



**Policy #: ERSEA-2**

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**Ref #: 1302.12; HSA 645(a)(2)**

**Policy Council Approval Date:**  
07/28/2020

**COMPONENT: ERSEA**

**SUBJECT: DETERMINING, VERIFYING, AND DOCUMENTING ELIGIBILITY**

**PERFORMANCE OBJECTIVE:** The program determines, verifies, and documents eligibility in accordance with the regulations.

**POLICY AND PROCEDURE**

Program staff:

- Conduct an in-person interview with each family,
- Verify information as required in 1302.12 (h) and 1302.12 (i); and
- Create an eligibility determination record for enrolled participants according to 1302.12 (k).

The program may petition the responsible HHS official to waive requirements in paragraphs 1302.12(a)(1) (i) and (ii) if it has an alternate method to reasonably determine eligibility based on the community assessment, geographic and administrative data, or from other reliable data sources.

**The program may interview the family over the telephone if an in-person interview is not possible or convenient for the family.**

**Age Requirements**

For Head Start, a child must:

- Be at least three years old or, turn three years old by the date used to determine eligibility for public school in the community; and,
- Be no older than the age required to attend school.

## **For Head Start, Eligibility Requirements**

- **The family's income is equal to or below the poverty line; or,**
- **The family is eligible for public assistance; including TANF or Supplemental Security Income; or,**
- **The child is homeless, as defined in part 1305; or,**
- **The child is in foster care.**

If the family does not meet a criterion under 1302.12 (c)(1), the program may enroll a child who would benefit from services, provided that these participants only make up to 10 percent of the program's enrollment in accordance with paragraph 1301.2 (d).

## **Additional Allowances for Programs**

The program may enroll an additional 35% of participants whose families do not meet a criterion described in 1302.12 (c) and whose incomes are below 130% of the poverty line, if the program:

- Establishes and implements outreach, and enrollment policies and procedures to ensure it is meeting the needs of eligible pregnant women, children, and children with disabilities, before serving pregnant women or children who do not meet the criteria in 1302.12 c; and,
- Establishes criteria that ensure children eligible under the criteria listed in 1302.12 (c) are served first.

When the program chooses to enroll participants who do not meet a criterion in 1302.12 (c), and whose family incomes are between 100 and 130% of the poverty line, it reports to the Head Start regional program office:

- How it is meeting the needs of low-income families or families potentially eligible for public assistance, homeless children, and children in foster care, and include local demographic data on these populations;
- Outreach and enrollment policies and procedures that ensure it is meeting the needs of eligible children, before serving over-income children or pregnant women;
- Efforts, including outreach, to be fully enrolled with eligible pregnant women or children;
- Policies, procedures, and selection criteria it uses to serve eligible children;
- Current enrollment and enrollment for the previous year;
- The number of children served, disaggregated by the eligibility criteria in 1302.12 (c) and 1302.12 (d)(1); and,

- The eligibility criteria category of each child on the program’s Waiting List.

### **Verifying Age**

Program staff verify a child’s age according to these policies and procedures.

- Family Advocates verify the age of the child by examining copy of birth certificate, passport, baptismal certificate, documentation on official letterhead from medical provider or government agency, or documentation on medical insurance card

### **Verifying Eligibility**

To verify eligibility based on income, program staff use tax forms, pay stubs, or other proof of income to determine the family income for the relevant time period.

- If the family cannot provide tax forms, pay stubs, or other proof of income for the relevant time period, program staff may accept written statements from employers, including individuals who are self-employed, for the relevant time period and use information provided to calculate total annual income with appropriate multipliers.
- If the family reports no income for the relevant time period, the program may accept the family’s signed declaration to that effect, if program staff describes efforts made to verify the family’s income, and explains how the family’s total income was calculated or seeks information from third parties about the family’s eligibility, if the family gives written consent.
  - If a family gives consent to contact third parties, program staff adhere to program confidentiality and privacy policies and procedures and ensure the eligibility determination record adheres to 1302.12 (k)(2).
- If the family can demonstrate a significant change in income for the relevant time period, program staff may consider current income circumstances.

