF-IM-HS-22-02](#).

3. Prevent and reduce the incidences of out-of-wedlock pregnancies.
4. Encourage the formation and maintenance of two-parent families.

Tribal TANF may provide direct cash assistance for families in need. Because TANF cash assistance provides payments to individual families, it is the easiest to document and therefore the type of TANF assistance most often considered for Head Start eligibility. However, the tribal TANF block grants fund many other services that promote one or more purposes of TANF. Tribal TANF funds provide support for a broad range of benefits and services in addition to cash assistance, including but not limited to workforce training, counseling, case management, transportation, adolescent pregnancy prevention, and healthy marriage education. Families with a child from birth through age 5, or pregnant women who are eligible for any tribal TANF benefits and services also can be eligible for Head Start due to being eligible for TANF public assistance.

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 (e.g., all Indian families in the service area or only enrolled members of the tribe), and the nature of the benefits and services provided. TANF benefits and services that fulfill purposes one and two outlined above are limited to “needy” families, and Tribes have broad discretion in establishing the standards for determining which families are needy. Moreover, the benefits and services associated with TANF purposes three and four are not limited to those who are needy. The flexibility inherent in tribal TANF for establishing eligibility criteria is particularly relevant for this policy guidance and its implications for determining eligibility for AIAN Head Start.

### **Implementation of Policy Guidance**

Tribal governments must adhere to Head Start requirements for determining, verifying, and documenting eligibility when implementing this policy guidance. Head Start Program Performance Standard (HSPPS) [45 CFR §1302.12\(i\)\(2\)](#) requires documentation from either the State, local, or Tribal public assistance agency that shows the family either receives public assistance or is eligible to receive public assistance. Because Head Start requires documentation of eligibility for public assistance, Tribes must determine the process for establishing documentation that works best for their unique population. AIAN programs must also adhere to the age requirements in 1302.12(b) and maintain criteria for prioritizing enrollment for children would most benefit from Head Start services.

Any approach adopted by tribes must also align with the eligibility for tribal TANF as stated in the tribal TANF plan. Tribal governments should review their Tribal TANF plan to determine who is currently eligible for TANF benefits and services and may amend the plan if necessary to reflect the Tribe’s decisions about who should be eligible for TANF benefits or services. For instance, if the current tribal TANF plan does not currently include all families of a child from birth through age 5 as eligible, and tribes wish to expand eligibility to all such families, the tribe may submit a TANF plan amendment. Once the tribal TANF plan has been approved, the tribe has discretion on the process they use to document eligibility for tribal TANF and on how they communicate that eligibility to AIAN Head Start programs and families. Additional details regarding documentation and communication to AIAN families are provided in subsequent paragraphs.

ACF suggests some approaches to consider that include, but are not limited to:

- **Utilizing the tribal TANF plan as documentation.** If the current tribal TANF plan has defined its eligibility criteria to include all families with a child from birth through age 5 as eligible for TANF cash assistance, benefits, or services, this means these families are considered eligible for public assistance, and therefore, eligible for Head Start services. 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 section that indicates a child's eligibility, in each enrolled child's file to satisfy Head Start eligibility documentation. Or the tribe could 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, and that statement could be included in each enrolled child's file.
- **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. We offer several approaches for consideration:
  - Tribal TANF offices might consider issuing a letter to all families who receive or are eligible to receive tribal TANF benefits or services to notify families that they are eligible for Head Start services.
  - Tribal TANF offices might consider issuing a letter directly to all AIAN Head Start programs stating that all families with children under the age of 5. are eligible for tribal TANF benefits or services and therefore, eligible for Head Start services.
  - Tribes could have a template of a letter onsite at the Head Start program and could fill it in during the intake process, including the name of the child whose family is receiving or eligible for TANF benefits or services. After the template is filled out with the child's name, the AIAN program would then take the letter to the tribal TANF office for signature.
  - Tribes might consider encouraging families in the tribe's tribal TANF service population to individually seek their own documentation from their tribal TANF office stating they receive, or are eligible for tribal TANF benefits or services, and as such, they are eligible for Head Start services.

If a tribe decides to issue a letter, regardless of the process they choose, the letter 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. The letter must be issued by the State, local, or tribal public assistance agency. Including a copy of this letter in each enrolled child's file would satisfy Head Start eligibility documentation requirements. Utilizing the tribal TANF plan to extend Head Start eligibility to AIAN families reduces the burden of families navigating multiple federal program eligibility processes and supports better alignment and coordination across federal programs.

### **Supporting Tribal Sovereignty and Responding to Tribal Consultation**

This policy guidance honors tribal sovereignty by explaining additional options to determine which tribal members most benefit from Head Start services. In government-to-government

tribal consultation with HHS officials, Tribal leaders have requested categorical eligibility for tribal members. While categorical eligibility for tribal members would require statutory change, this guidance seeks to maximize existing statutory authority to make progress toward that goal.

The goal of this IM is to support tribes in maximizing enrollment of tribal families in AIAN Head Start programs. Region XI AIAN programs provide essential services to address the unique needs of tribal children and families including language and culture preservation.

Programs should contact their Region XI office with questions about this IM.

Thank you for your work on behalf of Head Start children and families.

Sincerely,

/ Khari M. Garvin /

Khari M. Garvin  
Director  
Office of Head Start