

these policies to ensure that they comport with McKinney-Vento Act's requirement to remove barriers to the identification and enrollment of homeless children and youth. Written notice should be given to the parent, guardian, or youth, including his or her right to appeal the decision.

22. Does the McKinney-Vento Act's definition of homelessness in the education provisions (Education for Homeless Children and Youths) also qualify the family or youth to access services from other agencies (i.e. housing, food assistance, etc.)?

A: The McKinney-Vento Act's education definition applies for a wide variety of educational purposes, including LEA preschool and K-12 education programs, school meals, special education, Head Start, and independent student status for unaccompanied youth to access financial aid for college. The U.S. Department of Housing and Urban Development (HUD) employs a narrower definition. For example, many families and youth sharing housing and many families and youth staying in motels are not considered homeless by HUD and cannot access HUD Emergency Shelter Grant services for homeless persons.

Families and youth who do meet HUD's definition should still receive McKinney-Vento education benefits, as well as other assistance from HUD funds that are targeted to homelessness prevention and low-income individuals. A homeless liaison who has received the appropriate training may affirm that a child or youth who is eligible for and participating in a McKinney-Vento program provided by the LEA, or the child or youth's immediate family, who meets the eligibility requirements for a HUD homeless assistance program is eligible for such program. 42 U.S.C. §11432(g)(6)(D); 2016 Guidance. Educators and advocates should approach their HUD Continuums of Care to seek such funding and support.³ In fact, the McKinney-Vento Act requires states and LEAs that receive McKinney-Vento funds to coordinate with state and local housing agencies and other service providers to ensure homeless children and youths are identified and can access education and related support services. 42 U.S.C. §11432(g)(5). Similarly, HUD Continuums of Care are required to collaborate with LEAs to assist in the identification and enrollment of homeless children and youth, HEARTH Act, Sec. 427(b)(1)(B)(iii), 42 U.S.C. §11386a(b)(1)(B)(iii). More information about the federal definitions of homelessness is available at <http://www.naehcy.org/educational-resources/housing>.

Liaisons

23. Does every LEA have to have a liaison?

³ Continuums of Care (CoCs) are local groups of homeless service providers who join together to compete for HUD funds. The CoC system is designed to address the critical problem of homelessness through a coordinated community-based process of identifying needs and building a system to address those needs. Local CoC contact information is available at <http://hudhre.info/index.cfm?do=viewCocContacts>.

102. If a student changes LEAs while special education evaluations are underway, must the new LEA continue the evaluation process?

A: Yes. Under IDEA, LEAs must complete initial evaluations within 60 days of a parent's request, or within time frames established by the state. These time limits apply to students who change school districts during the evaluation process, so the new school district cannot "restart the clock" when a student enrolls. The only procedure to extend the time frame is if the new LEA is making sufficient progress to ensure a prompt completion of evaluations, and the parent and school agree to a specific time when the evaluation will be completed. In addition, IDEA specifically requires schools to ensure that assessments of children who change LEAs during the school year are coordinated with prior schools as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations. To expedite evaluations, the new school should immediately get all the evaluations and other paperwork completed on the student from the old school and consult with the previous school psychologist, counselor and/or teachers about the student's needs. 20 U.S.C. §§1414(a)(1)(C)(ii), (b)(3)(D).

In addition, the U.S. Department of Education has noted: "There are compelling reasons for school districts to complete evaluations and eligibility determinations for highly mobile children well within the evaluation time frame that is applicable in a State, and we strongly encourage school districts to complete their evaluations of highly mobile children within expedited time frames (e.g., within 30 days), consistent with each highly mobile child's individual needs, whenever possible." U.S. Department of Education, Office of Special Education and Rehabilitative Services, August 5, 2013 letter to State Directors of Special Education (available by contacting pjulianelle@naehcy.org).

