

Report to Congress on Head Start Eligibility



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I. Background

Congressional Request for Report

The Department of Health and Human Services submits this report to the House Appropriations Committee in response to the following language the House Report 116–450:

Impact of the Federal Poverty Guideline.--The Committee recognizes emerging challenges in Head Start's ability to fulfill its purpose of serving low-income children and their families as a result of an antiquated federal poverty line. The federal poverty line has not kept pace with the cost of basic living necessities in communities across the country, and as a result an increasing number of families whose income exceeds the federal poverty line experience financial hardship. Many such families would benefit from the services Head Start programs provide but are currently ineligible. The Committee requests a report within 180 days of enactment of this Act, examining how changes in incomes and poverty have impacted Head Start eligibility and enrollment among families facing financial hardship given the federal poverty line eligibility requirement.

MSHS Eligibility Requirements.--The Committee recognizes that a child's eligibility for MSHS is contingent upon a family living below the federal poverty line and a requirement that more than 50 percent of the family's income be derived from agricultural work. In spite of the fact that MSHS parents are working and making significant contributions to the nation's agricultural industry and economy, many farmworker families struggle to meet basic needs even if their incomes are at or above the federal poverty line. As part of the Impact of the Federal Poverty Guideline report requested above, the Committee requests ACF include a separate section examining how enrollment and eligibility requirements for the MSHS program may act as barriers for low-income farmworker families seeking MSHS services and possible solutions to expanding access to such families.

II. Head Start Eligibility

Head Start Eligibility Requirements and Allowances

Congress establishes eligibility requirements for Head Start programs in the Head Start Act (the Act). The eligibility requirements in the Act intentionally focus the program on serving the poorest children and families in our nation's communities. Specifically, a child or pregnant woman is determined eligible for Head Start if they meet one of the following criteria:

- Family income is at or below the 100 percent HHS poverty guideline
- Family is eligible or potentially eligible to receive public assistance
- The child is experiencing homelessness¹
- The child is in foster care

Further, all programs are allowed to have up to 10 percent of enrollment comprised of children who would benefit from program services, but do not meet any of the above eligibility criteria. This allowance is often referred to as the "over-income" eligibility category.

The over-income allowance is higher for American Indian and Alaska Native (AI/AN) Head Start programs at 49 percent, if the following conditions are met:

- The tribal program has served all eligible pregnant women or children who wish to be enrolled from Indian and non-Indian families living within the approved service area of the tribal agency
- The tribe has resources within its grant, without using additional funds from HHS intended to expand Early Head Start or Head Start services, to enroll pregnant women or children whose family incomes exceed low-income guidelines or who are not otherwise eligible
- At least 51 percent of the program's participants meet an eligibility criterion in 45 CFR 1302.12(c) (i.e., one of the four criteria listed above related to family income at or below poverty, public assistance, homelessness, or foster care)

Additionally, in 2007, Congress provided flexibility in the Act to allow programs to enroll more children from families slightly above the 100 percent poverty guideline. Specifically, programs can have up to 35 percent of enrollment with a family income between the 100 and 130 percent poverty guideline, if the following conditions are met:

- 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 45 CFR 1302.12(c)
- The program establishes criteria that ensure pregnant women and children eligible under 45 CFR 1302.12(c) are served first

¹ Defined the same as homeless children and youths in Section 725(2) of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a(2).

- The program must be able to report to their regional office how it is meeting the needs of families eligible under 45 CFR 1302.12(c) including outreach policies and procedures, enrollment efforts, selection criteria, enrollment reports by eligibility criteria, and eligibility criteria category of children on the program's waiting list.

This additional allowance is not exercised by AI/AN programs since they already have a higher allowance of 49 percent from the over-income eligibility category, and the remaining 51 percent of the AI/AN program enrollment must be comprised of families at or below the 100 percent poverty guideline, children experiencing homelessness, children in foster care, or families eligible or potentially eligible to receive public assistance.

In combining the allowances, programs can have up to 45 percent of their total enrollment comprised of families who were determined eligible with incomes above the 100 percent poverty guideline. These allowances are available to enable programs serving communities with higher wages and higher cost of living to serve families who could benefit from the program that are above the poverty line,; meaning primarily families with incomes between the 100 to 130 percent poverty guideline. However, these flexibilities have not been utilized to their full extent. The two allowances total 45 percent, but nationally, only 12 percent of total enrollment was determined eligible using one of the two allowances in 2019.² Only three percent of programs use more than 30 percent of their total 45 percent allowance.

Current HHS Poverty Guidelines

The Office of the Assistant Secretary for Planning and Evaluation (ASPE) releases the annual HHS poverty guidelines each year. The poverty guidelines (unlike the poverty thresholds) are designated by the year in which they are issued. For instance, the guidelines issued in January 2021 are designated the 2021 poverty guidelines. However, the 2021 HHS poverty guidelines only reflect price changes through calendar year 2020; accordingly, they are approximately equal to the Census Bureau poverty thresholds for calendar year 2020. The following table displays the current 2021 HHS Poverty Guidelines.

2021 HHS Poverty Guidelines for the 48 Contiguous States and the District of Columbia ³		
Persons in Family/Household	100 Percent Poverty Guideline	130 Percent Poverty Guideline
For families/households with more than 8 persons, add \$4,540 for each additional person for the 100 percent column or \$5,902 for each additional person for the 130 percent column.		
1	\$12,880	\$16,744
2	\$17,420	\$22,646
3	\$21,960	\$28,548
4	\$26,500	\$34,450
5	\$31,040	\$40,352

² Excludes AIAN programs which have different allowances and MSHS programs which have additional eligibility criteria discussed in a later section.

³ See <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> HHS poverty guidelines for Alaska and Hawaii.

6	\$35,580	\$46,254
7	\$40,120	\$52,156
8	\$44,660	\$58,058

Challenges with Income Eligibility

Head Start income eligibility is lower than most other federal programs and, in some communities, where cost of living and minimum wage are higher, programs have expressed challenges with finding eligible children to enroll. There have been requests for OHS to change its application of the poverty guidelines to differentiate for cost of living, but this is not allowable under the statutory authority of Head Start. Challenges associated with higher cost of living and increases in minimum wages are discussed in more detail in the [*Rising Wages and Income Eligibility*](#) section of this report.

