

American Indian and Alaska Native (AIAN) Head Start Eligibility

Glenna Davis: Hello, and welcome, everyone, to the American Indian and Alaska Native Head Start Eligibility webcast. It is now my pleasure to turn the floor over to Director Khari Garvin. Director Garvin, the floor is yours.

Director Khari Garvin: Well, thank you, Glenna, and hello. Greetings to everyone who is part of this webcast. Thank you so much for joining us today.

Since I started in my role as the director of the Office of Head Start, I've really enjoyed meeting with and listening to our tribal programs. They have a special and unique relationship with Head Start. And there is a common theme that we've heard in consultation and in site visits, and that common theme that we've heard through tribal programs is that tribes should have flexibility, as sovereign nations, to determine who in their community is eligible for Head Start services, rather than being limited to serving only families whose incomes meet the Head Start eligibility standard.

And even with the flexibility to serve up to 49% of children over income, we still understand that some tribes are having to turn away tribal members who would otherwise benefit from the services of the Head Start program. We understand also how tribal children are impacted by historical trauma and other community traumas, and we also recognize that American Indian and Alaska Native Head Start programs can be an important vehicle for assisting tribes with preserving culture and language and traditions. These factors make it all the more important to maximize the use of existing eligibility criteria to enroll as many tribal children as possible and to expand tribal decision-making authority in determining which children to serve in Head Start programs.

We're excited to publish this IM, or Information Memorandum, because we feel that it's responsive to all that we've heard. And with this Information Memorandum, the Office of Head Start affirms that tribes should determine to the maximum extent possible under the Head Start Act eligibility for American Indian and Alaska Native Head Start programs and that tribes should determine which children would most benefit from Head Start services by virtue of their status as sovereign nations. We know there may be many questions as Office of Head Start staff and staff of tribal Head Start programs across the country review and absorb the recently issued Information Memorandum, that we call American Indian and Alaska Native Head Start Eligibility through Tribal TANF.

Today's presentation intends to help us walk through that IM and address frequently asked questions. We look forward to continuing dialogue with respect to the implementation of this policy guidance. I will now turn it over to Todd, who is our very capable Region XI American Indian and Alaska Native Regional program manager, who will share a few remarks. Todd, all yours.

Todd Lertjuntharangool: Thank you so much, Director Garvin, and good afternoon and good morning to folks who may be joining us from the West Coast and the great state of Alaska. My name is Todd Lertjuntharangool. I'm divisional program manager at the Office of Head Start's

Region XI, where we proudly serve all of our tribal Head Start and Early Head Start programs around the country.

I know folks have just heard from Director Garvin, but also joining us is my colleague from Central Office, Ms. Lindsey Hutchison, our acting director of policy and program planning. I also, in addition to Director Garvin, want to thank you all and welcome you to the webinar today and just express the fact that we appreciate you making it a priority to join today's webinar regarding the IM on Tribal TANF and Tribal Head Start eligibility. And as Director Garvin also stated, this is not a significant change or divergence from how tribal programs operate currently. Rather, it's a deeper dig into what eligibility may look like when we take into consideration other services and activities that are funded through the TANF program.

Additionally, Director Garvin provided some background on what we've heard regarding the expansion of eligibility. One thing that did or was a catalyst for us was really examining what eligibility and enrollment for our tribal programs currently looks like. We did look at our most recent Program Information Reports, or PIR, that was submitted in August of 2022. And we know this really captures program information data and performance for the previous program year, but one thing that we certainly noticed was while we weren't serving all the children that we were funded for – of course, we were coming back from the pandemic – of those that we did serve, only 9% were reported to have been enrolled through public assistance or TANF. We are really thinking that this may help maximize current eligibility and our ability to enroll and serve children and families that are in need from across tribal communities.

Also to go into our agenda for today, I am going to transition to Lindsey to go over what this webinar will cover. Lindsey?

Lindsey Hutchison: Thank you so much, Todd. Hello, everyone. Thank you so much for joining us today. If we could go to the next slide. As Todd mentioned, my name is Lindsey Hutchison, and I am the acting director for policy and planning in the Office of Head Start Central Office. I am so pleased to be here with you all today to talk about this new Information Memorandum we have released to clarify existing policy for our American Indian and Alaska Native Head Start programs.

First, just want to start with a little bit of background. The Department of Health and Human Services has heard, through Tribal Consultation, the desire for categorical eligibility for our tribal programs and families for Head Start services. While categorical eligibility for Head Start for tribal members would require change to the Head Start Act, this guidance in our recently released Information Memorandum really maximizes HHS' existing authority in this space. 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. If you could go to the next slide.