103. If an unaccompanied youth is under 18, who signs for special education services?

A: Under IDEA, the following people can sign for special education services for a minor: a parent or legal guardian; an adult acting in the place of a parent and with whom the youth is living; or if consistent with state law, a foster parent. 34 C.F.R. §300.30. If the LEA cannot identify or locate such an adult, it must appoint a surrogate parent. If the student is an unaccompanied youth or a ward of the state, IDEA requires that the district ensure the student's rights are protected, including by assigning a surrogate parent. The surrogate parent must be trained in special education procedures and cannot be a school district employee or other person who might have a conflict of interest. 20 U.S.C. §1415(b)(2); 34 CFR §300.519(a)-(b).

However, as the process of appointing a surrogate parent can take several weeks, LEAs should appoint immediate, "temporary" surrogate parents for unaccompanied youth. Temporary surrogate parents can consent for evaluations or sign IEPs so that assessments and services can begin immediately, while a regular surrogate is being appointed. Due to their more limited role, appropriate candidates for temporary surrogates include staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs, as well as McKinney-Vento liaisons or other school district staff. 34 CFR §300.519(f); 71 Fed. Reg. 46712 (August 14, 2006).

A more detailed explanation of special education decision-making for unaccompanied youth is available in the NASDSE/NAEHCY publication “Surrogate Parents and Unaccompanied Homeless Youth Under the Individuals with Disabilities Education Act”, available at <http://naehcy.org/sites/default/files/dl/legis/uhysurrogateparents.pdf>.

104. If a student’s poor academic achievement may be attributable to his or her homelessness, does that mean that an LEA should not evaluate for special education?

A: No. Students experiencing homelessness may miss school, have poor physical health, and struggle with behavior issues related to the stress of losing their housing. IDEA cautions that students should not be found eligible for special education if their difficulties are caused by lack of instruction or environmental, cultural, or economic disadvantage. At the same time, IDEA places clear obligations on LEAs to conduct special education evaluations upon a parent’s request. Only through conducting evaluations and analyzing the results will a school district be able to determine if a student has a disability requiring special education and related services or is merely reacting to the realities of homelessness. Therefore, IDEA requires schools to determine whether lack of instruction is causing a child’s disabilities “upon completion of the administration of assessments and other evaluation measures.” The law similarly requires schools to consider environmental, cultural, or economic disadvantage “as part of the evaluation.” These considerations are part of the evaluation and eligibility determination process; they do not substitute for the process or eliminate an LEA’s responsibilities to engage in the process.

In many cases it will be appropriate for the school to put interventions and services in place for such students, to support their achievement and avoid unnecessary special education services. This often is referred to as a Response to Intervention (RTI) process. The U.S. Department of Education has emphasized that an RTI process cannot be used to delay or deny special education evaluations. “The regulations at 34 CFR §§300.301(b) allow a parent to request an initial evaluation at any time to determine if a child is a child with a disability. The use of RTI strategies cannot be used to delay or deny the provision of a full and individual evaluation....” U.S. Department of Education, Office of Special Education and Rehabilitative Services, January 21, 2011 Memorandum, *available at* <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf>. In addition, for children who change LEAs during the evaluation process, “the new school district may not delay the evaluation or extend the evaluation time frame in order to implement an RTI process.” U.S. Department of Education, Office of Special Education and Rehabilitative Services, August 5, 2013 letter to State Directors of Special Education (available by contacting pjulianelle@naehcy.org). Instead, such interventions should be provided while the evaluation is in progress. 20 USC §§1414(b)(4)-(5); 34 CFR §§300.306, 300.309(b)-(c).

105. If a student who is in a private day placement pursuant to an IEP becomes homeless and moves into temporary housing in a neighboring LEA, which LEA must pay for the placement? What if the LEA where the student has moved does not believe the placement is necessary?

