

# FEDERAL UPDATES: THE LATEST FROM THE FIELD OF HOMELESS EDUCATION



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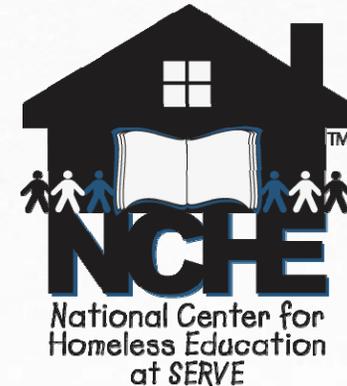
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# ABOUT NCHE

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- NCHE operates the U.S. Department of Education's technical assistance center for the federal Education for Homeless Children and Youth (EHCY) Program
  - Website: <http://nche.ed.gov>
  - Helpline: 800-308-2145 or [homeless@serve.org](mailto:homeless@serve.org)
  - Products: <http://nche.ed.gov/products.php>
  - Webinars: <http://nche.ed.gov/web/group.php>
  - Listserv: <http://nche.ed.gov/listserv.php>



# OUTLINE

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- ESSA homeless education amendments
  - ESSA basics and timeline
  - ESSA amendments to the McKinney-Vento Act
- Other federal updates
  - Title I, Part A supports for children in foster care (ESSA)
  - Early childhood (Head Start and CCDF)
- Q&A



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# ESSA HOMELESS EDUCATION AMENDMENTS



# ESSA BASICS

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*“After more than 10 years, members of Congress from both parties have come together to revise our national education law.”*



*Barack Obama*

- The Every Student Succeeds Act (ESSA) was signed into law on Dec 10, 2015
- ESSA reauthorized the Elementary and Secondary Education Act (ESEA) and the education subtitle of the McKinney-Vento Act
- This presentation reflects the best information currently available, but may change as the U.S. Department of Education provides additional direction
- For more information, visit [www.serve.org/nche/legis/essa.php](http://www.serve.org/nche/legis/essa.php)

# ESSA TIMELINE

**Dec 2015**  
ESSA  
signed  
into law

**Jul 2016**  
ED issues  
EHCY NRG

**Dec 10, 2016**  
AFCP not  
*homeless*;  
Title I foster  
care in effect

**Mar 2016**  
ED issues  
NPRM on  
accountability  
and state  
plans

**Oct 1, 2016**  
ESSA M-V  
amendments  
in effect

**SY17-18**  
Remaining  
ESSA  
amendments  
in effect



# AWAITING FOSTER CARE PLACEMENT



- ESSA removes “awaiting foster care placement” from the definition of homeless with a staggered implementation timeline
- “Not covered states” (includes Georgia)
  - AFCP is removed from the definition of *homeless* for states that are not “covered” (majority of states) on **December 10, 2016** (one year after the enactment of ESSA into law)

Pub. L. No. 114-95, § 9105(b)(1), 129 Stat. 2137



# AWAITING FOSTER CARE PLACEMENT

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- As of Dec 10, 2016 (not covered states)
  - Children awaiting foster care placement will no longer be considered homeless and will therefore not be eligible for McKinney-Vento services unless they meet the revised definition of *homeless*
  - Children in any stage of child welfare involvement will be served under Title I, Part A as part of new ESSA provisions related to educational stability for children and youth in foster care

EHCY Non-Regulatory Guidance, Question A-2



# INCREASED EMPHASIS ON IDENTIFICATION

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- SEAs must review and revise policies that create a barrier to the identification of HCY  
Pub. L. No. 114-95, § 9102(5), 129 Stat. 2128
- SEAs must provide professional development to LLs and other LEA personnel related to the identification of HCY  
Pub. L. No. 114-95, § 9102(4), 129 Stat. 2126
- SEAs must post the number of HCY identified in the state on the SEA website, to be updated at least annually  
Pub. L. No. 114-95, § 9102(4), 129 Stat. 2125
- LEAs must coordinate with local social services agencies and other agencies serving HCY to ensure the identification of HCY  
Pub. L. No. 114-95, § 9102(5), 129 Stat. 2131



# SC AND LL CAPACITY

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- SCs must be able to sufficiently carry out the duties of the position per the law

Pub. L. No. 114-95, § 9102(1), 129 Stat. 2124

- SCs must provide professional development and technical assistance to LLs and other LEA personnel to heighten their capacity to serve HCY

Pub. L. No. 114-95, § 9102(2), 129 Stat. 2125

- SEAs and LEAs must adopt policies and practices to ensure LL participation in professional development and technical assistance offered by SCs

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2128

- LLs must ensure that school personnel who serve HCY receive professional development

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2133



# TIPS FOR ENSURING SC AND LL CAPACITY

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- See EHCY Non-Regulatory Guidance, p 15
- Emphasizes ensuring sufficient capacity and providing adequate training
- Foundational responsibilities of SCs and LLs
  - Understanding of the challenges faced by HCY and their families
  - Understanding of the rights and services provided to HCY through the McKinney-Vento Act and other federal and state laws and programs
  - Familiarity with local public and private resources for HCY