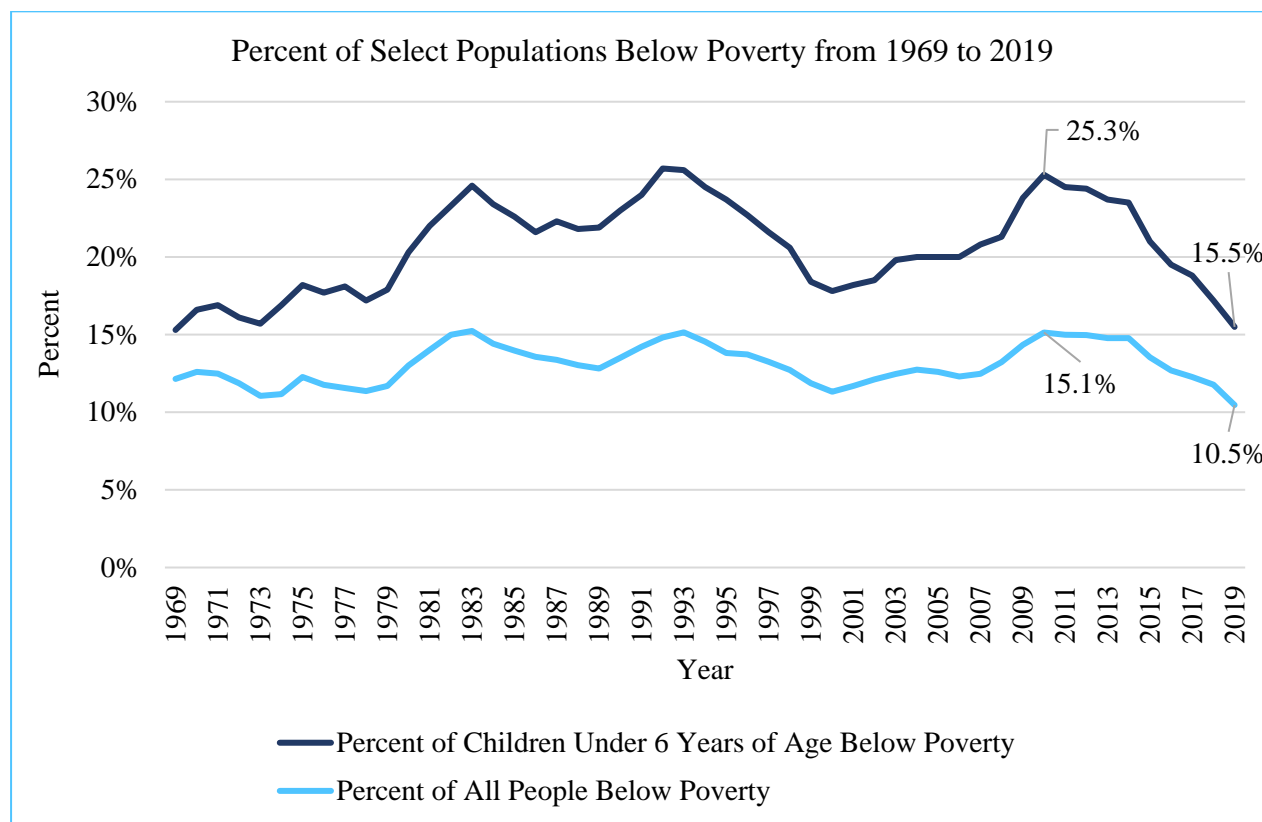
There are additional eligibility requirements and specific challenges with eligibility determinations for Migrant Seasonal Head Start (MSHS) programs which are discussed in more detail in the [*MSHS Enrollment and Eligibility*](#) section of this report.

III. Child Poverty

Historical Poverty Data

The Census Bureau releases updated poverty data each year and poverty rates fluctuate over time which results in a varying pool of Head Start income-eligible children. Additionally, the youngest children consistently have higher poverty rates than any other ages. National poverty rates for all people in the U.S. have fluctuated between 10 to 15 percent from 1969 to 2019 while poverty rates for children under the age of 6 have generally ranged from 15 percent to 25 percent.

The most recent spike in the poverty rate for children under 6 years of age followed the Great Recession in 2010, and the poverty rate steadily declined as the economy recovered during the following decade until it reached its' lowest point since the 1970s in 2019⁴ as shown in the following chart. Secondary analysis of Census Bureau poverty data indicates that this rapid growth and decline in poverty coincided with significant shifts in the geography of poverty, including a rise in concentrated poverty across America which occurred more rapidly in suburban neighborhoods and smaller metropolitan areas.⁵



⁴ Source: Historical poverty data available at <https://www.census.gov/data/tables/time-series/demo/income-poverty/historical-poverty-people.html>. Selected 2014 estimate include the redesigned questions for income and health insurance coverage. Selected 2017 estimate reflect the implementation of the updated processing system used in subsequent years.

⁵ Source: Brookings Institute at <https://www.brookings.edu/research/u-s-concentrated-poverty-in-the-wake-of-the-great-recession/>.

2019 Poverty Data for Children Under 5

The prior chart displays readily available historical poverty data for all children under 6 years of age . It is important to note for accuracy that this chart includes children who are age 5, but Head Start primarily serves children under 5, . Using other Census Bureau poverty data available, in 2019, children under the age of 5 had a poverty rate of 15.7 percent compared with a poverty rate of 14.0 percent for children ages 5 to 17.⁶ The difference in poverty rates is partly due to higher costs associated with younger children, such as child care expenses. It is worth noting that 2019 poverty data is the most recent poverty data available and does not take into account the impact of the pandemic due to the timing of data collection.

Nationally, there are an estimated 3.1 million children under the age of 5 living below the 100 percent poverty threshold in 2019.⁷ This means that approximately one in every six children under the age of 5 is living in poverty. The poverty rates are much higher for black and Hispanic children, as shown in the following table.

Race	Percent of Children Under 5 Living in Poverty, 2019
Asian Alone, non-Hispanic	6.1%
Black Alone, non-Hispanic	28.7%
White Alone, non-Hispanic	9.0%
Hispanic Any Race	21.7%
All Races and Ethnicities	15.7%

As previously described, Head Start programs have an allowance to enroll children between the 100 and 130 percent poverty guideline. The estimated number of children under age five living between the 100 and 130 percent poverty guideline is about 1.1 million⁸ and a portion of those children could be enrolled using the allowance provided. If every program fully used this allowance, about 300,000 of those 1.1 million children could be enrolled into the Head Start program.

⁶ Source: Census Bureau Current Population Survey (CPS) poverty data available at <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pov/pov-34.2019.html>.

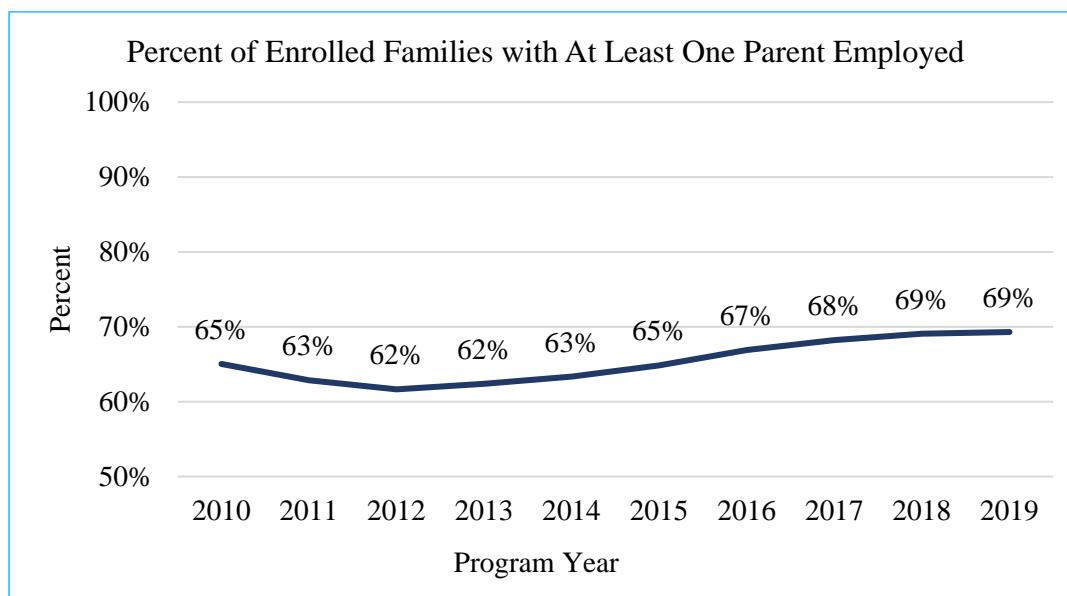
⁷ Source: The Census Bureau CPS for the 50 states and the District of Columbia and the Census Bureau American Community Survey (ACS) one-year estimates for Puerto Rico. The territories are excluded due to unavailability of data.

