ADMINISTRATION FOR CHILDREN & FAMILIES
330 C Street, S.W., Washington, DC 20201 | www.acf.hhs.gov

ACF-OFA-DCL-25-04

April 29, 2025

Dear Colleagues,

On January 29, 2025, President Trump issued Executive Order (EO) 14191, *Expanding Educational Freedom and Opportunity for Families*, which aims to strengthen children's opportunities for educational success through educational choice.

In response to Section 5 of the EO, *Expanding Opportunities for Low-Income, Working Families*, the Office of Family Assistance (OFA) in the Administration for Children and Families would like to address how states may use Temporary Assistance for Needy Families (TANF) funds to expand educational choice and support families who choose educational alternatives to governmental entities, including private and faith-based options.

State agencies and other interested parties may find it helpful to review our prior guidance, TANF-ACF-PI-2005-01 (*Funding Childhood Education, School Readiness, Kindergarten and Other Public Education Programs*), which provides information about when and how federal TANF and state maintenance-of-effort (MOE) funds may be used for early childhood education, school readiness, kindergarten, and other public education programs.

We have previously clarified that expenditures for various pre-kindergarten, kindergarten, and other educational activities for children are reasonably calculated to accomplish TANF Purpose 1 (to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives). Therefore, **a state could use TANF to help fund such services for children and youth, including after school programs or child care, at educational alternatives to governmental entities, including private and faith-based options**, to the same extent as state-operated public education programs.[1]

As the guidance notes, such TANF expenditures are allowable unless they fall under the prohibition for expenditures related to general costs of government (see 45 CFR 75.444). Because public education is a state governmental responsibility, states may not use federal TANF or MOE funds for any educational activity that is a component of the state's system of free public schools. A state may, however, use federal TANF funds or claim state MOE for the costs of wrap-around services that complement excluded education programs and extend child care services for the full day. These services may be made available for low-income children as long as they are not part of the system of free public schools.

[1] These services may be provided by faith-based organizations that are funded through vouchers or certificates. Alternatively, the services may be provided by faith-based organizations that are funded through sub-grants or contracts if any "inherently religious activities" (which are activities that involve overt religious content such as worship, religious instruction, or proselytization) are separate in time or location from the TANF funded program, and the distinction is clear to the beneficiary or prospective beneficiary. *See* 45 CFR § 260.34(c).

If you have further questions on how your state TANF program can best align with Executive Order (EO) 14191, *Expanding Educational Freedom and Opportunity for Families*, please reach out at TANFquestions@acf.hhs.gov.

Sincerely,

/s/

Deborah List
Associate Deputy Director
Office of Family Assistance