

I - Eligibility, Recruitment, Selection, Enrollment and Attendance

Español

The policy clarifications below do not reflect the updates to the Head Start Program Performance Standard 1305 released on Feb. 10, 2015 in the Federal Register. The [frequently asked questions](#) and a [webinar on the rule](#) are available in the National Center on Program Management and Fiscal Operations section on [ERSEA](#).

I – 001 Can three year old children be enrolled in the middle of the school year?

I – 002 Which government programs qualify as public assistance for determining Head Start eligibility?

I – 003 Is it appropriate for a kindergarten-eligible child with a disability to stay in Head Start an additional year?

I – 004 Are there enrollment opportunities for an "over-income" family with a child with a disability to participate in Head Start or Early Head Start?

I – 005 When a child's divorced mother and father have been given joint custody of the child, how is the child's income eligibility for Head Start determined?

I – 006 How is income eligibility determined if a family claims it has no income?

I – 007 How is eligibility determined if the family is unable to provide income documentation?

I – 008 Can a Head Start program enroll, as income eligible, a child whose family's income was above the poverty line in both the preceding twelve months and in the preceding calendar year, but whose situation has significantly changed so that looking at current income, the family is income eligible?

I – 009 When income is verified, does a copy of the proof of income need to be kept on file?

I – 010 Is Veterans Disability considered the same way that SSI or Social Security is when determining income?

I – 011 Are we supposed to count everyone that lives in the household and their income as family?

I – 012 If a child will be absent from the Head Start program for an extended period of time because, for example, the child is traveling out of the country with his family to visit the child's grandparents, can the Head Start program keep that child's enrollment slot vacant so the child will be able to return to Head Start upon his/her return?

I – 013 Do disabled children from families not in poverty count against the 10% limitation on the number of "over-income" children that can be served in any Head Start program? (American Indian and Alaska Native programs may, in certain situations, enroll up to 49% of their children from families not meeting the income eligibility requirements.)

I – 014 If a program is funded to serve both Head Start and Early Head Start children, is the 10% "over-income" limitation applied to the program's total enrollment or to separate Head Start and EHS enrollments?

I – 015 What age must a child be in order to be considered eligible for Head Start?

I – 016 How is eligibility for Head Start based on SSI determined?

I – 017 How can a Head Start program determine whether it is meeting the requirement that at least 90 percent (51

percent of programs operated by Indian tribes) of eligible children meet the income-eligibility guidelines?

I – 018 Under what conditions may a Head Start agency terminate the enrollment of a child due to sporadic attendance or extended absences?

I – 019 What is the relationship between the 10% limit on enrollment of over-income families and the requirement to make at least 10% of enrollment opportunities available for children with disabilities?

I – 020 How is income eligibility determined for children that are in foster care?

I – 021 If a child is accepted for enrollment in May as a foster child and, as such, is categorically eligible for Head Start, must the program re-verify the child's foster care status prior to the beginning of the program year?

I – 022 Does the family income of children entering Head Start for a third year need to be re-verified?

I – 023 If an income eligible child is enrolled but leaves the program after a short time (say two months), are they still income eligible in the next program year or do they need to re-apply and have their income re-verified?

I – 024 Head Start classrooms with a majority of 4 year olds can have a maximum enrollment of 20 children. If in such a class a 4 year old leaves the program must the vacancy be filled with another 4 year old?

I – 025 For the purpose of determining eligibility based on family income how is a pregnant woman counted? An IM from 2002 says to count the pregnant woman as 2 members of the household – can you please clarify?

I – 026 An 18 year old is still living at home and being supported by his/her parent(s). Can this 18 year old be counted as a family member for purposes of determining Head Start eligibility?

I – 027 Is it acceptable for a Head Start agency to make “direct contact” with parents by telephone when offering family support to parents of children with sporadic attendance or extended absences (see OHS – PC – I – 018)?

I – 028 Is there a requirement that parents sign a statement attesting to the accuracy of the family's submitted income information?

I – 029 If a family was determined to be income eligible last year but the child was not enrolled, must the Head Start program again determine the family's income eligibility for the current program year or can the child still be considered as income eligible?

I – 030 Can a Head Start program increase its enrollment if it moves to a new facility which will allow it to have a larger class size than it had in its old facility?

I – 031 Can a child be enrolled in more than one Head Start program at the same time?

I – 032 How does a Head Start program determine household size for a family in which one or both parents are deployed out of the country in the military?

I – 033 If a woman is living with a boyfriend and he is not the father of her child who would be in Head Start but is the father of her youngest child, do you use his income when determining eligibility?

I – 034 If a child lives with and is supported solely by the child's grandparents whose income is used to determine Head Start eligibility, under what circumstances can a Head Start program release the child to the grandparents and allow the grandparents to make health decisions for the child?

I – 035 Should a Head Start program remove a child from the program when, despite a mental health intervention, the child continues to display very aggressive behaviors toward other children and program staff?

I – 036 Are military families automatically eligible for Head Start?

I – 037 Is supplemental subsistence allowance paid to a member of the armed forces counted in determining eligibility?

I – 038 How long does an application for Head Start enrollment remain in effect?

I – 039 If an enrolled Head Start family moves out of the Head Start program's service area, can the family continue services with that Head Start program?

I – 040 Is there a maximum income limitation for families that exceed the low-income guidelines but fall within the up to ten percent of children that may also be selected for Head Start?

I – 041 Are Head Start programs allowed to verify whether all members of a family applying for Head Start services possess Social Security numbers?

I – 042 If a child is determined to be Head Start eligible because the child is in foster care and subsequent to enrolling the child, the child is reunited with his/her parents, can the child remain in Head Start as an income eligible child?

I – 043 Does Head Start require proof of residency?

I – 044 If a Head Start program enrolls an income eligible child as a three year old that child remains income eligible in the following year. However, if, in that second year, that child's family wishes to enroll the child's 3 year old sibling, must the program determine the younger child's income eligibility?

I – 045 May a Head Start program accept the enrollment of a child with a disability or special health need and delay their attendance at the program center until the program can collect necessary information from medical or early intervention providers on how to accommodate the child's special needs and assure the health and safety of the child?

I – 046 If we count half of each parent's income for children whose parents have joint custody, how is family size counted—including new spouses and unrelated children as part of one or both parents' families?

I – 047 If a child lived with his parent until April of this year but is now living with his aunt, who is the child's legal guardian, whose income is used to determine eligibility?

I – 048 If a Head Start child who was enrolled as an "over-income" child returns to Head Start for a second year and the child's family has seen a change in its economic status so that the family's income is now below the poverty level, can that child now be considered as income eligible?

I – 049 Is an agency allowed to accept children of staff as part of the 10% over income slots if that is written into the agency's selection criteria?

I – 050 What income should be used if the legal guardian of a child receives TANF and also has an income. Is this a family of one or two?

I – 051 Does a child who was enrolled in a Head Start program and then had to drop out because the child has moved retain his/her income eligibility through the remainder of the current program year?

I – 052 If a foster child has been adopted prior to applying for Head Start is the child considered eligible?

I – 053 If a "single parent" family is found income eligible and that family's child is enrolled in a Head Start program and during the Head Start year the single parent marries, does the Head Start program need to re-verify income eligibility, including the new spouse's income in the determination of eligibility?

I – 054 Does Head Start have to use a child's name as it appears on their birth certificate, Social Security Card, and health records when enrolling the child, or can the program use a different name; i.e. a parent's preferred name?

I – 055 If a family is receiving kinship care for the Head Start child, is the child automatically deemed income eligible for Head Start?

I – 056 Can a Head Start program's selection criteria include a requirement that children be up-to-date on their immunizations and other health screenings (such as tuberculosis)?

I – 057 Can a child be denied entry into Head Start if they are not up to date on their physical or immunizations?

I – 058 If a Head Start child does not receive their physical examination within one year of their last physical (as required by Medicaid/EPSDT), can the child be expelled from Head Start?

I – 059 Can a child be temporarily excluded from attending Head Start classes until they show proof of an appointment for their annual medical or dental exam required by the State Medicaid\EPSDT periodicity schedule?

I – 060 If a 16 year old is pregnant, not working and living at home with her parents, how do we determine income and family size?

I – 061 If a child has been in Head Start for two years, if that child is age eligible for a third year income eligibility must be re-verified. If the family's income is now above the poverty line, must we serve these children as "over-income" or can the program choose not to provide a third year of service and, instead, enroll a child who is income eligible?

I – 062 Can a parent who is not regularly living in the household of the Head Start child be counted as part of that child's family for purposes of determining income eligibility?

I – 063 If a family seeking to enroll their child in Head Start has just started receiving TANF benefits, how does a program determine that child's income eligibility?

I – 064 In calculating average daily attendance does a program use funded or actual enrollment?

I – 065 Can a child who is eligible for kindergarten attend Head Start half-day while attending kindergarten the other half of the day?