⁸ Source: Estimate calculated using Table POV02 available at <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pov/pov-02.html#below138>.

IV. Rising Wages and Income Eligibility

OHS has heard concerns that some grant recipients struggle to find eligible families, especially in areas with high cost of living and increased minimum wages. Head Start has among the lowest eligibility thresholds for income eligibility when compared to other federal programs. As minimum wages increase across the country, these concerns will be amplified and will also impact the ability of programs to enroll working families.

According to 2019 Program Information Report (PIR) data⁹, 69 percent of all enrolled Head Start families have at least one parent working. This PIR data captures the number of families working at a single point in time; the beginning of the program year. Therefore, majority of Head Start families are working and are impacted by rising wages. Additionally, the number of families enrolled with at least one parent working dropped from 2010 to 2012 and then steadily increased from 2012 to 2019, representing an overall percentage increase of six percent from 2010 to 2019. This is critically important given that civilian unemployment rate steadily decreased from 10 to four percent during this same timeframe, which represents a percentage drop of over 50 percent in unemployment.¹⁰ In other words, although unemployment rates drastically dropped from 2010 to 2019 across the nation, the percent of families enrolled that had at least one parent working only raised marginally in comparison.



In part, this could be due to rising wages and the ability for programs to enroll working families. In many states with higher minimum wages, parents working full time at the minimum wage are not eligible for Head Start services. To illustrate this, the following table displays the impact of the current Los Angeles minimum wage of \$15.00 an hour as it compares to the HHS poverty guidelines used to determine Head Start income eligibility. In Los Angeles, the only instance a family with one parent working full-time at minimum wage is income eligible for Head Start at

⁹ In 2020, the required submission of the PIR was suspended due to the COVID-19 pandemic.

¹⁰ Source: Bureau of Labor and Statistics data available at <https://www.bls.gov/charts/employment-situation/civilian-unemployment-rate.htm>.

or below the 100 percent poverty guideline is if they have a household size of at least six people.^a This same family could also be eligible for Head Start if they have a household size of four or five people and a local program is able to use their allowance for enrolling families between the 100 to 130 percent for the child in the household.^b As another example, it would require a household size of 12 for a family to be income eligible at or below the 100 percent poverty guideline if both parents were working full-time at a \$15 minimum wage.^c

2021 Minimum Wage Effects on Poverty Guidelines and Head Start Eligibility: Los Angeles						
Persons in Family/Household	Poverty Guideline	130% Poverty Guideline	Minimum Wage	Yearly Income ¹¹	Amount Over 100% Poverty Guideline	Amount Over 130% Poverty Guideline
This assumes one parent working full-time at minimum wage						
1	\$12,880	\$16,744	\$15.00	\$31,200	\$18,320	\$14,456
2	\$17,420	\$22,646	\$15.00	\$31,200	\$13,780	\$8,554
3	\$21,960	\$28,548	\$15.00	\$31,200	\$9,240	\$2,652
4	\$26,500	\$34,450	\$15.00	\$31,200	\$4,700	(\$3,250) ^b
5	\$31,040	\$40,352	\$15.00	\$31,200	\$160	(\$9,152) ^b
6	\$35,580	\$46,254	\$15.00	\$31,200	(\$4,380) ^a	(\$15,054)
7	\$40,120	\$52,156	\$15.00	\$31,200	(\$8,920)	(\$20,956)
8	\$44,660	\$58,058	\$15.00	\$31,200	(\$13,460)	(\$26,858)
This assumes two parents working full-time at the minimum wage						
3	\$21,960	\$28,548	\$15.00	\$62,400	\$40,440	\$33,852
4	\$26,500	\$34,450	\$15.00	\$62,400	\$35,900	\$27,950
5	\$31,040	\$40,352	\$15.00	\$62,400	\$31,360	\$22,048
6	\$35,580	\$46,254	\$15.00	\$62,400	\$26,820	\$16,146
7	\$40,120	\$52,156	\$15.00	\$62,400	\$22,280	\$10,244
8	\$44,660	\$58,058	\$15.00	\$62,400	\$17,740	\$4,342
9	\$49,200	\$63,960	\$15.00	\$62,400	\$13,200	(\$1,560)
10	\$53,740	\$69,862	\$15.00	\$62,400	\$8,660	(\$7,462)
11	\$58,280	\$75,764	\$15.00	\$62,400	\$4,120	(\$13,364)
12	\$62,820	\$81,666	\$15.00	\$62,400	(\$420) ^c	(\$19,266)

Currently, 30 states, Washington, D.C., U.S. Virgin Islands, and Guam have minimum wages above the federal minimum wage of \$7.25 per hour as displayed in the following table, which is updated as of August 2021.¹² Additionally, many of these same states have a schedule for raising wages incrementally through annual adjustments. States have varying formulas to increase

¹¹ The yearly income multiplies the minimum wage by 2,080 hours for each parent working which is based on a work year of 40 hours per week for 52 weeks.

¹² Additional information on current state minimum wage laws is made available by the U.S. Department of Labor at <https://www.dol.gov/agencies/whd/minimum-wage/state>.

minimum wages and some of those increases are based on a consumer price index. As minimum wages increase, the impact of the minimum wage on working families applying and being eligible for Head Start will continue to increase.

List of State Minimum Wages Above the Federal Minimum Wage as of August 2021			
State/Territory	Minimum Wage	State/Territory	Minimum Wage
Alaska	\$10.34	Montana	\$8.75
Arkansas	\$11.00	Nebraska	\$9.00
Arizona	\$12.15	New Jersey	\$12.00
California	\$13.00	New Mexico	\$10.50
Colorado	\$12.32	Nevada	\$9.75/8.75
Connecticut	\$13.00	New York	\$12.50
Washington, D.C.	\$15.20	Ohio	\$8.80
Delaware	\$9.25	Oregon	\$12.75
Florida	\$8.65	Rhode Island	\$11.50
Hawaii	\$10.10	South Dakota	\$9.45
Illinois	\$11.00	Virginia	\$9.50
Massachusetts	\$13.50	Vermont	\$11.75
Maryland	\$11.75	Washington	\$13.69
Maine	\$12.15	West Virginia	\$8.75
Michigan	\$9.65	U.S. Virgin Islands	\$10.50
Minnesota	\$10.08	Guam	\$8.75
Missouri	\$10.30		

Five states have not adopted a state minimum wage: Alabama, Louisiana, Mississippi, South Carolina, and Tennessee. Two states, Georgia and Wyoming, have a minimum wage below \$7.25 per hour. However, with some limited exceptions in Georgia and Wyoming, the federal minimum wage rate applies to employees across all these seven states.