A: A student experiencing homelessness has rights under both IDEA and the McKinney-Vento Act. In this situation, IDEA gives the child the right to receive a free, appropriate public education consistent with his or her IEP. The McKinney-Vento Act entitles the student to remain in the school of origin. Therefore, the student has the right to remain in the private day placement. (If it were a public placement, such as a county special education program or other program, the answer would be the same.) Neither IDEA nor the McKinney-Vento Act assign fiscal responsibility. Typically, the LEA that developed the IEP and made the placement will continue to pay for the placement. That district is also likely receiving federal and state funds for the pupil. However, if state law, the state education agency or the LEAs determine that a different financial arrangement is appropriate, federal law does not prevent an alternative arrangement. If the allocation of fiscal responsibility is in dispute, the student's education and services must not be interrupted or disturbed while the dispute is resolved. 20 U.S.C. §1412(a)(11)(A)(iii); 34 CFR §300.149(a)(3); U.S. Department of Education Office of Special Education and Rehabilitative Services (February 2008). "Questions and Answers on Special Education and Homelessness", E-2.

Title I, Part A of the Elementary and Secondary Education Act

106. Are children and youth in homeless situations eligible for Title I, Part A services? What if they are succeeding in school?

A: Yes. All children and youth in homeless situations are automatically eligible for Title I, Part A services, whether or not they live in a Title I school attendance area or meet the academic standards required of other children for eligibility. 2016 Guidance, M-1; 20 U.S.C. §6315(c)(2)(E). The poverty, unstable and often unhealthy living situations, and emotional trauma of homelessness place even outstanding students at risk of academic regression and failure.

107. If a student experiencing homelessness attends a school that does not receive Title I, Part A funds, how does the student receive services?

A: Every LEA that receives Title IA funds is required to set aside a portion of its allotment to provide comparable services to homeless students attending schools that do not receive Title I, Part A services. 2016 Guidance, M-5; 20 U.S.C. §6313(c)(3)(A). For example, Title IA funds frequently serve elementary school students; The mandatory set-aside ensures that middle and high school students experiencing homelessness in those districts receive Title IA services.

108. Is there a formula for calculating Title I, Part A set-asides?

A: No, there is no mandated formula for Title IA set-asides. However, the set-aside must be sufficient to provide "comparable services" to students attending non-participating schools. 2016 Guidance, M-5; 20 U.S.C. §6313(c)(3)(A). The set-aside may be determined based on a needs assessment of homeless children and youth in the LEA, taking into consideration the

number of homeless children and youth identified in the LEA, and their unique needs. 2016 Guidance, M-6, 20 U.S.C. §6313(c)(3)(A)(i). One method for conducting needs assessments to determine an appropriate set-aside for homeless children and youth includes reviewing homeless student enrollment averages over a few years, and multiplying that number by the average per-pupil Title I cost. It is also very important to take into account the overall poverty rate in the LEA, and efforts that may be necessary to increase the identification of homeless children and youth. In addition, LEAs should consider what is necessary and reasonable for each student to fulfill the purposes of the Title I and McKinney-Vento programs in their district, as well as the effectiveness of past activities in accomplishing the goals of those programs for individual students as well as the overall programs.

109. What kind of services can Title I, Part A funds (including set-asides and other funds) pay for?

A: Title IA funds, including those under the set-aside and other funds, can be used to serve students experiencing homelessness in both Title IA and non-Title IA schools. The services should support the students to succeed in school and to meet academic achievement standards. The funds can be used to provide services that are not ordinarily provided to other Title IA students, including educationally related support services to children in shelters and other locations where they are living. Consolidated Appropriations Act, 2016, Pub. L. 114-113; see also 20 U.S.C. §6313(c)(3)(A). For example, to help students effectively take advantage of educational opportunities, and when the items or services are not available from other sources, Title IA funds can be used to provide:

- Items of clothing, particularly if necessary to meet a school’s dress or uniform requirement;
- Clothing and shoes necessary to participate in physical education classes;
- Student fees that are necessary to participate in the general education program;
- Personal school supplies such as backpacks and notebooks;
- Birth certificates necessary to enroll in school;
- Immunizations;
- Food;
- Medical and dental services;
- Eyeglasses and hearing aids;
- Counseling services to address anxiety related to homelessness that is impeding learning;
- Outreach services to students living in shelters, motels, and other temporary residences;
- Extended learning time (before and after school, Saturday classes, summer school) to compensate for lack of quiet time for homework in shelters or other overcrowded living conditions;
- Tutoring services, especially in shelters or other locations where homeless students live;
- Parental involvement specifically oriented to reaching out to parents of homeless students;
- Fees for AP and IB testing; and
- Fees for SAT/ACT testing.