I – 066 A child, living with his mother, was enrolled last year as an income-eligible child, based on the child's mother's income. Over the summer, the child's father received custody of the child. Does the child's family income need to be re-verified?

I – 067 If a foster family receives \$2,900 a month for the care of an 18-year-old girl with a disability and the girl has a child that she wants to enroll in Head Start, do you count the income received by the foster family in determining Head Start eligibility?

I – 068 A family receiving SSI benefits is categorically eligible for Head Start. Is this true for all Social Security programs; i.e. Retirement, Survivors and Disability Insurance, etc.?

I – 069 If a Head Start program enrolls two children from an "over-income" family are both children counted against the 10% over-income limitation?

I – 070 In the beginning of the program year, a Head Start program takes two days that are used as a gradual entry for children starting the program. Half of the children come one day for 3.5 hours and the other half come the other day for 3.5 hours. Can we count those two days as service days to children?

I – 071 Sometimes, a prospective child's situation changes in the 12 months prior to the time the child is being

considered for enrollment. For example, a child's guardian may change, or the child may be placed in or removed from foster care. How does a program determine income eligibility in these situations?

I – 072 If a Head Start sibling receives Social Security survivor benefits, does this need to be included as income in determining the family's income eligibility for Head Start?

I – 073 If the number of 4-year-olds in our Head Start program has declined because many families are enrolling their child in the state pre-K program, can a program request an enrollment reduction given the maximum class size for three-year-olds is less than that for four-year-olds?

I – 074 Where parents have joint custody of a child, the parents live in different communities and the child spends alternating months with each parent, can we enroll the child knowing the child will be absent 50% of the time?

I – 075 If we have a single parent who is not working, can we use a full-day slot for their child?

I – 076 A parent has decided to hold their child back a year from entering kindergarten. Can such a child be enrolled in a Head Start program?

I – 077 If an Early Head Start child's mother becomes pregnant, does the mother have to reapply for her second child?

I – 078 If a Head Start mother is married, but separated, does the income of the child's father need to be counted in determining eligibility?

I – 079 Is there anything in the Head Start Act or Performance Standards that prevents a child from being enrolled in both Head Start and their State-funded preschool program?

I – 080 Are "homeless children" eligible for Head Start?

I – 081 What is the definition of "homeless children"?

I – 082 What kinds of pay and allowances of members of the uniformed services are not counted for purposes of determining the eligibility of dependents for Head Start programs?

I – 083 Am I to understand then that a 3-year-old who is income eligible (below poverty) would automatically have priority over a 4-year-old who falls into the 130% category? If, as determined by the agency's priority point system, an over-income child has more points than an income-eligible child then does an income-eligible child automatically have priority above the over-income child despite the points? (Assuming, of course, that the point system assigns higher points to children who meet poverty guidelines.)

I – 084 What is the process for converting HS slots to EHS slots?

I – 085 What is required for documenting/proving homelessness?

I – 086 What type of living situation typically qualifies a child to be "homeless"? Also, what is the definition of "substandard housing"?

I – 087 We have some families that either lack documentation that could be used to determine family income or have documentation that does not seem to be accurate. How should we handle this type of situation?

I – 088 Are Migrant and Seasonal Head Start programs responsible for prioritizing homeless children?

I – 089 What are the general eligibility requirements for Early Head Start and Head Start?

I – 090 Who should grantees include in their monthly enrollment reports?

OHS – PC – I – 001

Can three year old children be enrolled in the middle of the school year?

A program with a mid-year vacancy may fill that vacancy with a child who is three years of age. However, programs should consider several factors when deciding whether or not to enroll this child.

The regulations at 45 CFR 1305.6(b) authorize consideration of a child's age in programs' selection criteria. Grantees should consider that by enrolling this child in early spring, for example, they are in effect committing to providing that child 2 ½ years of service (i.e. the remainder of the current program year and the next two program years) as the child will not be kindergarten eligible until the fall two years after he/she has been enrolled.

If there are unserved older children on the waiting list, grantees should give serious consideration to enrolling these children so that they receive the benefit of some Head Start experience before entering school. Grantees should also consider the appropriate placement of a child who will probably be the youngest in the classroom and may well be in a class with many children who could be nearly two years older. Grantees must also be able to assure the curriculum they are using would be appropriate for a younger child. However, if after considering these factors the grantee determines its best (or perhaps only) choice is to enroll the now-three year old, it has the authority to do so.

Requirement

45 CFR 1305.6(b)

March 15, 2007

Revised April 30, 2007

OHS – PC – I – 002

Which government programs qualify as public assistance for determining Head Start eligibility?

Temporary Assistance to Needy Families (TANF) and Supplemental Security Income (SSI) are the only two programs which qualify as public assistance for determining Head Start eligibility. For more information on TANF please see Program Instruction ACYF-PI-99-06. For additional information on SSI please see OHS – PC – I – 016.

Requirement

Sec. 645(a) of the Head Start Act

March 15, 2007

Revised April 27, 2007

OHS – PC – I – 003

Is it appropriate for a kindergarten-eligible child with a disability to stay in Head Start an additional year?

An additional year in Head Start may be an appropriate placement for a kindergarten-eligible child with a disability if this decision is supported by the parent and the IEP team. However, this should be an infrequent event, designed to meet the individual needs of a child and consistent with the recommendations of the IEP team including, of course, the parent/guardian.

This situation requires a close look to assure that it represents a sincere effort to individualize for a specific child and does not encourage routinely delaying kindergarten enrollment for Head Start children with disabilities. There should be a clear rationale offered for the placement in terms of benefits to the child's development.

Parents should be presented with a clear choice of viable options, i.e., a description of how the kindergarten placement would be structured in comparison to an additional Head Start year. Parents should recognize that they have the right to revisit their decision for Head Start placement during the next school year. They have the right to reopen the IEP at any time and may wish to plan for reconsideration at regular intervals. The LEA must be continuously involved in creating a carefully individualized placement. Also, careful consideration must be given to the fact that by providing one child in Head Start an extra year, an opening for another child in the community is made unavailable.

Informal Guidance

July 11, 2006

OHS – PC – I – 004

Are there enrollment opportunities for an "over-income" family with a child with a disability to participate in Head Start or Early Head Start?

Head Start programs have flexibility to make up to 10% of their enrollment opportunities available to children from families exceeding the Federal Income guidelines when there are other significant needs facing that family; having a child with a disability could be regarded as such a need. Head Start regulations require that at least 90% of the children in their Head Start program be from income-eligible families and that at least 10% of enrollment opportunities are available to children with disabilities. If the grantee has not met the 10% disability requirement, then a child with a disability from an over-income family should be considered for enrollment (provided that following his/her enrollment, at least 90% of the children in the program will be income-eligible).*

For more information see Performance Standards 1305.3(c) and 1305.4(b)(2).

* There are exceptions regarding family income for the AI-AN programs. Check with your Program Specialist or local TA provider to learn more. Performance Standard 1305.4(b)(3) contains requirements specific to programs operated by Indian Tribes.

Informal Guidance

July 11, 2006

This Policy Clarification is currently under review.

OHS – PC – I – 005

When a child's divorced mother and father have been given joint custody of the child, how is the child's income eligibility for Head Start determined?

If either of the child's parents is receiving public assistance, the child should be considered income eligible. If this is not the case, the Head Start program should determine if one of the parents is paying any child support to the other parent. If that is the case, the income of the parent receiving the child support* should be used for determining income eligibility. If neither parent is providing any child support to the other, the Head Start program should count half of each parent's income and the sum of these two should be used by the program in determining whether or not the child is low-income.

*Child support payments need to be considered as income when determining the parent's total income.

Informal Guidance

March 1, 2007

OHS – PC – I – 006

How is income eligibility determined if a family claims it has no income?

The Head Start program should discuss with the family its specific situation and better understand what is happening in this family, including what sources of support the family has. The family may have no income, for example, because the family is a single mom and her four year old child, both of whom are living in the house of the mother's parents. In that it is only the income of the parents or guardians that is used in determining income, this family would, indeed, have no income.

Other no income situations could include, for example, a single parent living with non-related individuals who are providing support to the parent and his/her child. Again, as it is only the parents' or guardians' income that are relevant, this is also a family with no income.

The point here is that Head Start programs need to determine first if they accept the family's assertion it has no income and secondly consider what support the family has in meeting its on-going needs; i.e. food, housing, etc. The program then needs to determine if this family's situation is such that it believes the child should be enrolled in Head Start.

Head Start is a discretionary program; that is, there is no entitlement to have any particular child enrolled in a local program. Each program, using its own selection criteria, needs to make its own judgments about which families to enroll and, consequently, which not to enroll. Families with no incomes need to be considered using the same process and priorities programs use in considering all other families which have applied to have their child enrolled.