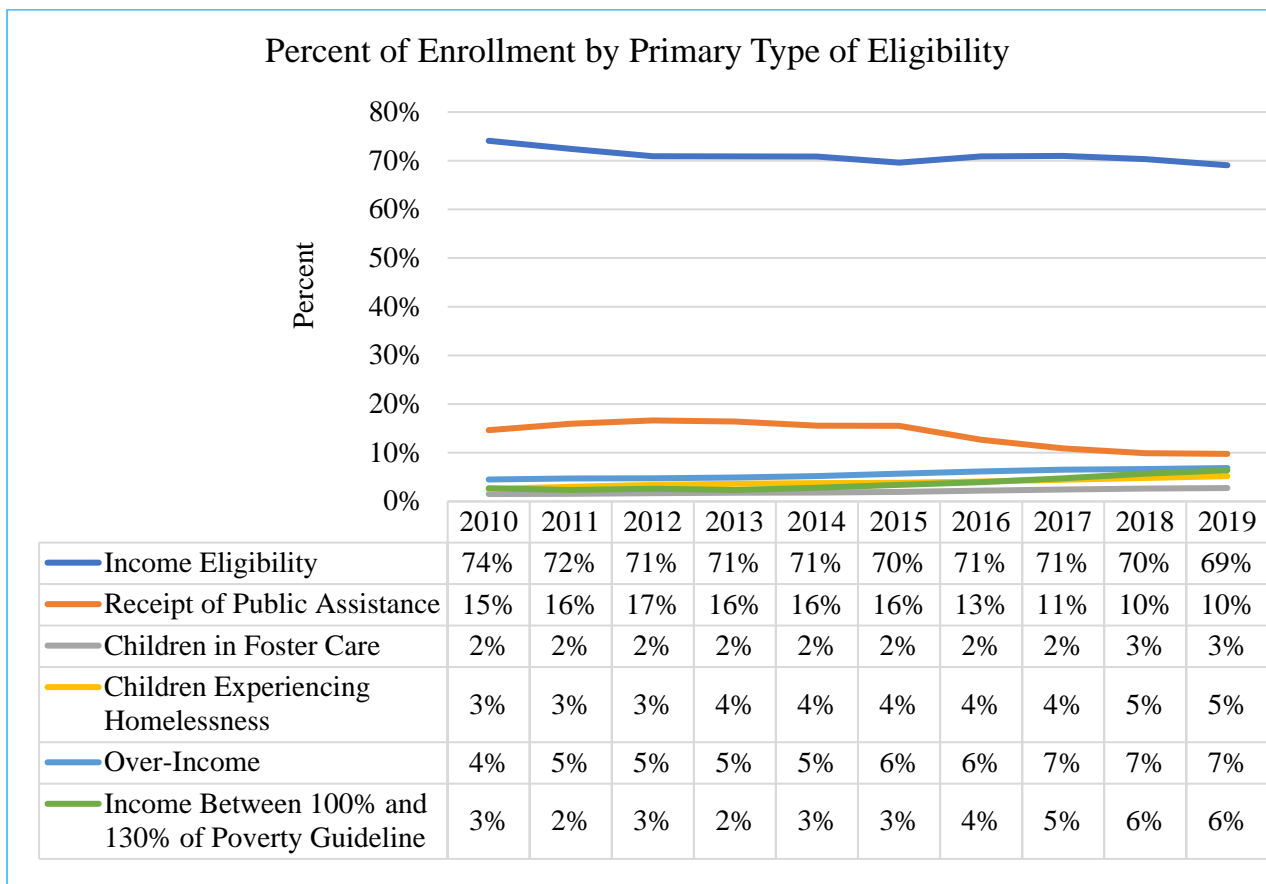
In 15 states and Washington, D.C.¹³ the minimum wage is currently at or higher than \$11.00 per hour. In these states a family of three with a single parent working full-time at minimum wage would earn \$22,880 yearly income which is above the 100 percent poverty guideline. Therefore, any child in these households would not be eligible for Head Start unless a program is able to use one of their allowances above the 100 percent poverty guideline. These 15 states and Washington, D.C. contain about 35 percent of the total current Head Start funded enrollment.

¹³ The states with minimum wages of \$11.00 per hour or higher are: Arkansas, Alaska, California, Colorado, Connecticut, District of Columbia, Illinois, Massachusetts, Maryland, Maine, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington.

V. Head Start Enrollment and Income Eligibility

Primary Type of Eligibility of Head Start Enrollment

In 2019, about 69 percent of families enrolled in Head Start were determined to be income eligible at or below the 100 percent poverty guideline. This was the most used eligibility category by programs as shown in the following chart.



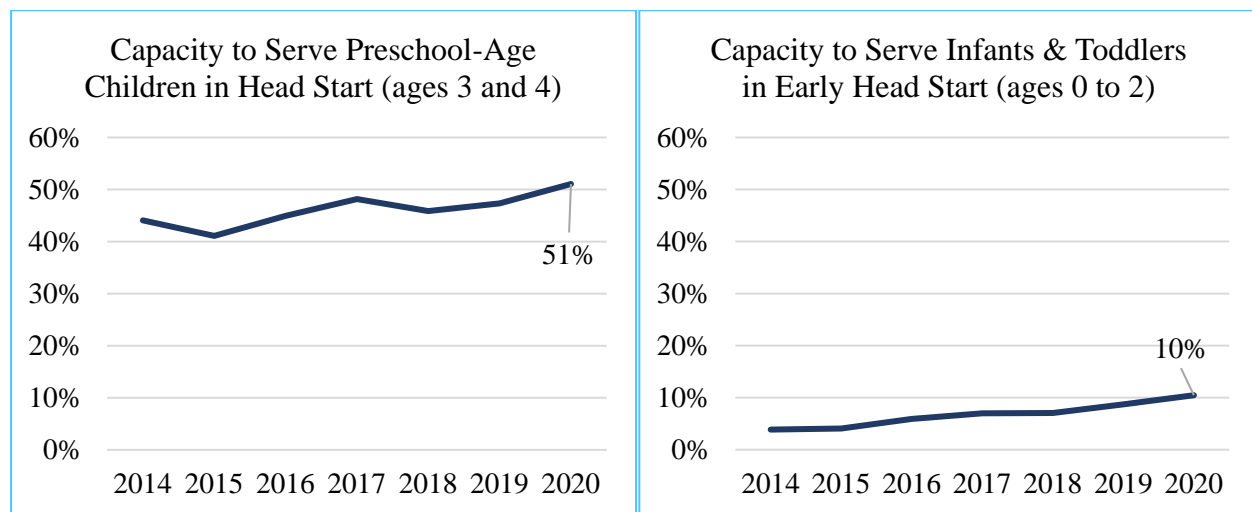
Although the use of the eligibility categories has been fairly stable over time, there have been changes in the percentage points of families enrolled under each eligibility criteria which is shown in the following tables.

Primary Type of Eligibility	Change in Percentage Points (PP) from 2010 to 2019
Income Eligibility	-5 PP
Receipt of Public Assistance	-5 PP

Children in Foster Care	+1 PP
Children Experiencing Homelessness	+3 PP
Over-Income	+2 PP
Income Between 100% and 130% of Poverty Guideline	+4 PP

Capacity for Head Start to Serve the Income-Eligible Population

Based on their funded enrollment, Head Start programs nationwide have the capacity to serve 51 percent of preschool age children living below the poverty threshold and the capacity to serve 10 percent of infants and toddlers from families below the poverty threshold.¹⁴ Please note that, although the following charts display FY 2020, the underlying census data is the data most recent available from 2019 which do not account for changes to poverty resulting from the pandemic.



