

# Eligibility Final Rule: Frequently Asked Questions

## Eligibility Final Rule: Frequently Asked Questions (FAQs)

The Eligibility final rule became effective March 12, 2015. The Office of Head Start (OHS) developed these questions and answers in response to issues raised by the Head Start community. For clarity, we grouped the questions by either subject matter or recurring theme.

Find in text:

### Public Assistance

#### What is public assistance?

Public assistance includes Temporary Assistance for Needy Families (TANF) and Supplemental Security Income (SSI).

#### Is a family that receives SSI or TANF categorically eligible for a Head Start program or does SSI and TANF fall under income eligibility?

A family receiving public assistance, which includes SSI and TANF, is eligible for Head Start. The final rule makes no change to eligibility. It organizes the eligibility category under "income eligible" consistent with the the Head Start Act. Programs may refer to this family as income eligible or categorically eligible.

#### What does it mean "to be eligible, or in the absence of child care potentially eligible, for public assistance" and how do programs determine this?

This is longstanding language from the Head Start Act that we are simply restating in the regulation. Operationally, programs have long used the receipt of public assistance as proof of eligibility. This continued practice is the best approach to ensure that only eligible children and families are enrolled.

Based on the statutory language now included in the regulation, a program could theoretically make their own determination that a family is eligible or potentially eligible for, but not receiving, public assistance. However, this may only be done if they can ensure that their determination is accurate. Ensuring an accurate determination requires using state or local TANF or SSI eligibility requirements, including those around income, assets, participation requirements, and lifetime limits. Operationally, that may prove to be very difficult for Head Start programs to do. Any program making their own TANF or SSI eligibility determination would need to document their accuracy for monitoring and audit purposes.

We expect the vast majority of programs will continue using public assistance receipt as the best way to ensure eligibility based on public assistance.

### Teen Parents

**The final rule defines "family for a pregnant woman" as all persons who financially support the pregnant woman. Are programs now required to consider income from parents of pregnant, unmarried teen mothers?**

No. The rule does not address anything particular to teen parents. The long-standing policy that programs do not need to verify the teen's parents' income(s) has not changed.

## **Families Experiencing Homelessness and Children in Foster Care**

**If a family is living with another family because they were evicted and cannot afford their own home, they are homeless. If the family has done nothing to change the situation and still has the same living arrangement a year later, are they still considered homeless?**

Yes, a family is considered homeless for as long as they are homeless, according to our definition. Homeless means the same as homeless children and youth in the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a(2). Homeless children and youth in [McKinney-Vento](#) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); **and** children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason.

**Are programs required to verify the incomes of families experiencing homelessness and of families of children in foster care?**

No. Homeless children and children in foster care are categorically eligible for services regardless of income.

## **Additional Allowances for Over-Income**

**When must programs report that they have enrolled children between 100–130 percent of the poverty line?**

We require that if a program uses this allowable option, it must be able to report to the Head Start Regional Program Office, whenever we ask, that it has met criteria at [§1305.4\(d\)\(2\)](#) of the Head Start Program Performance Standards.

Eligibility Final Rule: Frequently Asked Questions (FAQs). HHS/ACF/OHS. 2015. English.

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