To verify whether a family is eligible for, or in the absence of child care, would be potentially eligible for public assistance, the program obtains documentation from either the state, local, or tribal public assistance agency that shows the family either receives public assistance or that shows the family is potentially eligible to receive public assistance.

***\*During the COVID-19 pandemic, the CARES Act payments or “stimulus payments” are not considered as income for program eligibility determination. The CARES Act payment is a new short-term, federally funded assistance directly related to the COVID-19 pandemic and thus are treated differently than regular unemployment compensation for Head Start eligibility purposes.***

To verify whether a family is homeless, the program may accept a written statement from a homeless services provider, school personnel, or other service agency attesting that the child is homeless or any other documentation that indicates homelessness, including documentation from a public or private agency, a declaration, information gathered on enrollment or application forms, or notes from an interview with staff to establish the child is homeless; or any other document that establishes homelessness.

- If a family can provide one of the documents described above, program staff must describe efforts made to verify the accuracy of the information provided and state whether the family is eligible because they are homeless.
- If a family cannot provide one of the documents described above to prove the child is homeless, the program may accept the family's signed declaration to that effect, if, in a written statement, program staff describe the child's living situation that meets the definition of homeless by the McKinney-Vento Act.
- Program staff may seek information from third parties who have first-hand knowledge about a family's living situation, if the family gives written consent.
  - If the family gives consent to contact third parties, program staff adhere to program privacy policies and procedures and ensure the eligibility determination record adheres to 1302.12 (k).

To verify whether a child is in foster care, program staff accept either a court order or other legal or government- issued document, a written statement from a government child welfare official that demonstrates the child is in foster care, or proof of a foster care payment.

### **Eligibility Duration**

If a child is determined eligible and is participating in a Head Start program, he or she will remain eligible through the end of the succeeding program year 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.

Children who are enrolled in a program receiving funds under the authority of section 645A of the Head Start Act remain eligible while they participate in the program.

### **Records**

The program keeps eligibility determination records for each participant and ongoing records of the eligibility training for staff required by 1302.12 (m).

Each eligibility determination record includes:

- Copies of any documents or statements, including declarations, that are deemed

necessary to verify eligibility under 1302.12 (h) and 1302.12 (i);

- A statement that program staff has made reasonable efforts to verify information by:
  - Conducting either an in-person, or a telephone interview with the family, as required; and,
  - Describing efforts made to verify eligibility, as required; and, collecting documents required for third party verification that includes the family's written consent to contact each third party, the third parties' names, titles, and affiliations, and information from third parties regarding the family's eligibility.
  - A statement that identifies whether:
    - The family's income is below income guidelines for its size, and lists the family's size;
    - The family is eligible for or, in the absence of child care, potentially eligible for public assistance;
    - The child is a homeless child or the child is in foster care;
    - The family was determined to be eligible under the criterion in 1302.12 (c)(2); or,
    - The family was determined to be eligible under the criterion in 1302.12(d)(1).

The program keeps eligibility determination records for those currently enrolled, as long as they are enrolled, and for at least one year after they have either stopped receiving services; or are no longer enrolled.

### **Violation of these Policies and Procedures**

If Program Management determines that a staff person has violated Federal and/or program eligibility determination regulations and/or enroll pregnant women and children who are not eligible to receive Early Head Start or Head Start services, the program will administer disciplinary action up to and including termination.

### **Training on Eligibility**

The program trains all governing body, policy council, management, and staff who determine eligibility on applicable federal regulations and program policies and procedures. At a minimum, the training:

- Includes methods on how to collect complete and accurate eligibility information from families and third party sources;
- Incorporates strategies for treating families with dignity and respect and for dealing with possible issues of domestic violence, stigma, and privacy; and,
- Explains program policies and procedures that describe actions taken against staff, families, or participants who attempt to provide or intentionally provide false

information.

The program trains management and staff members who make eligibility determinations within 90 days of hiring new staff.

The program trains all governing body and policy council members within 180 days of the beginning of the term of a new governing body or policy council.

- The program also provides eligibility training annually and as needed.