These charts show the capacity to serve children living in poverty which assumes every Head Start and Early Head Start slot is secured by a child living in poverty. However, as a reminder, allowances exist for Head Start programs to enroll families above the 100 percent poverty guidelines.

Since Early Head Start was created in 1994, the number of infants and toddlers served has increased each year. The Head Start Act of 2007 provided the authority for Head Start grant recipients to request to serve infants and toddlers by shifting Head Start preschool program funding to Early Head Start program funding. The growth in Early Head Start enrollment has not been driven by conversion of slots but has been primarily driven by new funding made available by Congress for Early Head Start program expansion. Investments in Early Head Start beginning in 2009 via the American Recovery and Reinvestment Act (ARRA), followed by the creation and funding of four rounds of Early Head Start-Child Care Partnerships and Early Head Start

¹⁴ Data Source: FY 2020 funded enrollment compared to the Census Bureau CPS for the 50 states and the District of Columbia and the Census Bureau ACS one-year estimates for Puerto Rico. The territories are excluded due to unavailability of data. The most recent estimates available for children under age five in poverty are 2019 estimates.

Expansion grants from 2014 to 2020 have greatly increase the number of pregnant women, infants and toddlers served by the program.

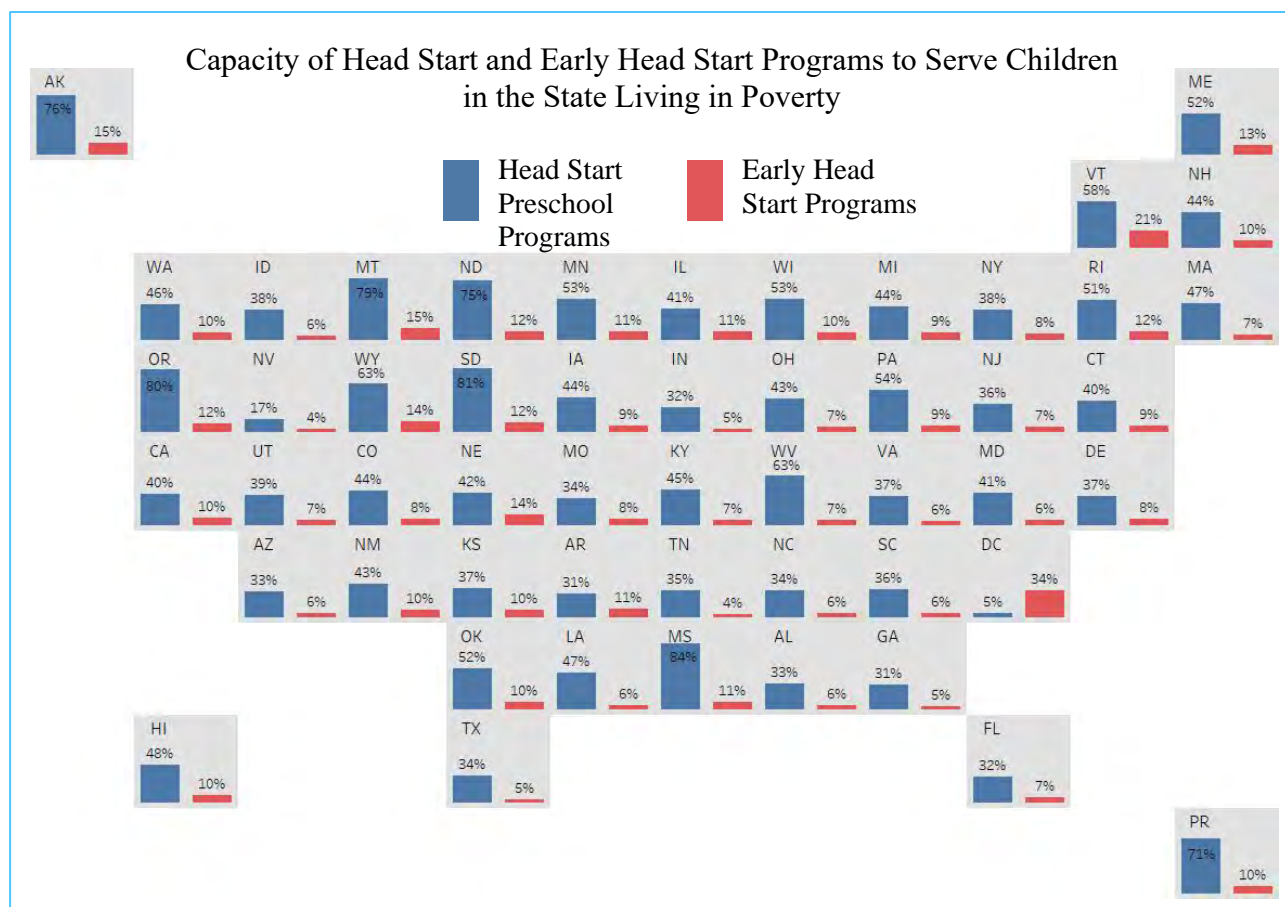
Finding Income-Eligible Families

Although grant recipients are reporting challenges finding income-eligible families in areas with high wages and high cost of living, in most states, Head Start programs do not have enough slots to serve the total number of children living at or below the 100 percent poverty threshold within the state.

The state map that follows shows the capacity of each state to serve children living in poverty in Head Start preschool programs and in Early Head Start programs.¹⁵ For example, in Illinois, there are enough Head Start preschool program slots to enroll 41 percent of all 3- and 4-year-olds living in poverty in the state. Furthermore, there are enough Early Head Start slots in Illinois to enroll 11 percent of all children ages 0 to 2 living in poverty in the state.

Similar to prior charts, this state map shows the capacity of each state to serve children living in poverty which assumes every Head Start and Early Head Start slot is secured by a child living in poverty. This does not take into account the allowances of programs to serve children above the 100 percent poverty guidelines. The state map illustrates that the capacity to serve children living in poverty varies greatly across states. Only six states have the capacity to serve more than 75 percent of 3- and 4-year-old children living below the 100 percent poverty threshold, and only two states have the capacity to serve more than 20 percent of infants and toddlers ages 0 to 2 living below the 100 percent poverty threshold.

¹⁵ Data source: FY 2020 funded slots compared to Census Bureau ACS 5-year 2015-2019 estimates.