2016 Guidance, M-4.

110. Can Title, Part A funds be used to fund transportation?

A: Yes. The Consolidated Appropriations Act, 2016 (Pub. L. 114-113) specifically authorizes an LEA to use FY 2016 Title I funds (and, consistent with GEPA section 425(b), Title I carryover funds) to pay transportation costs associated with transporting homeless children and youth to and from their school of origin. These allowable costs are the incremental costs to transport a homeless child or youth to his or her school of origin above what the LEA would have otherwise provided to transport the student to his or her assigned school (See “Letter from the Office of Safe and Healthy Students Director to the Education for Homeless Children and Youths State Coordinators and Title 1 State Directors” at <http://www2.ed.gov/programs/homeless/legislation.html>). LEAs must continue to provide homeless children and youth with comparable services. The Every Student Succeeds Act also authorizes the use of Title I Part A funds for transportation to the school of origin; therefore, this policy will continue into future fiscal years. 20 U.S.C. 6313(c)(3)(C)(ii).

Title IA funds can also be used to help fund other kinds of transportation, such as transportation to early childhood education programs, extra-curricular activities and academic enrichment services.

111. Can Title I, Part A set-asides be used to fund McKinney-Vento liaisons?

A: Yes. An individual paid, in whole or in part, with Title I, Part A funds may serve as the McKinney-Vento liaison, even if that person has no Title I duties. Consolidated Appropriations Act, 2016 (Pub. L. 114-113); 2016 Guidance, M-10; 20 U.S.C. 6313(c)(3)(C)(ii). An LEA may also use Title I funds to support additional staff carrying out the required duties of the local liaison.

112. What can Title I, Part A funds not be used for?

A: The Title I statute states that Title I funds cannot supplant other state or local funds. 20 U.S.C. §6320A(b)(1). In other words, Title I funds cannot be used for services that are part of the core services provided by public schools, and services that schools are required to provide even in the absence of Title I funding.

113. Must an LEA include in its Title I, Part A plan information about services for homeless children and youth?

A: Yes. For an LEA to receive Title IA funds, its Title IA plan must describe the services the LEA will provide to children and youth experiencing homelessness, including but not limited to those services provided with the set-aside. 20 U.S.C. §6312(b)(1)(O); 2016 Guidance, M-8. ESSA’s amendments require LEA Title I plans starting with the 2017-18 school year to describe the services the LEA will provide to support the enrollment, attendance, and success of homeless children and youth. 20 U.S.C. §6312(b)(6). An LEA’s Title I, Part A application also

should include a description of the method used for determining the amount reserved, whether by a needs assessment or some other method (e.g., past homeless student enrollment and support service cost data), and how the liaison was consulted or involved in determining the set-aside. 2016 Guidance, M-8.

LEA Title IA plans must also be coordinated with the McKinney-Vento Act. 20 U.S.C. §6312(a)(1); 20 U.S.C. §6312(b)(1)(E)(ii). Finally, State Title I, Part A plans must also be coordinated with the McKinney-Vento Act. 20 U.S.C. §6311(a)(1).

Preschool and Other Early Childhood Programs

114. Does the McKinney-Vento Act define the term pre-school?

A. While the term “preschool” is not defined in the McKinney-Vento Act, the definition used for McKinney-Vento data collection by the U.S. Department of Education is a helpful reference: “early childhood education programs for children aged 0-5, funded through tax dollars or other public funds, and for which the LEA is a financial or administrative agent or for which the LEA is accountable for providing early childhood education services.” Examples of preschool programs included in federal data collection include preschool programs operated or administered by an LEA; Head Start programs receiving funding from the LEA or for which the LEA is the grant recipient; preschool special education services, operated or funded by the LEA or mandated under the Individuals with Disabilities Education Act; preschool programs and services administered or funded by the LEA through the use of Title I or similar government grants; or home-based early childhood educational services funded and administered by an LEA.” National Center for Homeless Education (2016). *Guide to Reporting Federal Data*, available at <http://nche.ed.gov/downloads/data-guide-15-16.pdf>.