Requirement

45 CFR 1305.4(c); 45 CFR 1305.4(e)

March 15, 2007

OHS – PC – I – 007

How is eligibility determined if the family is unable to provide income documentation?

The program needs to determine the reasons the family has no income documentation. If it is because the parent or parents work in jobs in which they are paid "off the books"; i.e. cash at the end of the work day, then the program needs to use its best judgment about the accuracy of what the parents report to be their prior year's income. Programs should gather as much information as possible about the family; i.e. where they live, what their living arrangements are, what assets they own, etc. to make as informed a judgment as possible about the family's income status. If the program concludes that this is indeed a low-income family, it should put a note in the child's file indicating the process they used to reach that conclusion and the program may then enroll that child as an income-eligible child.

Requirement

45 CFR 1305.4(c)-(e)

March 15, 2007

OHS – PC – I – 008

Can a Head Start program enroll, as income eligible, a child whose family's income was above the poverty line in both the preceding twelve months and in the preceding calendar year, but whose situation has significantly changed so that looking at current income, the family is income eligible?

Yes. The language in section 645(a) of the Head Start Act that allows grantees to consider either the income of the last 12 months or of the preceding calendar year was not intended to suggest those were the only two time periods that could be considered in determining income eligibility. Consistent with the text of the statute, Head Start programs are permitted to consider, at the time of enrollment, information that most accurately reflects the needs of the family.

If neither the last 12 months or the preceding calendar year now accurately represents the family's current situation (perhaps, for example, because the parent is now unemployed) then the Head Start program should use its judgment in deciding if it seems likely that the current situation more accurately reflects the family's likely economic status during the period of the child's Head Start enrollment.

In this situation, the file should contain as required by 45 CFR 1305.4(e), a signed statement by an employee of the Head Start program identifying the documents examined, an explanation of what data was used to determine eligibility, the program's justification for determining that the child is income eligible, and a statement that the child is eligible to participate in the program.

Requirement

Sec. 645(a) of the Head Start Act; 45 CFR 1305.4(e)

April 23, 2007

OHS – PC – I – 009

When income is verified, does a copy of the proof of income need to be kept on file?

Programs are required to include, in every enrolled child's folder, a statement signed by a Head Start employee indicating what documentation was used to determine income eligibility and stating that the child is income eligible (or that the child is being enrolled as an "over-income" child). Programs are not required to include the actual documentation used to determine eligibility.

Requirement

45 CFR 1305.4(e)

April 23, 2007

OHS – PC – I – 010

Is Veterans Disability considered the same way that SSI or Social Security is when determining income?

In order to be eligible for Head Start, children must be from families with incomes below the poverty line or families receiving public assistance. Public assistance is defined as either SSI or TANF (See ACYF-PI-HS-99-06 for a further

discussion of public assistance.) Veterans' disability payments are not, for Head Start purposes, considered to be public assistance and are generally considered as income, with the exception of certain disability payments made to the disabled children of Vietnam veterans, as prescribed by the Secretary of Veterans Affairs.

Requirement

Sec. 645(a) of the Head Start Act

April 23, 2007

OHS – PC – I – 011

Are we supposed to count everyone that lives in the household and their income as family?

Only income earned by the Head Start child's parents or legal guardians should be included when determining a child's income eligibility. The income of other family members sharing the same residence is not to be included. The family size is to be determined by including all persons living in the household who are supported by the income of the child's parents or guardians and related to the parents or guardians by blood, marriage or adoption.

Requirement

45 CFR 1305.2(e); 45 CFR 1305.4(c)

April 23, 2007

OHS – PC – I – 012

If a child will be absent from the Head Start program for an extended period of time because, for example, the child is traveling out of the country with his family to visit the child's grandparents, can the Head Start program keep that child's enrollment slot vacant so the child will be able to return to Head Start upon his/her return?

Head Start programs need to be sensitive to each family's culture and allow that, as part of their culture, some families may make overseas trips to visit family members that could result in a Head Start child being absent from the Head Start program for a period of several weeks. Such an absence does not necessarily mean that child must lose his/her Head Start enrollment. Rather, each situation of this nature needs to be considered on its own merits and programs are encouraged to discuss any such situation with their responsible Regional Office. If it is determined that the situation does not constitute a "vacancy" the reasons for reaching that conclusion should be included in the child's file.

Requirement

45 CFR 1305.2(s)

April 23, 2007

OHS – PC – I – 013

Do disabled children from families not in poverty count against the 10% limitation on the number of "over-income" children that can be served in any Head Start program? (American Indian and Alaska Native programs may, in certain situations, enroll up to 49% of their children from families not meeting the income eligibility requirements.)

Any child, irrespective of whether or not the child has a disability, from families not meeting Head Start's income eligibility requirements must be counted as an "over-income" child and, as such, part of the up to 10% of "over-income" children that each Head Start program may enroll.

Requirement

45 CFR 1305.4(b)

April 23, 2007

This Policy Clarification is currently under review.

OHS – PC – I – 014

If a program is funded to serve both Head Start and Early Head Start children, is the 10% "over-income" limitation applied to the program's total enrollment or to separate Head Start and EHS enrollments?

The 10% limitation applies to an agency's total enrollment. However, as a general practice programs should strive to not exceed the 10% limitation in either program.

Requirement

45 CFR 1305.4(b)

April 23, 2007

OHS – PC – I – 015

What age must a child be in order to be considered eligible for Head Start?

A low-income child who will turn three by the date used by the local school system to determine kindergarten eligibility is considered to be a Head Start eligible child and may be enrolled as a 3 year old in the local Head Start program. That child would, in most cases, be served in Head Start for two full years, as a 3 year old and then as a 4 year old, before entering kindergarten.

In addition, a Head Start program may enroll a child who was not three by the school cut off date but who has since turned three at any time after that child's 3rd birthday, should the program have a vacancy into which that child can be placed and if such a placement seems appropriate.

For example, the school system uses December 1 as the cut off date for determining kindergarten eligibility.

Child A will turn 3 years of age on November 1. That child may be enrolled, at the beginning of the Head Start program's "program year". That child will be served in Head Start that year and eligible to be served the following year (as a 4 year old).

Child B will turn 3 years of age on February 1. That child cannot be enrolled at the beginning of the program year as that child is not age eligible. However, on February 1, that child becomes Head Start eligible and on, or after, that date the local Head Start program may enroll that child, should they have a vacancy. In this scenario that child will receive Head Start services for approximately four months in the child's first Head Start year and could receive two additional years of Head Start, prior to entering kindergarten. (Note that a low-income child found to be income eligible is eligible for the year in which the child is enrolled and the succeeding enrollment year. A program, in the above example, would need to determine if the child continued to be income eligible prior to that child's third Head Start enrollment

year.)

Informal Guidance

April 25, 2007

OHS – PC – I – 016

How is eligibility for Head Start based on SSI determined?

If anyone in a prospective Head Start child's family is receiving SSI, that child is considered income eligible for Head Start, irrespective of the child's family's income. Family members include the child, the child's parent(s) or guardian(s) and any other person living in the child's household who is supported by the income of the child's parent(s) or guardian(s) and is related to the child's parent(s) or guardian(s) by blood, marriage or adoption.

Requirement

Sec. 645(a) of the Head Start Act

April 25, 2007

OHS – PC – I – 017

How can a Head Start program determine whether it is meeting the requirement that at least 90 percent (51 percent of programs operated by Indian tribes) of eligible children meet the income-eligibility guidelines?

All Head Start programs are required to meet the income-eligibility guidelines throughout the year. The requirement pertains to the program's actual enrollment. For example, a program with a funded enrollment of 105 may have an actual enrollment of 100 on October 1st. The Office of Head Start expects that program to have at least 90 (51 if the program is operated by an Indian tribe) children enrolled whose families meet the income-eligibility guidelines on October 1st.

If a program determines that a vacancy exists, the program has up to 30 days from the date of the determination to fill the vacancy. For the purpose of determining whether the program is meeting the 90 percent requirement, the agency should consider the family income eligibility status of the child that has left the program until such point as the vacancy is filled (can not exceed 30 day vacancy limitation).

The only exception to meeting the income-eligibility requirement could occur during the final 60 calendar days of the program year when programs may elect not to fill vacancies. For example, a program with an enrollment of 100 children (10 of whom were "over-income") could see five low-income children leave the program in the last 60 days of that program's operating year. If the program chose not to fill those vacancies that program would be slightly below the 90% low-income requirement (i.e. 85/95, or 89 %).

Requirement

45 CFR 1305.4 (b)

May 01, 2007

This Policy Clarification is currently under review.

OHS – PC – I – 018

Under what conditions may a Head Start agency terminate the enrollment of a child due to sporadic attendance or extended absences?

If a child is absent for an extended period, such as 30 days or more, or attends only sporadically, for example one or two days per week, the Head Start agency should determine why this is occurring.