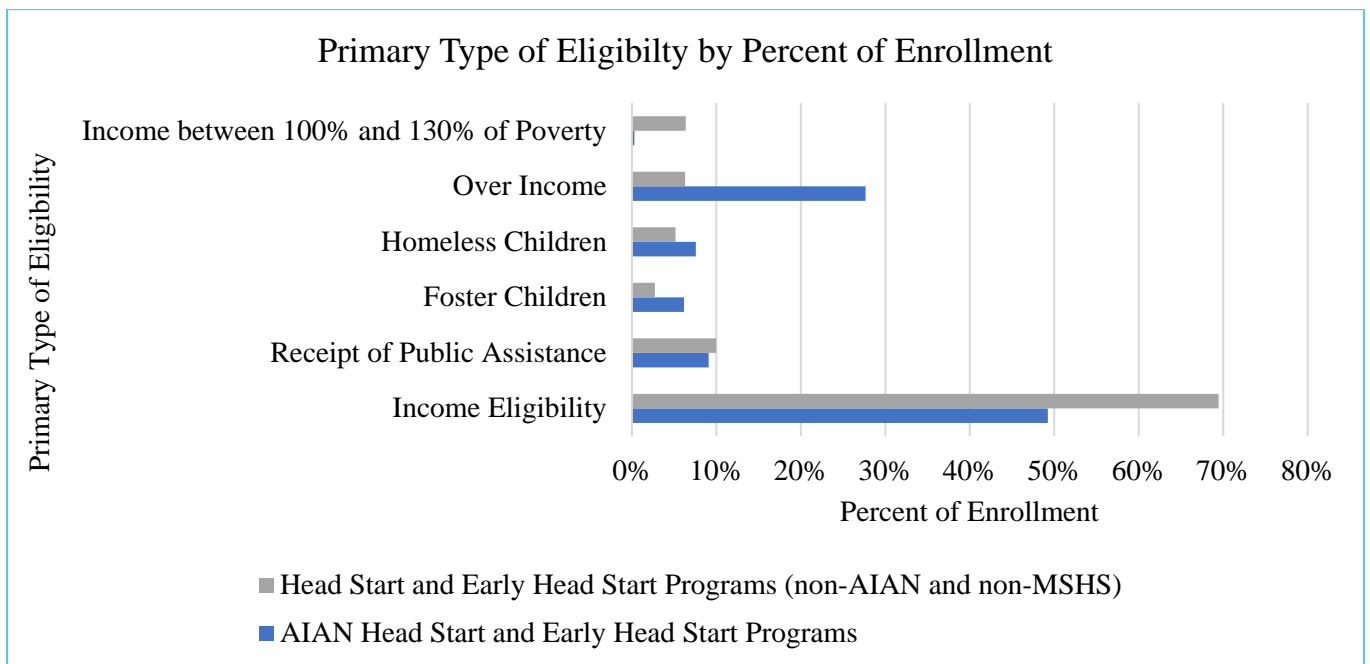
When grouping grant recipients based on the location of their services using the 2013 National Center for Health Statistics (NCHS) Urban-Rural Classification Scheme for Counties¹⁶, there is little variation across primary type of eligibility used for enrolling families between different urbanization level of residents.

NCHS CODE	Primary Urban-Rural Classification (excludes AIAN and MSHS)	Income Eligibility	Receipt of Public Assistance	Foster Children	Homeless Children	Over Income	Income between 100% & 130% of Poverty
1	Large Central Metro	69%	11%	2%	4%	7%	7%
2	Large Fringe Metro	69%	9%	3%	6%	6%	7%
3	Medium Metro	69%	11%	3%	5%	5%	6%
4	Small Metro	70%	9%	3%	6%	6%	6%
5	Micropolitan	69%	9%	4%	6%	6%	7%
6	Noncore	65%	9%	4%	6%	7%	8%

¹⁶ Additional information on this classification scheme available at https://www.cdc.gov/nchs/data_access/urban_rural.htm.

Primary Type of Eligibility for AI/AN Programs

There are variations in the primary type of eligibility used by AI/AN Head Start and Early Head Start programs since they have a higher allowance for the over-income category. As a reminder, the Act allows up to 49 percent of AI/AN program enrollment to be comprised of enrollees in the over-income eligibility criteria if certain conditions are met and the remaining 51 percent of the AI/AN program enrollment must be comprised of income eligible families, children experiencing homelessness, children in foster care, or families eligible or potentially eligible to receive public assistance. Since the over-income allowance is already at 49 percent, the allowance to enroll families between the 100 and 130 percent of poverty are not used by AI/AN programs. About 28 percent of enrollees in AI/AN programs were enrolled under the over-income category.



MSHS programs are not shown in this chart, but the following section will discuss in more detail specific information related to eligibility in MSHS programs.

VI. Migrant & Seasonal Head Start Enrollment and Eligibility

Requirement for this Congressional Report

As part of this report, the House Committee on Appropriations also requested OHS include a section examining how enrollment and eligibility requirements for the MSHS program may act as barriers for low-income farmworker families seeking MSHS services, as well as possible solutions to expanding access to such families. OHS is pleased to submit this section of the report pursuant to the congressional request.

About the Migrant and Seasonal Head Start Program

The MSHS program was established in 1969 as a national program within OHS to ensure that farmworker families and children could access the benefits of a Head Start education. The MSHS program provides migrant and seasonal farmworker families program services that meets the educational, health, nutritional, and social needs of the children and families it serves.

OHS awards grants to 25 agencies to provide MSHS services in nearly 800 centers across 34 states. In FY 2020, MSHS programs were funded to serve 28,914 children under the age in five which represents about 20,000 farmworker families during the program year.

All MSHS programs are able to serve children ages birth to five. MSHS has always served children of all ages under 5, unlike other Head Start programs which serve 3- to 5-year-olds in Head Start preschool programs and infants and toddlers ages 0 to 2 in Early Head Start programs. The age span served by each center presents flexibility to better meet the needs of working families, but it also presents unique challenges. MSHS programs have been able to distribute enrollment between 3- to 5-year-olds and 0- to 2-year-old infants and toddlers fairly evenly over the years as shown in the following table.

PIR Year	Percent of 0-2 years old (infants and toddlers)	Percent of 3-5 years old (preschool age)
2014	49%	51%
2015	53%	47%
2016	55%	45%
2017	53%	47%
2018	54%	46%
2019	53%	47%

This distribution of enrollment results in a much higher proportion of funded enrollment for infants and toddlers when compared to the distribution between Head Start and Early Head Start program slots in non-MSHS programs, where it leans heavily towards Head Start preschool age children at 78 percent.

MSHS programs provide early childhood services to families, who may lack access to other childcare, so they do not take their children with them to the fields where they would be exposed to pesticides, hazardous equipment, extreme heat, and other health dangers. To accommodate farmworker schedules, MSHS programs offer full-day services at an average of about 10 hours per day, including many providing services on Saturdays and holidays. Due to the need to align with local agricultural industries and seasons, programs can operate from 12 weeks to year-round, and they often operate on shorter durations.

About NAWS Data

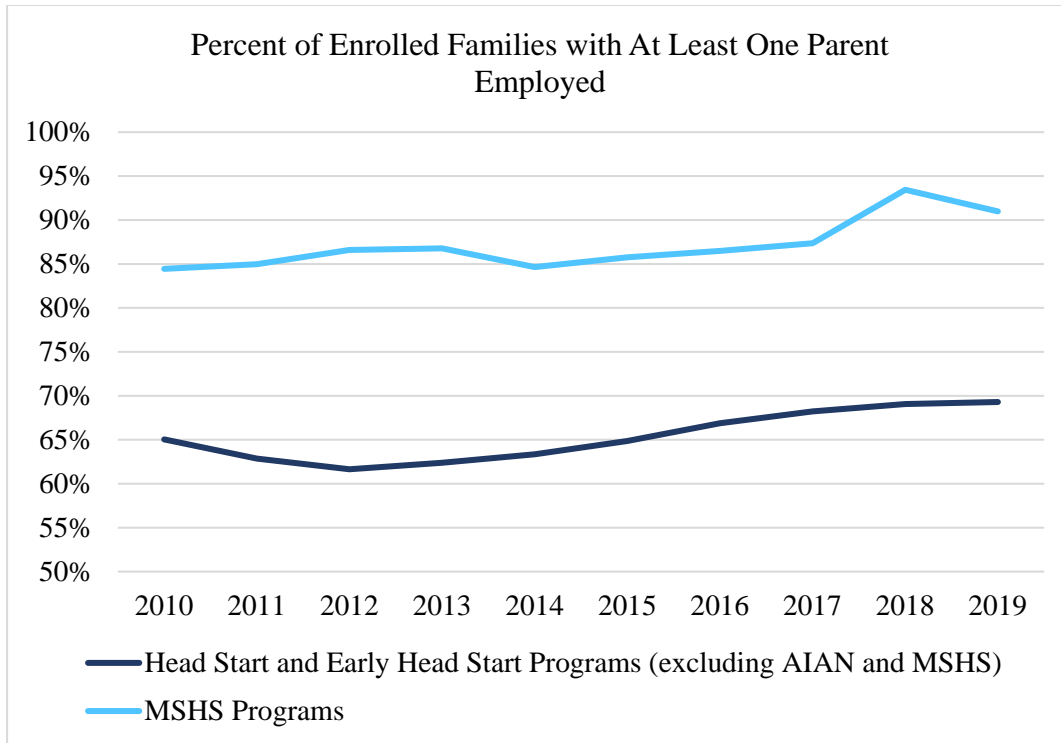
When Congress reauthorized the Head Start Act in 2007, section 649(l)(3) of the Act required HHS to report on efforts to collaborate with other federal agencies to collect data on migrant and seasonal farmworker children served in MSHS and to remove barriers to serving children in the MSHS program.