# TIPS FOR ENSURING SC AND LL CAPACITY

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- SEAs and LEAs should allocate sufficient time for SCs and LLs to do their jobs effectively, and support them in fulfilling their duties and making timely decisions
- Consideration should be given to:
  - The number of LEAs in the state or schools and students in the LEA
  - The number of HCY identified in the state or LEA as a percentage of students living in poverty
  - The number of LEAs identifying zero HCY
  - Any recent federal and state monitoring findings



# DEFINITIONS

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- Homeless children and youth have the right to attend
  - **The school of origin**
    - The school that a child or youth attended when permanently housed, or
    - The school in which the child or youth was last enrolled
    - Includes public preschools
    - Includes receiving schools
  - **The local attendance area school**
    - Any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend

# PRESCHOOL

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“The term “school of origin” means the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, **including a preschool.**”

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2131

# PRESCHOOL

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- **Do McKinney-Vento Act requirements apply to homeless children attending preschool?**

To the extent that an LEA offers a public education to preschool children, including LEA-administered Head Start programs, an LEA must meet the McKinney-Vento Act requirements for homeless children in preschool, including ensuring that a homeless child remains in his or her public preschool of origin, unless a determination is made that it is not in the child's best interest.

EHCY Non-Regulatory Guidance, Question N-4



# RECEIVING SCHOOLS

- “When the child or youth completes the final grade level served by the school of origin, as described in clause (i), the term “school of origin” shall include the designated receiving school at the next grade level for all feeder schools.”

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2131



elementary school



middle school



high school

# BEST INTEREST

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- In determining best interest, the school district shall
  - Presume that keeping the child or youth in the school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the parent, guardian, or unaccompanied youth
  - Consider student-centered factors related to the child’s or youth’s best interest, including the impact of mobility on achievement, education, health, and safety, giving priority to the request of the parent, guardian, or unaccompanied youth

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2129

# DISPUTE RESOLUTION



- If a dispute arises over **eligibility**, or school selection or school enrollment:
  - the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending **final** resolution of the dispute, **including all available appeals**
  - the parent, guardian, or **unaccompanied youth** shall be provided with a written explanation of **any decisions related to the dispute made by the school, the local educational agency, or the State educational agency involved**, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions



# DISPUTE RESOLUTION

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- the parent, guardian, or unaccompanied youth shall be referred to the LL, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute
- In the case of an unaccompanied youth, the LL shall ensure that the youth is immediately enrolled in the requested school pending resolution of the dispute

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2130 through Stat. 2131



# DISPUTE RESOLUTION

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- If, after conducting the best interest determination, the district determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent, guardian, or unaccompanied youth, the district must provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to the parent, guardian, or unaccompanied youth, including information regarding the right to appeal.

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2129

- See Section K of the EHCY Non-Regulatory Guidance for specific ED recommendations on developing a fair, timely, and effective DR process



# SCHOOL OF ORIGIN TRANSPORTATION

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- Transportation must be provided to and from the school of origin at the request of the parent or guardian, or, in the case of an unaccompanied youth, at the request of the LL

42 U.S.C. § 11432(g)(1)(J)(iii)

- Based on the amended definition of *school of origin* under ESSA, school of origin transportation rights extend to public preschools and receiving schools
- Title I, Part A homeless set-aside funds may be used to fund school of origin transportation

(Pub. L. No. 114-95, § 1007(3)(A), 129 Stat. 1861)



# SCHOOL OF ORIGIN TRANSPORTATION

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**N-5. Does the McKinney-Vento Act require an LEA to provide transportation services to homeless children attending preschool?**

Yes. Consistent with question N-4, the McKinney-Vento Act requires LEAs to provide transportation services to the school of origin, which includes public preschools. Accordingly, transportation to the school of origin must be provided even if a homeless preschooler who is enrolled in a public preschool in one LEA moves to another LEA that does not provide widely available or universal preschool.



# SCHOOL OF ORIGIN TRANSPORTATION

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- ESSA removed the word “homeless” from references to school of origin transportation, resulting in transportation for the remainder of the academic year for formerly homeless students who have become permanently housed

**NCLB wording:** “If the homeless child or youth continues to live in the area served by the local educational agency in which the school of origin is located”

**ESSA wording:** “If the child or youth continues to live in the area served by the local educational agency in which the school of origin is located”

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2129



# SCHOOL OF ORIGIN TRANSPORTATION

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- **Must LEAs continue to provide transportation to and from the school of origin for formerly homeless students who have become permanently housed?**

Yes. LEAs must continue to provide transportation to and from the school of origin to formerly homeless students who have become permanently housed for the remainder of the academic year during which the child or youth becomes permanently housed.