When absences are due to a documented medical condition, the program should continue to provide family support and interim home visiting as appropriate until the child is able to return to the program.

If there are family problems affecting the child's attendance appropriate family support procedures should be initiated. The procedures must include home visits or other direct contact with the parents.

All contacts and services offered and provided should be documented. If these efforts are not successful, and chronic absenteeism continues, the agency should determine whether it is able to provide the child with appropriate services in another program option. If that is not feasible, the agency may, after informing the family, designate the slot as an enrollment vacancy and proceed to enroll an eligible child from their waiting list.

Informal Guidance

May 01, 2007

Revised May 09, 2007

OHS – PC – I – 019

What is the relationship between the 10% limit on enrollment of over-income families and the requirement to make at least 10% of enrollment opportunities available for children with disabilities?

These are separate requirements.

1. No more than 10% of all children enrolled may be from families with incomes above the Head Start income eligibility guidelines.
2. Head Start programs must have a formal process for recruitment, selection, and enrollment, which makes **at least** 10% of its enrollment opportunities available to children with disabilities. This may include enrollment of children with disabilities from families with incomes above the Head Start income eligibility guidelines.

If a program has reached the 10% limit on enrollment to children from over-income families, then an over-income child with disabilities cannot be selected to be enrolled in the program, since to do so would cause the program to exceed the 10% limitation on services to over-income children.

Informal Guidance

May 01, 2007

This Policy Clarification is currently under review.

OHS – PC – I – 020

How is income eligibility determined for children that are in foster care?

Children in foster care are categorically eligible for Head Start, regardless of their foster family's income.

Requirement

45 CFR 1305.2(I)

May 01, 2007

OHS – PC – I – 021

If a child is accepted for enrollment in May as a foster child and, as such, is categorically eligible for Head Start, must the program re-verify the child's foster care status prior to the beginning of the program year?

A determination of income eligibility is made by the program at the time of recruitment, typically in April or May even though the child may not actually begin Head Start until late August or September. A program is not required to re-verify the child's eligibility between the time of selection and the beginning of the program year. A child determined to be income eligible at the time the child is selected for enrollment is considered to remain income eligible for the upcoming program year and the succeeding year.

Requirement

45 CFR 1305.7(c)

May 15, 2007

OHS – PC – I – 022

Does the family income of children entering Head Start for a third year need to be re-verified?

Children enrolled in an Early Head Start (EHS) program that were enrolled as "income eligible" children remain eligible throughout their time in EHS, even if they are being provided a third year of service. Family income in this situation does not have to be re-verified.

Children enrolled as income eligible that are transitioning from EHS to Head Start must have their family's income re-verified.

Children enrolled as income eligible in a Head Start program are not required to have family income re-verified in order to enroll in the second year of service, but must have their family's income re-verified if a program intends to enroll the child for the third year.

Requirement

42 USC 9840(a)(1)(B)(ii); 45 CFR 1305.7(c)

May 15, 2007

OHS – PC – I – 023

If an income eligible child is enrolled but leaves the program after a short time (say two months), are they still income eligible in the next program year or do they need to re-apply and have their income re-verified?

Head Start regulation 45 CFR Part 1305.8(c) states that if a child has been found income eligible *and is participating in a Head Start program*, he or she remains eligible through that enrollment year and the immediately succeeding program year. The child in the above question discontinued his/her participation in a Head Start program and,

therefore, in such a situation the Head Start program would need to re-verify the income of that family before re-enrolling that child as an income-eligible child.

Requirement

45 CFR 1305.7(c)

May 15, 2007

OHS – PC – I – 024

Head Start classrooms with a majority of 4 year olds can have a maximum enrollment of 20 children. If in such a class a 4 year old leaves the program must the vacancy be filled with another 4 year old?

Classes which are predominantly made up of 4 year olds can enroll up to 20 children while classes that are predominantly three can enroll no more than 17 children. *The predominant age of the children in every class must be determined at the start of a Head Start's program year and that determination need not be changed during the program year, irrespective of any changes in the age composition of the children in the class.* Furthermore, the class size that you begin the year with is the class size programs are expected to maintain throughout their program year (except, at the grantee's discretion in the last 60 days of the program). The program, in the above question, can fill the vacancy with either a three year old or a four year old and the program's selection criteria should be the determining factor in deciding which child on the waiting list will be offered admission into the program. Also, see OHS – PC – I – 001.

Requirement

45 CFR 1306.32(a)(10); 45 CFR 1306.32(a)(12)

May 15, 2007

OHS – PC – I – 025

For the purpose of determining eligibility based on family income how is a pregnant woman counted? An IM from 2002 says to count the pregnant woman as 2 members of the household – can you please clarify?

The 2002 IM was in reference **only** to enrolling children in an Early Head Start program. In that situation, the only reason the pregnant mother would be enrolled would be because of the program's intent to enroll her child and, for that reason, a pregnant mother was to be counted as a family of two for purposes of determining Head Start income eligibility.

In the case of a family wishing to enroll their child in a Head Start program (i.e. a 3 or 4 year old) the family's actual size as of the time of recruitment should be used in determining eligibility.

Requirement

45 CFR 1305.2(e); 45 CFR 1305.2(j); 45 CFR 1305.2(l)

May 22, 2007

OHS – PC – I – 026

An 18 year old is still living at home and being supported by his/her parent(s). Can this 18 year old be counted as a family member for purposes of determining Head Start eligibility?

Yes. A family, for Head Start purposes, consists of all individuals living in the home of the parent(s) of the prospective Head Start child who are supported by the income of the parent(s) and are related to the parent(s) by blood, marriage or adoption. An 18 year old who is supported by his/her parents is a member of that family and, as such, is to be included in determining family size.

Requirement

45 CFR 1305.2(e)

May 22, 2007

OHS – PC – I – 027

Is it acceptable for a Head Start agency to make “direct contact” with parents by telephone when offering family support to parents of children with sporadic attendance or extended absences (see [OHS – PC – I – 018](#))?

OHS expects Head Start agencies to make reasonable efforts to meet face-to-face with parents when offering family support and also when informing a family that their child’s enrollment slot will be offered to another eligible child. Given the seriousness of the issues and possible consequences of these decisions and actions, it is important for Head Start agencies to get as complete an understanding of the situation as they can and to communicate as clearly as they can with the family. OHS believes that face-to-face communication in these situations offers the best opportunity to achieve these purposes. All contacts and attempted contacts should be documented by the agency. If face-to-face communication is not possible, the situation and reasons should be explained and documented in the file.

Requirement

45 CFR 1305.8(b)

May 22, 2007

OHS – PC – I – 028

Is there a requirement that parents sign a statement attesting to the accuracy of the family’s submitted income information?

No. Parents are not required to sign a statement attesting to the accuracy of the family’s submitted income information.

Requirement

45 CFR 1305.4(c)–(e)

June 12, 2007

OHS – PC – I – 029

If a family was determined to be income eligible last year but the child was not enrolled, must the Head Start program again determine the family's income eligibility for the current program year or can the child still be considered as income eligible?

Because the child was not, in fact, enrolled in Head Start, the Head Start program must again determine the child's income eligibility.

Requirement

45 CFR 1305.7(c)

June 12, 2007

OHS – PC – I – 030

Can a Head Start program increase its enrollment if it moves to a new facility which will allow it to have a larger class size than it had in its old facility?

If, for example, a program could only serve 15 children in one of its classes because there was insufficient space to serve any more children and that program moved to another facility which could accommodate a class size of 20, that program could submit a revised budget proposal to its regional office proposing, with the same funding level, to increase its funded enrollment by 5 children. Such a request would need to indicate what revisions the grantee was proposing to make in its approved budget to cover any additional costs incurred by an increase in enrollment. (OHS understands that many of the operating costs would remain unchanged, nevertheless it is likely there would be some increase in such budget items as classroom supplies.) **In no case, should a Head Start program enroll more children than it has been approved to serve in its most recent grant award.**

Requirement

2 CFR 215.25(c); 45 CFR 92.30(d)

June 12, 2007

OHS – PC – I – 031

Can a child be enrolled in more than one Head Start program at the same time?

No. A family must decide which Head Start program best meets its needs. If there is more than one program for which the family may be eligible, OHS recommends those programs meet with the family and try to reach agreement on the most appropriate placement of the child.

Requirement

45 CFR 1305.6(a)

June 12, 2007

OHS – PC – I – 032

How does a Head Start program determine household size for a family in which one or both parents are deployed out of the country in the military?

The notion of what constitutes a household can be confusing if one or both parents are deployed out of the country. In that situation the household size should be computed by including the deployed parent(s), the child being considered for enrollment, any of that child's siblings that are supported by the child's parents and anyone else related by blood, marriage or adoption to the parent(s) that are supported by the parent(s). For example, a single mother with two children is deployed overseas. The children, during the mom's deployment, are living with their maternal grandmother. That should be considered, in most cases, a family of three (mother and two children) and only the income of the mother should be counted in determining eligibility. (If the mother's income was also supporting the grandmother, this would then be a family of four.)