In 2008, HHS entered into an agreement with the U.S. Department of Labor (DOL) to participate in DOL's National Agricultural Workers Survey (NAWS). The NAWS is an annual employment-based, random-sample survey that collects demographic, employment, and health data in face-to-face interviews of U.S. farmworkers. It is the only national information source that provides demographic characteristics, employment, health, and living conditions of hired crop workers. A recent MSHS Report to Congress was issued in May 2021 utilizing this data and will be made available at <https://www.acf.hhs.gov/ohs/reports-congress>. This section of the report also uses NAWS data from 2014 through 2016 and data collected on the 2019 PIR, which are both the latest data available. Where possible, more updated FY 2020 Head Start administrative data is used to supplement the NAWS and PIR data.

Family Income from Agricultural Labor

To be eligible for MSHS, a family must demonstrate that their income comes primarily from agricultural labor. This means a family's income must be more than 50 percent from agricultural work in addition to meeting an eligibility criteria for Head Start services under 45 CFR 1302.12(c) (i.e., living at or below the 100 percent poverty guideline, experiencing homelessness, receiving public assistance, or in foster care).

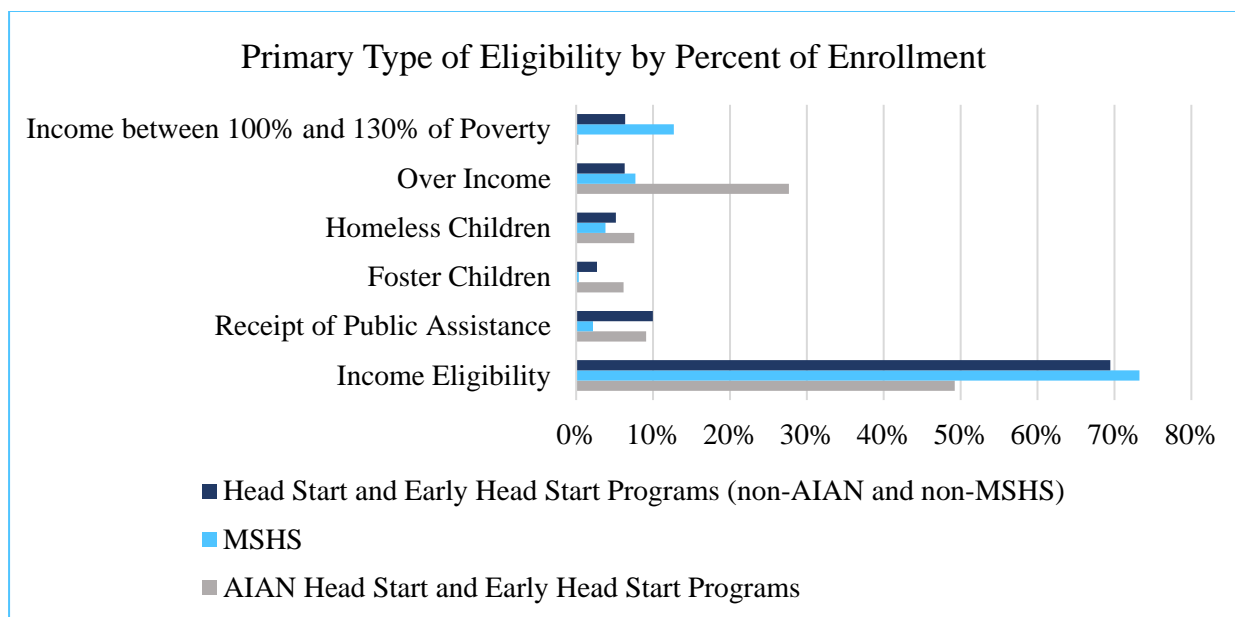
Since all MSHS families have at least one parent deemed working in agricultural labor when the eligibility determination is made, rising wages directly impact the ability for MSHS programs to enroll working families. The following chart displays the employment status of families enrolled in Head Start excluding AIAN and MSHS programs compared to the employment status of families enrolled in MSHS programs. This chart clearly shows the gap between these programs. MSHS programs consistently have more working families enrolled than other programs, 91 percent in 2019 for MSHS programs compared to 69 percent in 2019 for Head Start programs excluding AIAN and MSHS.



There are no additional allowances for MSHS programs on income as there are for AIAN programs. This is important to consider in the context of increased wages discussed earlier and their impact to MSHS programs in enrolling working families.

Additionally, MSHS programs have a funded enrollment that encompasses ages birth to 5 while other programs have a set funded enrollment for the Head Start preschool portion separate from the Early Head Start portion. The combined enrollment allows MSHS programs to be more agile throughout the program year in enrolling families across both age groupings to the extent possible. This has the benefit of reaching more infants and toddlers in need of services and makes a continuum of services available from birth to age 5 for more families. MSHS programs have expressed challenges in trying to stay agile when the staffing, facilities, developmental needs, and costs associated with providing program services to infants and toddlers is different than those for preschool age children. OHS understands these challenges and supports MSHS program efforts to enroll children across age groups based on their capacity to provide developmentally appropriate services.

Although there are challenges in finding income eligible families by MSHS programs, PIR data indicates MSHS programs have been able to primarily enroll families using the income eligible category. It also shows that they are using the 100 to 130 percent allowance more than other programs.



Capacity to Serve Eligible MSHS Population

The NAWS combined with Head Start funded enrollment data indicates that the number of eligible MSHS children being served is a small proportion of the eligible children.

In a recent MSHS report, HHS used DOL's NAWS data from 2014 through 2016 and other converging data from 2014 through 2019 to present estimates of the national and regional numbers of MSHS-eligible children. It was estimated that there were 254,082 eligible MSHS children across the nation, which represents about 11 percent of the current FY 2020 MSHS funded enrollment. The capacity of MSHS programs to serve those eligible children greatly varies by geographic region. For example, MSHS programs have the capacity to serve about one-third of eligible MSHS children within states in the Southeast region compared to two percent within states in the Southwest region.¹⁷ Although, it is important to note that the NAWS data predates the pandemic, and many legislative changes have gone into effect in states related to minimum wages which may have impacted these estimates.