EHCY Non-Regulatory Guidance, Question J-5



# ACCESS TO HIGHER EDUCATION



- LLs must inform UHY of their independent student status for the FAFSA and assist UHY in getting verification of this status

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2133

- Recent policy changes allow local liaisons to make subsequent year determinations of independent student status for UHY through age 23 for whom they have the necessary information (June 2016 letter, Secretary King)
- School counselors must advise homeless youth about the transition to college and assist these youth in preparing for and improving their college readiness

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2129



# LL AFFIRMATION OF HUD ELIGIBILITY

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- LLs may affirm that HCY served in schools, and their immediate family, meet the HUD definition of *homeless*, after receiving training on different federal definitions of *homeless*

Pub. L. No. 114-95, § 9102(5), 129 Stat. 2134

## — EHCY Non-Regulatory Guidance Section L

- Meeting the HUD definition of *homeless* does not guarantee eligibility for individual HUD programs that target particular populations
- LLs may make this affirmation in the form of a signed letter on district letterhead that, at a minimum, identifies the most recent primary nighttime residence of the HCY and family



# QUESTIONS?

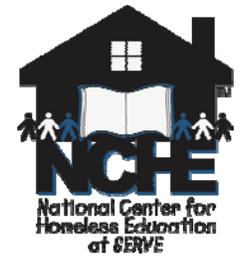
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# OTHER FEDERAL UPDATES



# STATE PLANS FOR CHILDREN IN FOSTER CARE



- Requires collaboration with the state CW agency to ensure educational stability for foster children, including
  - Continuing the student's enrollment in the SOO, unless not in the student's best interest
  - Mandating immediate enrollment in a new school if it is not in the student's best interest to continue attending the SOO
  - Requiring the immediate transfer of records between previous and enrolling schools
- Requires SEAs to appoint an SEA point of contact for child welfare agencies; this person can not be the SC

Pub. L. No. 114-95, § 1005, 129 Stat. 1844



# LOCAL PLANS FOR CHILDREN IN FOSTER CARE

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- Requires collaboration with the state or local CW agency to
  - Appoint an LEA point of contact for CW agencies *if the local child welfare agency notifies the LEA that it has appointed a point of contact for LEAs* (ED Non-Regulatory Guidance encourages the proactive appointing of a FC contact)
  - Develop and implement written procedures for providing school-of-origin transportation for the duration of the time the child is in foster care within one year of ESSA enactment, including:
    - Ensuring transportation is received in a prompt and cost-effective manner



# LOCAL PLANS FOR CHILDREN IN FOSTER CARE

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- Ensuring that the LEA provides transportation *if* additional costs are incurred *if*:
  - The local child welfare agency agrees to reimburse the LEA,
  - The LEA agrees to pay for the transportation, or
  - The local child welfare agency and LEA agree to share the cost of transportation

Pub. L. No. 114-95, § 1005, 129 Stat. 1855



# HEAD START REGULATIONS



- Head Start and Early Head Start (HS/EHS) programs support children's growth and development through a variety of services, including early learning, health, and parent supports
- HS/EHS agencies serve over 1,000,000 children a year
- Head Start Program Performance Standards (45 CFR Chapter XIII) released in September 2016, available at <https://www.federalregister.gov/documents/2016/09/06/2016-19748/head-start-performance-standards>



# HEAD START REGULATIONS

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- Highlights related to homeless children and families include:
  - Categorical HS/EHS eligibility for homeless children according to the McKinney-Vento definition of *homeless*
  - HS/EHS programs must establish collaborative relationships and partnerships with LLs and homeless service providers
  - HS/EHS programs must make specific outreach efforts to recruit homeless children and must prioritize homeless children for enrollment
  - HS/EHS programs may reserve up to 3% of slots for homeless children



# HEAD START REGULATIONS

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- HS/EHS programs must provide a grace period for homeless families to meet immunization requirements and must assist with getting immunizations
- HS/EHS programs must use community resources, where possible, to provide transportation to homeless children if lack of transportation is a barrier to program attendance
- HS/EHS programs must make efforts to maintain program enrollment for homeless children, even if they move outside the program's service area, or transition them to a new HS/EHS program in a different service area



# CCDF REGULATIONS



- The Child Care and Development Fund (CCDF) provides assistance to low-income families who need child care due to work, work-related training and/or attending school
- CCDF Regulations released in September 2016, available at <https://www.federalregister.gov/documents/2016/09/30/2016-22986/child-care-and-development-fund-ccdf-program>
- Highlights related to homeless children and families include:
  - Adopts the McKinney-Vento definition of *homeless* for purposes of program administration



# CCDF REGULATIONS

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- Requires CCDF State Lead Agencies to coordinate with SCs (and, to the extent practicable, with LLs) when developing state CCDF plans
- Requires CCDF State Lead Agencies to prioritize homeless children for services
- Requires CCDF State Lead Agencies to establish a grace period to allow homeless families to comply with immunization and other health and safety requirements



# CCDF REGULATIONS

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- Requires CCDF State Lead Agencies to implement procedures to permit the enrollment of homeless children while needed documentation is gathered
- Requires CCDF State Lead Agencies to conduct specific outreach to homeless families
- Requires CCDF State Lead Agencies to provide training and technical assistance to Lead Agency staff and early care providers about identifying and serving homeless families



# QUESTIONS?

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# THANK YOU!



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