Informal Guidance

June 12, 2007

OHS – PC – I – 033

If a woman is living with a boyfriend and he is not the father of her child who would be in Head Start but is the father of her youngest child, do you use his income when determining eligibility?

No, only the income of the mother would be counted as the mother's boyfriend has no legal relationship with either the mother or the prospective Head Start child.

Requirement

45 CFR 1305.2(e)

June 12, 2007

OHS – PC – I – 034

If a child lives with and is supported solely by the child's grandparents whose income is used to determine Head Start eligibility, under what circumstances can a Head Start program release the child to the grandparents and allow the grandparents to make health decisions for the child?

There are many low-income children in this country who are being raised by their grandparent(s). In these situations it is important for a Head Start program to gather as much information as it can in making a decision about enrolling a child. Programs should speak to the child's grandparent(s) and gather as much information as possible about the child and the specific circumstances that resulted in the child being with his/her grandparent(s). Programs should determine whether they believe the current arrangement will be temporary or is likely to be long term. Programs also need to determine if a conversation with the child's parents would be both possible and beneficial. If the program determines that the child is, for all intents and purposes, being raised by the child's grandparent(s) the Head Start program should consider the income of the grandparent(s) when determining income eligibility. All of the information relevant to this process should be included in the child's folder.

If a Head Start program enrolls a child who is living with the child's grandparent(s) who has not been designated as the child's guardian(s), the Head Start program must help that family work with child welfare and other social service agencies to determine the best course of action for that family. Head Start programs that conclude the child is, for all intents and purposes, being raised by the child's grandparents may release the child to the grandparents and allow the grandparents to make decisions about the health services for the child.

Informal Guidance

June 12, 2007

OHS – PC – I – 035

Should a Head Start program remove a child from the program when, despite a mental health intervention, the child continues to display very aggressive behaviors toward other children and program staff?

Programs should not withdraw services from a child with persistent aggressive behaviors. The child's difficulties are unlikely to be resolved without intervention, and dismissing the child from Head Start reduces the likelihood he will receive such services. Determining appropriate intervention for this child requires formal evaluation of his or her needs, including classroom observations by the mental health professional. Evaluation results should address preventive strategies and outline the teacher supports and guidance needed to enable the child to learn and display more appropriate classroom behavior. This may require ongoing consultation with mental health and/or special education service providers. For some children, implementing such approaches may require that a classroom aide be assigned to work more closely with the child.

In unusual circumstances, when, despite the provision of a well-managed classroom, supplemented by well-implemented behavioral and mental health interventions, a child's aggressive behavior presents a significant threat to his safety or the safety of others, a program may have to consider alternative means of serving this child and family. This might include temporarily providing child development services through home-visiting as the program works with the special education and mental health service providers to identify more intensive services and behavioral supports that could enable the child to re-enter and participate successfully in the Head Start classroom. Efforts to acquire needed services for the child should be carefully documented, and done in partnership with the family. In exceptional cases, when recommended by mental health professionals serving the child, transitioning to a more intensive program than Head Start may be necessary. The program must work closely with the family to support this transition. Once the transition is completed the child may be removed from the enrollment list.

Informal Guidance

June 19, 2007

OHS – PC – I – 036

Are military families automatically eligible for Head Start?

No. There are no provisions in the Head Start Act, the Head Start regulations, or other federal law making members of military families automatically eligible for Head Start services.

Informal Guidance

June 19, 2007

OHS – PC – I – 037

Is supplemental subsistence allowance paid to a member of the armed forces counted in determining eligibility?

Please refer to ACF-IM-HS-08-05-R.

Requirement

June 19, 2007

Revised December 13, 2007 Revised September 24, 2008

OHS – PC – I – 038

How long does an application for Head Start enrollment remain in effect?

The application, including data on income, remains valid throughout the program year for which the family has applied. Should the child not be selected for enrollment during that program year, the family must submit a new application, with updated income data, if the family wishes to apply to have their child considered for enrollment in the succeeding program year.

Informal Guidance

June 19, 2007

OHS – PC – I – 039

If an enrolled Head Start family moves out of the Head Start program's service area, can the family continue services with that Head Start program?

In most cases, the child should be served, if possible, by the Head Start program responsible for the area in which the child now lives. However, there may be some situations; i.e. the program's year is almost over, the "receiving" program has a long waiting list while the program currently serving the child is struggling to maintain full enrollment, the involved child has special needs which make a transition especially difficult, etc. when it may be appropriate to allow the child to remain in the program that has, thus far, served the child. In such a situation both grantees and the child's family must agree to the arrangement and the program serving the child needs approval from its ACF Regional Office.

Informal Guidance

June 19, 2007

OHS – PC – I – 040

Is there a maximum income limitation for families that exceed the low-income guidelines but fall within the up to ten percent of children that may also be selected for Head Start?

No. There is no maximum income limitation for those families as long as the family meets the criteria that the Head Start program has established for selecting such children and the child would benefit from Head Start.

Requirement

45 CFR 1305.4(b); 45 CFR 1305.6(a)

June 26, 2007

OHS – PC – I – 041

Are Head Start programs allowed to verify whether all members of a family applying for Head Start services possess Social Security numbers?

No. Family members are not required to have Social Security numbers in order to be determined eligible for Head Start services.

Requirement

45 CFR 1305.4

June 26, 2007

OHS – PC – I – 042

If a child is determined to be Head Start eligible because the child is in foster care and subsequent to enrolling the child, the child is reunited with his/her parents, can the child remain in Head Start as an income eligible child?

Yes. The child's status at the time of recruitment is what determines the child's Head Start eligibility. A foster child enrolled in Head Start should be considered as an income eligible child for two years.

Requirement

45 CFR 1305.2(I); 45 CFR 1305.7(c)

July 3, 2007

OHS – PC – I – 043

Does Head Start require proof of residency?

The three factors to be used in determining a child's eligibility for Head Start are the child's age, the income of the child's family, and the categorical status of the child or family. However, a program must also assure itself, using such procedures as the program thinks appropriate, that the child resides within the program's approved service area. Head Start regulations require that each Head Start grantee have an approved service area and that service area must not overlap the service area of another grantee (1305.3(b)). Therefore, the appropriate placement of a Head Start child should be based solely on where the child lives and grantees may request whatever reasonable documentation is appropriate to confirm that a child being considered for Head Start enrollment does, in fact, live within the grantee's approved service area.

Requirement

45 CFR 1305.3(b); 1305.4(a)

July 3, 2007

Revised September 24, 2008

OHS – PC – I – 044

If a Head Start program enrolls an income eligible child as a three year old that child remains income eligible in the following year. However, if, in that second year, that child's family wishes to enroll the child's 3 year old sibling, must the program determine the younger child's income eligibility?

The first child enrolled in the above example does indeed remain income eligible during the child's two year enrollment in Head Start. However, that eligibility does not confer eligibility on any other sibling in that child's family. The Head Start program must determine the younger child's income eligibility and if that child's family is no longer income eligible, the younger sibling can be enrolled in Head Start only as an "over-income" child.

Requirement

45 CFR 1305.4(a)–(b)

July 3, 2007

OHS – PC – I – 045

May a Head Start program accept the enrollment of a child with a disability or special health need and delay their attendance at the program center until the program can collect necessary information from medical or early intervention providers on how to accommodate the child's special needs and assure the health and safety of the child?

In exceptional cases, a brief delay from the time of acceptance to attendance may be appropriate if the multidisciplinary team and/or health professional recommend this as necessary to make accommodations needed to reduce or eliminate significant risks to the child's health or safety. For a child with an Individualized Education Program (IEP), that document should specify the projected date services will begin, including any services to be provided while the program prepares for the child's program attendance. The program should work with service providers and the family to promptly obtain and apply the information needed to support the child's successful attendance in the program. Programs should document the recommendations of the multidisciplinary team and/or health professionals and the schedule of activities the program undertook to make necessary accommodations promptly.

Informal Guidance

July 3, 2007

OHS – PC – I – 046

If we count half of each parent's income for children whose parents have joint custody, how is family size counted—including new spouses and unrelated children as part of one or both parents' families?

Family size would be calculated by determining for both families any individual that meets the Head Start definition of family; i.e. all persons related by blood, marriage, or adoption living within a household who are supported by the income of the parent or guardian of the child enrolling or participating in the program. This total number of family members for both families would then be divided in half. (If this computation results in a fraction, programs should round the family size up to the next whole number.)

For example, if both custodial parents have remarried and each has a child from this marriage, the family size is 2 custodial parents + 2 spouses + 2 children + Head Start child = 7; divided by 2 = 3 ½ or, rounding up, 4.

Informal Guidance

July 13, 2007

OHS – PC – I – 047

If a child lived with his parent until April of this year but is now living with his aunt, who is the child's legal guardian, whose income is used to determine eligibility?