With this policy guidance in the new Information Memorandum, the Office of Head Start is really affirming 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 really reminds our Tribal 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 instance, eligibility for TANF-funded programs beyond cash assistance, such as work education and training activities, also means that family is eligible for Head Start. I just want to reiterate that piece again, that eligibility for TANF-funded programs beyond cash assistance, such as work education and training activities, also could mean that family is eligible for Head Start. Eligibility through Tribal TANF does not necessarily guarantee enrollment in a Head Start program. Programs still must adhere to their recruitment and selection criteria to ensure they prioritize enrollment for those who may benefit most from Head Start services. And some more details on TANF-funded programs beyond cash assistance, we'll get into that a little bit more in the coming slides as well. If we could go to the next slide.

I just want to give a little bit of a reminder and overview for folks with us today about eligibility for American Indian and Alaska Native Head Start programs. The Head Start Act allows up to 49% of a Tribal Head Start program's enrollment to be comprised of enrollees in the over-income eligibility criterion. And a minimum of 51% of the tribal program's 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 towards this minimum 51% of families that I just described in that bullet above on the slide, irrespective of their actual income. Next slide, please. Thank you.

Now, I just want to give a brief overview of Tribal TANF. Tribal TANF gives federally recognized Indian tribes funding to operate their own programs. Tribes have great flexibility in their 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. I hope that helps, just a brief summary there of Tribal TANF and what that looks like.

If we could go ... OK, next slide. Thank you. I want to talk now a little bit about when we think about implementation of the policy guidance that's in the recently released Information Memorandum. The Head Start Program Performance Standard at 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 then determine the process for establishing documentation that works best for them and meets this Head Start requirement for documentation of public assistance eligibility. Any approach adopted by tribes must align with the eligibility for Tribal TANF as stated in the Tribal TANF plan. We can go to the next slide.

With respect to implementation, in the IM, ACF listed out several approaches a tribe could use to document a child's eligibility. A first possible approach is to use the Tribal TANF plan as documentation. For instance, since the Tribal TANF plan defines its eligibility criteria and 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. As another example, a tribe could also develop a one-page statement or template 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 then be included in each enrolled child's file.

The next slide, please. And as another example, a tribe could choose to issue a letter to communicate eligibility to AIAN families and use this as documentation. Tribes have the discretion to determine, under this example, what the process of issuing a letter might 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. And the recently released IM has more details on example letters a tribe could consider utilizing if they wanted to go that route.

I think that covers our overview of the Information Memorandum, and really do encourage folks to go take a look at it. It's available on the ECLKC. And I am now going to turn it back to Todd, and we are going to go through some questions that we anticipate might come up about this policy guidance.

Todd: Thank you so much, Lindsey. And as she stated, we did want to, as part of the session today, share some of the questions that we know have already come in since the release and things that we believe are probably likely to be frequently asked. We really wanted to share those more broadly with others today. I'm going to go over what the questions are. And our Acting Director of Policy and Planning, Lindsey, of course, is going to provide clarity on those. The first one was, does this Information Memorandum change requirements in the Head Start Act or Head Start Program Performance Standards? Lindsey?

Lindsey: Thanks, Todd. No, this IM does not create new policy. It is a reminder to tribal programs to use an existing authority under the Head Start Act, that we already have in Section 645(a)(1)(B)(i). All programs must also continue to follow all eligibility, recruitment, selection, enrollment, and attendance requirements under the Act and the Performance Standards, which remain the same. Back to you, Todd.

Todd: Thank you so much, and next slide. The next question was, if families are eligible for Head Start services due to eligibility for Tribal TANF, are they guaranteed placement in the Head Start program?

Lindsey: As we can see on the slide, 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, or Supplemental Nutrition Assistance Program, or SNAP, benefits are eligible for Head Start services. And programs must then use their selection criteria, as they typically would, to prioritize families most in need for enrollment.

Todd: Thank you, and I think that's a really important aspect of this. Next slide. The next question was, how does public assistance factor into the 51/49% income eligibility requirements for Tribal Head Start programs?

Lindsey: This a good one, Todd, and I know it's something that I've heard folks might have a lot of questions about. The Head Start Act allows up to 49% of tribal Head Start program's

enrollment to be comprised of enrollees in the over-income eligibility criteria, subject to Section 645(d)(1) of the Act. A minimum of 51% of the tribal program's 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 towards that minimum 51% of income-eligible families irrespective of their actual family income.

Todd: Thank you so much. Next slide. The next question was, how would a program verify receipt of a Tribal TANF-funded benefit or service?

Lindsey: Tribes will have to determine the process for verifying documentation that works best for their unique population. The Performance Standard at 1302.12(i)(2) requires 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 Information Memorandum references possible approaches to verify eligibility. Whichever approach is selected must also align with the Tribal TANF plan.

Todd: Thank you. Next slide. How does a family prove they are currently receiving or eligible to receive Tribal TANF benefits or services?

Lindsey: This is a great question. 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.