Recent Challenges to MSHS enrollment

In recent years, the MSHS community has shared growing challenges in enrolling families in MSHS programs, including the following:

- Agriculture work was difficult to find during the pandemic which led to families no longer primarily working in agriculture.
- Extensive wildfires, droughts, and other natural disasters have created difficult and unstable conditions for farms and agriculture work in general.

¹⁷ DOL used the NAWS data to estimate the proportion of the farmworker populations that is eligible for MSHS services and then calculated the average number of young children per MSHS-eligible farmworker nationally and per region. The Southeast region includes Kentucky, North Carolina, Tennessee, Vermont, West Virginia, Alabama, Arkansas, Georgia, Louisiana, Mississippi, and South Carolina. The Southwest region includes Arizona, New Mexico Oklahoma, and Texas.

- Minimum wage increases greatly impact the ability of MSHS programs to find eligible families, as more than 90 percent of the families served in MSHS programs have at least one parent working.
- The minimum wage issue was exacerbated during the pandemic when farmworker families were deemed essential workers, which resulted in increased income and hazard pay for some families leading to the perception by the MSHS community that these families would not be eligible for MSHS services.
- As agricultural work has become less available or stable due to unpredicted weather events and due to higher pay in other industries, agricultural workers are working partially in agriculture, but not enough to be considered as primarily working in agriculture for the purposes of MSHS program eligibility.
- Migrant families have not been moving as regularly in recent years and are settling down, and as a result have lost their “migratory” status as defined by Head Start.

Even as MSHS centers temporarily closed their doors with the initial COVID-19 outbreak, MSHS parents were expected to continue working and many did. Additionally, MSHS grant recipients were some of the first to reopen their MSHS centers for in-person services so parents could return to work.

Actions Taken by OHS to Minimize Barriers

OHS continues efforts to minimize barriers to enrolling eligible MSHS families. OHS has worked with other agencies toward a better system to streamline the application process as families migrate from program to program to align with growing seasons. OHS has also assisted MSHS programs in developing approaches to support successful transitions between programs for families.

To address the current challenges listed in the prior section with possible solutions, OHS shares the following existing regulatory flexibilities:

- 100 to 130 percent poverty guidelines allowance,
- 10 percent over-income,
- flexibilities when there is a “significant change in income”,
- flexibility in the Head Start “migrant” and “seasonal” definition, and
- definition of homelessness and how it applies to farmworker families

OHS continues to support regional staff that work directly with MSHS programs to ensure programs are aware of these flexibilities. In addition, OHS has held a call, in collaboration with the National Migrant Seasonal Head Start Association, to raise awareness of these options directly with grantees. These regulatory flexibilities are discussed in more detail below.

The 100 - 130% Percent Poverty Guidelines Allowance

MSHS programs could utilize this eligibility allowance as other programs already do. In the 2019 program year, MSHS programs reported that 13 percent of total enrollment was determined eligible using this allowance out of a possible 35 percent. MSHS programs use this allowance

more than other program types as shown earlier, but there is an opportunity to use it to a greater extent to enroll families that are slightly above the poverty level.

The 10 Percent Over-Income Allowance

Similar to other programs, MSHS programs can maximize the over-income allowance if needed and have 10 percent of enrollment with families that would benefit from MSHS program services but do not meet any of the other eligibility criterion except for meeting the definition of migrant or seasonal farmworker. In the 2019 program year, MSHS programs reported that 7.5 percent of total enrollment was determined eligible using the over-income allowance out of a possible 10 percent.

Significant Change in Income Allowance

According to 45 CFR §1302.12(i)(1), when program staff is verifying income eligibility, if the family can demonstrate a significant change in income for the relevant time period, the program staff may consider current income circumstances. Relevant time period means the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application.

In other words, programs may consider more current income circumstances when a family experiences a significant change in income for a preceding 12 month period. This flexibility when verifying income eligibility can be greatly leveraged by MSHS programs as many farmworker families experienced significant changes in income during the course of the pandemic. For example:

- A family that did not primarily work in agriculture work during the past 12 months due to the pandemic, but will be primarily working in agriculture moving forward. In this case, program staff may consider current income circumstances rather than the past 12 months since this shift in primary work is considered a significant change in income.
- A family was receiving hazard pay while working in agriculture for the majority of the past 12 months, but the hazard pay was only temporary and will not continue. This is considered a “significant change in income” and the MSHS program may consider their current income circumstances which would exclude the hazard pay when determining income eligibility.

The Migrant and Seasonal Definition

In the 2016 revision of OHS’s Performance Standards, eligibility for migrant and seasonal farmworker families was made more flexible. Prior to 2016, only farmworkers that work in field and tree crops were eligible. The new standards allow grant recipients to use locally relevant definitions of “migrant” to be inclusive of migrant families nearby. Many grant recipients have opted to use the Department of Education’s or the Department of Agriculture’s definitions of migrant agricultural work.

According to the Act, migrant farmworkers are defined as families who are engaged in agricultural labor and who have changed their residence from one geographic location to another in the preceding 2-year period. While seasonal farmworkers are defined as families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period.

There have been concerns expressed by MSHS programs that fewer families are moving for agriculture work, especially during the pandemic. The definitions have inherent flexibilities as a family that is no longer considered a “migrant” family since they have not moved for the past 2-years would still be considered eligible for the MSHS program under the seasonal definition, as long as they primarily worked in agricultural labor. It is not required to change residency as a seasonal farmworker, and working in agriculture is seasonal by nature. The MSHS regional office continues to work with programs if they have a need to adjust their migrant/seasonal funded enrollment levels.

Applying the Homelessness Definition to Farmworker Families

Head Start uses the definition from section 725(2) of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a(2) which includes numerous circumstances in which a child could meet the definition of homelessness for the purpose of Head Start eligibility determinations. For example, children living in shared, irregular or unfixed, or substandard housing could meet the definition of homelessness. OHS provides training and technical assistance to programs to support best practices, such as using people-first and non-stigmatizing language in assessment and enrollment processes.

Farmworker families, especially migratory farmworker families given their mobile state, could be in a living situation that allow MSHS programs to enroll working farmworker families under this eligibility criteria. Currently, MSHS only use 4 percent of this eligibility category when compared to the 5 percent of other Head Start programs (excluding AI/AN). Since MSHS programs serve migratory farmworker families, and given the challenges MSHS programs have expressed with finding income-eligible families, it is possible this eligibility category is being underutilized.

It is important to recognize that families have expressed concerns with being enrolled under this eligibility category, especially when they do not consider themselves as experiencing homelessness. It is critically important programs use culturally responsive, people-first, and non-stigmatizing language that is sensitive to the family's well-being and ensures the eligibility category is not perceived as a defining label by the enrolling family. Administrative policies and procedures for determining eligibility can and should be separated from the trusting, relationship building practices that are critical for children and families. Understanding and supporting families housing stability is central to supporting family wellbeing, but a programs' assessment and administrative practices should not be undertaken in ways that undermine family engagement in MSHS programs.

Closing Remarks on MSHS Eligibility

While these regulatory flexibilities cannot solve all the concerns of the MSHS programs and families they serve, OHS is committed to continuing to provide guidance, training and technical assistance, and using all flexibilities that are allowable in the Head Start Act and Head Start Program Performance Standards to maximize services to the migrant and seasonal families who could benefit from program services.