The income of the aunt, as the legal guardian of the child at the time the child is being considered for enrollment, should be used.

Requirement

45 CFR 1305.2(e)

July 13, 2007

OHS – PC – I – 048

If a Head Start child who was enrolled as an "over-income" child returns to Head Start for a second year and the child's family has seen a change in its economic status so that the family's income is now below the poverty level, can that child now be considered as income eligible?

Yes. If the Head Start program has appropriate documentation that the family can now qualify as a low-income family, that child can be considered as income eligible and not counted against the 10% over-income limitation.

Requirement

45 CFR 1305.4(b)(1); 45 CFR 1305.4(c)

July 13, 2007

OHS – PC – I – 049

Is an agency allowed to accept children of staff as part of the 10% over income slots if that is written into the agency's selection criteria?

Each Head Start agency is required to develop the selection criteria it will use in choosing which of the families that have applied for Head Start will be enrolled in any given program year. These criteria should be based on information from the grantee's community assessment. (See 1305.3(d)(6)). Implicit in this requirement is that grantees will develop selection criteria that are designed to enable them, as best they can, to meet the needs of the disadvantaged families of their community. If a grantee's selection criteria reflect the needs of the grantee's community and the child of a Head Start staff member is eligible for Head Start enrollment under these criteria, such a child can be considered for enrollment. Giving priority to the children of Head Start staff does not likely reflect the perspective of a community assessment and should not be a policy used by Head Start programs.

Requirement

45 CFR 1301.30

July 13, 2007

OHS – PC – I – 050

What income should be used if the legal guardian of a child receives TANF and also has an income. Is this a family of one or two?

If the guardian is receiving regular, on-going TANF benefits (See Program Instruction ACYF-PI-HS-99-06) the child for whom the guardian is responsible is categorically eligible for Head Start. If not, the guardian's income should be used in determining eligibility. Assuming the guardian has no other dependents, this would be considered a family of two.

Requirement

45 CFR 1305.2(I)

July 13, 2007

Revised September 24, 2008

OHS – PC – I – 051

Does a child who was enrolled in a Head Start program and then had to drop out because the child has moved retain his/her income eligibility through the remainder of the current program year?

No, that child's income eligibility ended when the child left the program. (See 1305.7(c) which says ... "and is participating in a Head Start program"). If that child's family wishes to enroll that child in the Head Start program serving the community to which they have moved, the family's income eligibility needs to be determined.

Requirement

45 CFR 1305.7(c)

July 13, 2007

OHS – PC – I – 052

If a foster child has been adopted prior to applying for Head Start is the child considered eligible?

If a child is in foster care at the time the child is being considered for enrollment that child is considered categorically eligible. If, however, that child is no longer in foster care and has, instead, been adopted, the income of the child's adopted parents should be used in determining if that child is income eligible; i.e. a child from a low-income family.

Requirement

45 CFR 1305.2(I); 45 CFR 1305.4(c)

July 13, 2007

Revised September 24, 2008

OHS – PC – I – 053

If a "single parent" family is found income eligible and that family's child is enrolled in a Head Start program and during the Head Start year the single parent marries, does the Head Start program need to re-verify income eligibility, including the new spouse's income in the determination of eligibility?

No, once a child has been determined income eligible and that child continues to be enrolled in a Head Start program, that child remains income eligible through the remainder of the program year and for the succeeding year, irrespective of any changes in the family's income.

Requirement

45 CFR 1305.7(c)

July 13, 2007

OHS – PC – I – 054

Does Head Start have to use a child's name as it appears on their birth certificate, Social Security Card, and health records when enrolling the child, or can the program use a different name; i.e. a parent's preferred name?

The Head Start program should enroll children based on their legal names. However, programs may note in the child's file, the name parents prefer the child to be referred to by program staff. It is important that Head Start program records clearly indicate the child's legal name.

Informal Guidance

July 13, 2007

OHS – PC – I – 055

If a family is receiving kinship care for the Head Start child, is the child automatically deemed income eligible for Head Start?

Under Head Start regulations, when a family receives kinship care for a child, such child is considered categorically income eligible for Head Start. This is because kinship care is considered relative foster care under Title IV-E of the Social Security Act and receipt of foster care assistance conveys categorical income eligibility.

Requirement

45 CFR 1305.2(l)

July 13, 2007

OHS – PC – I – 056

Can a Head Start program's selection criteria include a requirement that children be up-to-date on their immunizations and other health screenings (such as tuberculosis)?

No, a child's immunization or screening status is not to be used as selection criteria unless there are state or local requirements which preclude enrolling children who have not received all required screening or immunizations.

Requirement

45 CFR 1305.3(c)(6); 45 CFR 1305.6(a)

July 31, 2007

OHS – PC – I – 057

Can a child be denied entry into Head Start if they are not up to date on their physical or immunizations?

No, there is no Head Start Program Performance Standard that requires a child be up-to-date on their physical or immunizations prior to entering the Head Start program. However, some states prohibit a child from entering a child care center until they have a physical and/or meet State immunization requirements and in these situations a program would have no choice but to not enroll the child until the child had received all required health services.

Informal Guidance

July 31, 2007

OHS – PC – I – 058

If a Head Start child does not receive their physical examination within one year of their last physical (as required by Medicaid/EPSDT), can the child be expelled from Head Start?

No, a program should not disenroll any child because the child has not had a recent physical examination. Rather, as required by 45 CFR 1304.20(a)(1)(ii)(A), the program should assist the parents of any such child to bring their children up-to-date on a schedule of well child care as determined by the State Medicaid\EPSDT program.

Requirement

45 CFR 1304.20(a)(1)(ii)(A)

July 31, 2007

OHS – PC – I – 059

Can a child be temporarily excluded from attending Head Start classes until they show proof of an appointment for their annual medical or dental exam required by the State Medicaid\EPSDT periodicity schedule?

No. Head Start children can not be temporarily excluded from attending classes because they are not up-to-date on a schedule of well child care, including annual medical or dental exams. See 45 CFR 1304.22 (b). However, if a state prohibits a child from entering a child care center until they have an annual medical or dental exam, in these situations a program would have no choice but to not allow the child to attend classes until the child had received the required examination(s).

Requirement

45 CFR 1304.22(b)

July 31, 2007

OHS – PC – I – 060

If a 16 year old is pregnant, not working and living at home with her parents, how do we determine income and family size?

In this situation you would have a family of two with no income and, therefore, income eligible.

Requirement

45 CFR 1305.2(e); 45 CFR 1305.2(i); 45 CFR 1305.2(l); 45 CFR 1305.4(b)(1); 45 CFR 1305.4(c)

July 31, 2007

OHS – PC – I – 061

If a child has been in Head Start for two years, if that child is age eligible for a third year income eligibility must be re-verified. If the family's income is now above the poverty line, must we serve these children as "over-income" or can the program choose not to provide a third year of service and, instead, enroll a child who is income eligible?

Head Start regulations (1305.7(a)) require that once a child is enrolled in Head Start that child should remain enrolled until kindergarten or first grade is available to that child **except** that "the Head Start program may choose not to enroll a child when there are compelling reasons for the child not to remain in Head Start, 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." While OHS would generally expect programs would assure a continuity of services for Head Start children and continue serving that child until entry into public school a program may, at the program's discretion, not enroll that child for the third year because there are other eligible children who have a greater need for Head Start. Should a program choose not to enroll the child for a third year, the reasons for this should be included in the child's folder. However, in this example should the program decide to re-enroll the child, the child would be counted as over-income.

Requirement

45 CFR 1305.7(a)

August 8, 2007

OHS – PC – I – 062

Can a parent who is not regularly living in the household of the Head Start child be counted as part of that child's family for purposes of determining income eligibility?

A program needs to determine if the parent's absence is likely to be a temporary situation or is more likely to be a long term arrangement. For example, in an earlier policy clarification it was noted that parents in the military who were assigned overseas should be counted in determining family size. A parent temporarily in a different city because of a job should also be considered as part of that family. A parent who is not living in the prospective child's home and there is little likelihood that parent will return to that home anytime in the near future (i.e. during the child's tenure in Head Start) should not, however, be included when determining family size. Programs must make individual judgments about whether the absent parent is truly part of the child's family or not and to document, in the child's file, their decision and the reasons for that decision.

Informal Guidance

August 8, 2007

OHS – PC – I – 063

If a family seeking to enroll their child in Head Start has just started receiving TANF benefits, how does a program determine that child's income eligibility?

If, at the time the Head Start program is making its decisions on enrollment, a family is receiving regular on-going TANF benefits, that child is considered categorically eligible irrespective of that family's income over the last 12 months.

Requirement

45 CFR 1305.2(I)

August 8, 2007

Revised September 24, 2008

OHS – PC – I – 064

In calculating average daily attendance does a program use funded or actual enrollment?