Todd: Thank you. Next slide. And next question is, if a child is eligible for Head Start services via Tribal TANF, how does a program satisfy the documentation requirements in the Head Start Program Performance Standards?

Lindsey: 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.

Todd: Thank you so much. Next slide. The next question is, can a family provide a self-attestation that they are eligible for Tribal TANF?

Lindsey: 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.

Todd: Thank you, Lindsey. And the next slide and next question is, 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?

Lindsey: 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.

Todd: Thank you, Lindsey. And the next question is, if families are eligible for Head Start services via public assistance, do they need to verify that family's income for the purposes of eligibility? However, should programs still consider a family's income for the purpose of selection?

Lindsey: Thanks, Todd. Yeah, this is a good question, and we can see here the answer is a little bit longer. Programs do not need to verify income information in order to meet eligibility criterion via public assistance, including TANF, SSI, and 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, per 1302.12 of the Performance Standards, and 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 1302.12(b) of the Performance Standards. Back to you on that, Todd.

Todd: Thank you, Lindsey. Next question, how do we award points if families are receiving or eligible to receive Tribal TANF?

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

Todd: Thank you, Lindsey, and next question. Is there a required order for programs to use in their selection criteria when applying the addition of Tribal TANF categorical eligibility?

Lindsey: There is not a 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 1302.14 of the Performance Standards. Programs generally award points in their selection process to prioritize eligible applicants for enrollment.

Todd: Thank you, Lindsey. The next question is, 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?

Lindsey: 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. To reiterate, only one parent's eligibility or receipt of public assistance is required.

Todd: Thank you, Lindsey. Next slide, and next question is, 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?

Lindsey: 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.

Todd: Thank you, and next question. How often does a program need to reverify that a family is receiving or eligible to receive Tribal TANF benefits?

Lindsey: 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 Head Start 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 if the child moves from an Early Head Start program to a Head Start program or 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.

Todd: Thank you, Lindsey. Next slide. If families receiving Tribal TANF are eligible for Head Start services, does that mean that Head Start eligibility allows a family to be eligible for Tribal TANF?

Lindsey: 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.

Todd: Thank you for the clarification, Lindsey. Next question. How often should the tribal Head Start program check with their Tribal TANF office on the status and content of the relevant Tribal TANF plan?

Lindsey: Thanks, Todd. Good question, and we see the answer to this one is a little bit longer. Tribal 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 3-year Tribal TANF plan to the Secretary of the Department of Health and Human Services through the Administration for Children and Families for review and approval.

However, an amendment to the Tribal TANF plan might be made during the 3-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. American Indian and Alaska Native programs should coordinate regular communication with the relevant Tribal TANF offices to discuss any impact to Head Start eligibility. Back to you, Todd.

Todd: Thank you so much, and next slide. Can prospective tribal families use Tribal TANF eligibility to enroll in a non-AIAN Head Start program?

Lindsey: If tribal families wish to enroll a child in a regional, non-tribal Head Start program, they could still use Tribal TANF eligibility, according to this new Information Memorandum 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.

Todd: Thank you, Lindsey. And next question. Next slide. Actually, it looks like that brings us to our end. In closing, I do, again, want to thank everybody for joining. I want to thank those that have submitted questions up to this point. I also want to thank those that have submitted questions and comments in the chat. And certainly, first and foremost, I think my biggest takeaway from this is, I do really want to encourage our programs, our program directors, to connect with your Tribal TANF offices, your TANF directors or coordinators, and really make

sure that we have a good understanding of what is in that Tribal TANF service plan and its eligibility guidelines for services and activities funded by TANF.

And I stated at the beginning of this, it's not a huge change or divergence from what we currently were doing. But one thing that we had noted was, we believe a lot of our programs were simply taking into account the cash assistance benefit that was provided through TANF, but maybe not all the other services and activities that are also funded by TANF, and that many of our families in our communities we see and through that may make them eligible for Head Start. Please, again, do work with your TANF office and your tribal leadership to know what those eligibility guidelines are in those plans and to make those determinations regarding who may be eligible for Head Start through eligibility in TANF.

As always, I do want to encourage folks to reach out to your assigned program specialists if you have questions, and what we can identify or clarify in the region, we will, as always, work closely with our Central Office to get clarity for. I also want to remind folks that this webinar will be available on-demand on the ECLKC website in case you would like to rewatch it or share with others who maybe weren't able to tune in today. FAQs, also that we continue to intake, will be posted to the ECLKC website with updates as additional questions come in. Look forward to hearing from our programs. I know that once the implementation for this begins, we'll begin to receive more questions, but we definitely look forward to additional conversations.

And we do hope that for those programs who maybe haven't looked deeper into other services and activities funded by TANF, that this might be something that is extremely beneficial to them and allows them to reach a broader audience for their services and the children that they're serving in their communities. I guess, on behalf of Head Start, I'll go ahead and close this out there. But again, thank you, everybody, for your time today.