Average daily attendance is calculated by dividing the number of children attending the program on any given day by the number of children enrolled (excluding vacancies) in the program on that same day.

Informal Guidance

September 17, 2007

OHS – PC – I – 065

Can a child who is eligible for kindergarten attend Head Start half-day while attending kindergarten the other half of the day?

In general, such an arrangement would not be acceptable. Head Start regulations at 45 CFR Part 1305.7 speaks of serving a Head Start child "until kindergarten ... is available for that child in the child's community..." While there is some discretion in how this requirement is implemented for a child with a disability, in all other situations it means that once a child is able to attend a kindergarten program in the child's community, that child should no longer be enrolled in Head Start. A child with a disability may be considered for dual enrollment if such an arrangement is supported by the child's IEP and the Head Start program and the child's parents believe such an arrangement is appropriate.

Informal Guidance

September 17, 2007

OHS – PC – I – 066

A child, living with his mother, was enrolled last year as an income-eligible child, based on the child's mother's income. Over the summer, the child's father received custody of the child. Does the child's family income need to be re-verified?

The Head Start program may, at its discretion, continue to enroll that child as an "income-eligible" child. However, if

the Head Start program has information suggesting that the child's economic situation has changed, the program may, consistent with the language of 45 CFR Part 1305.7, not re-enroll that child if "there are compelling reasons for the child not to remain in Head Start, such as when there is a change in the family's income and there is a child with a greater need for Head Start services."

Requirement

45 CFR 1305.7

September 17, 2007

OHS – PC – I – 067

If a foster family receives \$2,900 a month for the care of an 18-year-old girl with a disability and the girl has a child that she wants to enroll in Head Start, do you count the income received by the foster family in determining Head Start eligibility?

The Head Start family, in the above situation, is a family of two: the 18-year-old and her child. Only the income of the 18-year-old, if any, would be used in determining Head Start eligibility.

Requirement

45 CFR 1305.2(e); 1305.2(g); 1305.2(l)

September 17, 2007

OHS – PC – I – 068

A family receiving SSI benefits is categorically eligible for Head Start. Is this true for all Social Security programs; i.e. Retirement, Survivors and Disability Insurance, etc.?

No. Categorical eligibility applies only to a family receiving SSI (or TANF) benefits.

Requirement

45 CFR 1305.2(l)

September 17, 2007

OHS – PC – I – 069

If a Head Start program enrolls two children from an "over-income" family are both children counted against the 10% over-income limitation?

Yes. The limit of 10% over-income is at the child, not the family, level.

Requirement

45 CFR 1305.4(b)

September 17, 2007

OHS – PC – I – 070

In the beginning of the program year, a Head Start program takes two days that are used as a gradual entry for children starting the program. Half of the children come one day for 3.5 hours and the other half come the other day for 3.5 hours. Can we count those two days as service days to children?

A Head Start program, using the above approach, can count only one day of service as having been provided to all of its enrolled children.

Requirement

45 CFR 1306.32(b)(2)-(b)(3)

September 17, 2007

OHS – PC – I – 071

Sometimes, a prospective child's situation changes in the 12 months prior to the time the child is being considered for enrollment. For example, a child's guardian may change, or the child may be placed in or removed from foster care. How does a program determine income eligibility in these situations?

The specific situation, as of the date in which the program is determining eligibility, should be the basis for the program's assessment of the child. For example, if custody of the child was changed from the child's mother to the child's father before the program's final review of the family's records, the father's income should be used to determine eligibility. A child in foster care at the time of intake is categorically eligible for Head Start; a child that had been but is not currently in foster care (i.e., the child has been adopted) has income eligibility determined based on the income of the adoptive family.

Requirement

Sec. 645(a) of the Head Start Act; 45 CFR 1305.4(e)

September 26, 2007

OHS – PC – I – 072

If a Head Start sibling receives Social Security survivor benefits, does this need to be included as income in determining the family's income eligibility for Head Start?

No. The only income that needs to be considered is the income of the child's parent(s) or legal guardian(s). Income earned by other family members is not included when determining family income.

Requirement

45 CFR 1305.2(e)

September 26, 2007

OHS – PC – I – 073

If the number of 4-year-olds in our Head Start program has declined because many families are enrolling their child in the state pre-K program, can a program request an enrollment reduction given the maximum class size for three-year-olds is less than that for four-year-olds?

Yes. The maximum class size for a class of predominantly four-year-olds is 20 while for a class of predominantly 3-year-olds it is 17. If a program can demonstrate it must enroll additional 3-year-olds to maintain its full funded enrollment, it may **request** an enrollment reduction from its OHS Regional Office.

Informal Guidance

November 6, 2007

OHS – PC – I – 074

Where parents have joint custody of a child, the parents live in different communities and the child spends alternating months with each parent, can we enroll the child knowing the child will be absent 50% of the time?

Programs should not enroll children who will miss half of the Head Start year unless the program can demonstrate that the child has such special needs that the program believes a "half time" enrollment would still be an appropriate placement. Such a proposed placement should be discussed with your Regional Office and should be consistent with your program's selection criteria.

Informal Guidance

November 6, 2007

OHS – PC – I – 075

If we have a single parent who is not working, can we use a full-day slot for their child?

A full-day option should only be for the children of parents who are working or in job training and a child whose parent does not meet the above criteria should not be enrolled in a full-day model. A full-day slot should not be encumbered by a child not needing full-day unless the program can demonstrate that it is serving all Head Start eligible families needing full-day Head Start in the program's service area and the program needs to enroll a child whose parents are not working in order to maintain its full-funded enrollment.

Informal Guidance

November 6, 2007

OHS – PC – I – 076

A parent has decided to hold their child back a year from entering kindergarten. Can such a child be enrolled in a Head Start program?

No. Head Start programs should only enroll those children for whom kindergarten is not available to that child in the child's community. If kindergarten is available, Head Start should not enroll that child unless the child is a child with disabilities and the child's Individual Education Program (IEP), as well as the child's parents, support the child's placement in Head Start. Also see OHS – PC – I – 003 and [OHS – PC – K – 004](#).

Requirement

45 CFR 1305.6(b)

November 6, 2007

OHS – PC – I – 077

If an Early Head Start child’s mother becomes pregnant, does the mother have to reapply for her second child?

Yes. There is no requirement that an EHS program must make an enrollment slot available to the younger sibling of an enrolled child.

Informal Guidance

November 20, 2007

OHS – PC – I – 078

If a Head Start mother is married, but separated, does the income of the child’s father need to be counted in determining eligibility?

No. A family is defined in Head Start regulations as all persons living in the same household supported by the income of the parent(s) of the Head Start child. If the child’s father is not living with the child and the child’s mother than his income is not considered when determining Head Start eligibility.

Informal Guidance

November 20, 2007

OHS – PC – I – 079

Is there anything in the Head Start Act or Performance Standards that prevents a child from being enrolled in both Head Start and their State-funded preschool program?

There are neither statutory nor regulatory provisions precluding such an arrangement. However, Head Start programs should consider whether such an arrangement is appropriate if it means that some eligible children in their service area will get no Head Start or pre-K experience. That is, if one prospective child is attending state pre-K and the other is not, it would seem, in most cases, to be preferable to enroll the child that would otherwise receive nothing. Programs should also be sure to follow their selection criteria which, for some programs, would include some priority for children not enrolled in any pre-K program.

Informal Guidance

November 20, 2007

OHS – PC – I – 080

Are “homeless children” eligible for Head Start?

Yes, homeless children are categorically eligible for Head Start.

Requirement

Sec. 642(c)(1)(B) of the Head Start Act

January 22, 2008

OHS – PC – I – 081

What is the definition of “homeless children”?

The term “homeless children” has the meaning given the term “homeless children and youths” in section 725(2) of the McKinney-Vento Homeless Assistance Act.

“Homeless children” means:

1. Individuals who lack a fixed, regular, and adequate nighttime residence; and
2. Includes -
 - a. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - b. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - c. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - d. Migratory children who qualify as homeless because they are living in circumstances described in a-c above.

Requirement

Sec. 725(2) of the McKinney-Vento Homeless Assistance Act.

January 22, 2008

OHS – PC – I – 082

What kinds of pay and allowances of members of the uniformed services are not counted for purposes of determining the eligibility of dependents for Head Start programs?

(Note: the “uniformed services” includes Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.)

Head Start programs shall not count the following amounts of pay and allowances of members of the “uniformed services” (as defined at 37 USC 101) for purposes of determining the eligibility of a dependent of such member(s):

1. The amount of any special pay relating to duty subject to hostile fire or imminent danger in accordance with 37 USC 310.
2. The amount of basic allowance for housing in accordance with 37 USC 403, including any amount provided on behalf of a member for housing acquired or constructed under 10 USC 2871-2872, and 2882.

In addition please note that any subsistence allowance paid to members of the Armed Forces (i.e. Army, Navy, Air Force, Marine Corps and Coast Guard) should not be included in determining Head Start eligibility. See OHS – PC – I – 037.

Requirement

Sec. 645(a)(3) of the Head Start Act ; 37 USC 101; 37 USC 310; 37 USC 403; 10 USC 2871-2872 and 2882

January 22, 2008

OHS – PC – I – 083

Am I to understand then that a 3-year-old who is income eligible (below poverty) would automatically have priority over a 4-year-old who falls into the 130% category? If, as determined by the agency's priority point system, an over-income child has more points than an income-eligible child then does an income-eligible child automatically have priority above the over-income child despite the points? (Assuming, of course, that the point system assigns higher points to children who meet poverty guidelines.)

A child's whose family's income is below the poverty line or who is categorically eligible would automatically have priority over an over-income child to be served under the new 130% authority regardless of the child's age (provided that they are age eligible) or score on an agency's priority point system. However, grantees can still serve up to 10% of children from incomes above the poverty line without using this new authority. This provision has not changed.

Requirement

Section 645(a) of the Head Start Act

January 22, 2008

OHS – PC – I – 084

What is the process for converting HS slots to EHS slots?

Please refer to ACF-PI-HS-09-01.

January 22, 2008

Revised January 13, 2009

OHS – PC – I – 085

What is required for documenting/proving homelessness?

Section 640 (m) (1) of the Head Start Act as amended requires that homeless children be prioritized for enrollment. The Office of Head Start (OHS) recognizes that verification and documentation of the circumstances that fall within the federal definition of homeless children can present unique challenges to Head Start agencies. OHS encourages agencies to enroll homeless children based on the families description of their living situation (if that description meets the definition) while required verification of circumstances and collection of documents are obtained within a reasonable time frame. OHS encourages grantees to engage their school district homeless liaisons, private and public shelter providers, HUD Continuums of Care, and other homeless service agencies in their service area to assist in the verification and documentation process. OHS urges agencies to exercise sufficient care to ensure that their verification activities do not increase the risk that families may be evicted or suffer other resulting adverse

consequences.

Informal Guidance

April 11, 2008

OHS – PC – I – 086

What type of living situation typically qualifies a child to be "homeless"? Also, what is the definition of "substandard housing"?

To be categorically eligible for Head Start services as a "homeless child", a child must meet the definition in the McKinney-Vento Homeless Assistance Act of 2001. That Act defines homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence." In addition the definition goes on to specify a number of living situations that homeless children may be found in, such as living in "trailer parks, or camping grounds due to the lack of alternative accommodations". The fact that a child lives in a trailer park does not necessarily cause such child to come within the definition of 'homeless child' unless other factors are present. The examples listed in the definition include many of the more common situations of homelessness but those examples are not meant to be exclusive; there may be some homeless families living in situations not included in the examples in the definition. Head Start staff must gather and analyze information from the family and possibly other sources in order to make the appropriate determination of eligibility. This must be done on a case by case basis because the circumstances of homelessness vary with each family's situation.

In determining whether a child is living in "substandard housing", Head Start staff must evaluate whether the child's housing situation falls short of community standards or is of lower quality than the law prescribes. Staff should consider factors such as whether there are health and safety concerns related to the housing; the number of occupants per square foot; the age(s) of the occupants; and whether the housing meets State or local building codes. Does a comparison of the housing in question with community norms and laws lead staff to conclude that it is lower than what community norms or laws require?

Informal Guidance

May 8, 2008

OHS – PC – I – 087

We have some families that either lack documentation that could be used to determine family income or have documentation that does not seem to be accurate. How should we handle this type of situation?

The factors to be used in determining a child's eligibility for Head Start are the child's age and the relevant income or categorical status of the child's family.

Each program, using its own selection criteria, needs to make judgments about which families to enroll and, consequently, which not to enroll. Families with documentation issues need to be considered using the same process and priorities programs use in considering all other families that have applied to have their child enrolled. The program must determine on a case by case basis whether a family's situation is such that it believes the child should be enrolled in Head Start.

The Head Start program should discuss with the family its specific situation to better understand what is happening in this family, including what sources of support the family has. The program needs to determine the reasons the family has inadequate or inaccurate income documentation, and encourage the family to obtain accurate documentation.

Program staff should use their best judgment about the accuracy of what the parents report to be their income. Programs should gather as much relevant information as possible about the family; i.e. where they live, what their living arrangements are, their employment situation, etc. to make as informed a judgment as possible about the family's eligibility status. If the program determines that this is indeed an eligible family, it should include notes in the child's file describing what steps they took and what information they obtained that resulted in their conclusion.

Requirement

45 CFR 1305.4

May 28, 2008

OHS – PC – I – 088

Are Migrant and Seasonal Head Start programs responsible for prioritizing homeless children?

Migrant and Seasonal Head Start programs, as is the case for all other Head Start programs, are expected to make every reasonable effort to identify homeless families with Head Start age children and to give every consideration to enrolling those children in their Head Start program. However, all children served in Migrant and Seasonal Head Start programs, including homeless children, must be from families that are eligible for migrant and seasonal Head Start services (i.e. families who are engaged in agricultural labor). Migrant and Seasonal Head Start programs may not enroll homeless families that are not engaged in agricultural labor. Should Migrant and Seasonal programs identify such families, they are urged to contact the Head Start program in their community responsible for serving non-migrant/seasonal families.

Requirement

Section 725(2) of the McKinney-Vento Homeless Assistance Act; Sections 637(17) and 640(m)(1) of the Head Start Act

October 6, 2008

This Policy Clarification is currently under review.

OHS – PC – I – 089

What are the general eligibility requirements for Early Head Start and Head Start?

There are two primary kinds of eligibility for Head Start: categorical eligibility and income eligibility.

Categorical Eligibility: A child from birth to age five or a pregnant woman is categorically eligible for Head Start (child aged 3-5) or Early Head Start (child aged 0-3, or a pregnant woman) if: homeless, in foster care, or the recipient of public assistance (TANF or SSI). Grantees are not required to verify family income (pay stubs, W-2s or the like) for those categorically eligible for Head Start. However, the grantee must verify that the child/woman is either homeless, in foster care, or in a family that is receiving public assistance. Grantees are required to retain a record of the documents reviewed and relied upon to determine that a child/woman is categorically eligible accompanied by a signed statement of an employee of the Head Start grantee that the child/woman was found to be eligible.

Income Eligibility: A child from birth to age five or a pregnant woman is income eligible for Head Start (child aged 3-5) or Early Head Start (child aged 0-3, or a pregnant woman) if the family income is determined to be below the income figures published annually by the federal government as the Poverty Guidelines. Grantees are required to verify family income documents such as pay stubs, or W-2s to determine if the child/woman is income eligible. As is

the case with those categorically eligible, grantees are required to retain a record of the documents reviewed and relied upon to determine that a child/woman is income eligible accompanied by a statement signed by an employee of the Head Start grantee that the child/woman was found to be eligible.

In addition to the two primary kinds of eligibility, grantees (with some exceptions for tribal grantees) may enroll up to 10% of children from families that have incomes above the Poverty Guidelines. Programs may also serve up to an additional 35% of children from families whose incomes are above the Poverty Guidelines, but below 130% of the poverty line if the program can ensure that certain conditions, described in section 645(a)(1)(B)(iii)(II) of the Head Start Act, have been met.

Documentation of Eligibility: The circumstances of individual families vary widely. Grantees have, through requests for policy clarification, identified families who have no income and homeless families as two categories where documentation of eligibility might be difficult. In response, OHS has published policy clarifications OHS-PC-I-081, OHS-PC-I-085, OHS-PC-I-086, and OHS-PC-I-087.

Requirement

Section 645 of the Head Start Act; and 45 CFR 1305

August 18, 2009

OHS – PC – I – 090

Who should grantees include in their monthly enrollment reports?

In monthly enrollment reports entered in the Head Start Enterprise system, grantees should include **all** children who have been enrolled in their program and have attended at least one class. Programs with home-based options should include children who have received at least one home visit during that month. Grantees should also include in their monthly enrollment reports **all** pregnant women who have been enrolled in their program and received Early Head Start services.

Informal Guidance

February 15, 2011

This is a Historical Document.

Other "Policy Clarifications" Resources

- [A - Grants Administration and Financial Management](#)
- [B - Health, Nutrition and Mental Health](#)
- [C - Education and Early Childhood Development](#)
- [D - Family and Community Partnerships](#)
- [E - Program Governance](#)
- [F - Management Systems and Procedures](#)
- [G - Human Resources Management](#)
- [H - Facilities, Materials and Equipment](#)
- [I - Eligibility, Recruitment, Selection, Enrollment and Attendance](#)

- J - Staffing Requirements and Program Options
- K - Services for Children with Disabilities
- L - Transportation