115. Are children experiencing homelessness automatically eligible for preschool programs?

A. State law and local policy often determine eligibility criteria for preschool programs. Liaisons should learn about these policies to see if McKinney-Vento children meet the criteria, either by virtue of their homelessness or other consideration. For example, in some states, all children who are eligible for free meals are also eligible for public preschool programs; since homeless children are automatically eligible for free meals, they also are automatically eligible for preschool. Some states also give children experiencing homelessness a priority for or entitlement to preschool enrollment.

Homeless children are automatically eligible to attend preschool programs funded under Title I. (ESEA section 1115(c)(2)(E)). 2016 Guidance, N-2.

116. How do the McKinney-Vento Act requirements apply to preschool children?

A: 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. 42 U.S.C. §§11432(g)(1)(F)(i), (g)(3)(I); 2016 Guidance, N-4 and N-5.

117. How can one determine whether a preschool program is administered by an LEA, and therefore subject to the requirements of the McKinney-Vento Act?

A: Several considerations can help make that determination. First, referencing the definition and examples in the McKinney-Vento data collection definition of preschool is an important first step. See Question 114. Second, questions regarding management and operations can help: Who hires the staff? Who is the governing board? Who signs the checks? Who determines the regulatory body under which the program operates? While the program's location can contribute to the determination, it is not determinative. For example, there are Head Start programs located in school buildings but completely independent of LEA funding, operations or administration, essentially renting space from the school in the way they would from a community agency or private landowner. Those programs likely are not LEA-administered. On the contrary, other preschool programs are located off school grounds but operated by the LEA, which hires the staff, provides governance and contributes funding. Those programs would be LEA-administered. Lastly, if a preschool is jointly funded or administered by more than one agency, one of which is the LEA, the program should be considered LEA-administered. The McKinney-Vento data collection definition of preschool specifically covers programs "for which the LEA is a financial or administrative agent..." The use of the article "a" includes within the definition programs for which the LEA is one of several financial or administrative agents.

118. Are there any special "best interest" criteria when considering school stability for preschool children?

A: Yes. In addition to other student-centered factors described in Question 27, it can be particularly important that school selection determinations for preschoolers include a consideration of: the child's attachment to preschool teachers and staff; the impact of school climate on the child; the availability and quality of services to meet the child's comprehensive needs, including health, developmental, and social-emotional needs; and travel time to and from the school. 2016 Guidance, N-3.

119. Does the McKinney-Vento Act require transportation to the school of origin for preschool aged children?

A: Yes, transportation must be provided as long as remaining in the preschool of origin is in the child's best interest. This is true even if the LEA(s) does not provide transportation for other preschoolers, and 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. 42 U.S.C. §§11432(g)(3)(I) and 11432(g)(1)(J)(iii); 2016 Guidance, N-5.

120. What must states do to serve preschoolers experiencing homelessness?

A: State plans must describe procedures to ensure that preschoolers experiencing homelessness have access to public preschool programs administered by the State educational agency or local educational agency. 42 U.S.C. §11432(g)(1)(F)(i). States are required to use McKinney-Vento grants in part to provide activities and services for preschoolers in homeless situations, so they can enroll in, attend, and succeed in preschool programs. 42 U.S.C. §11432(d)(2). State coordinators must coordinate with agencies that serve preschoolers, including child development and preschool personnel, to improve the provision of comprehensive services to children. 42 U.S.C. §11432(f)(4).

121. What must LEAs do to serve preschoolers experiencing homelessness?

A: McKinney-Vento liaisons must ensure that families and children experiencing homelessness have access to and receive educational services for which they are eligible, including services through Head Start programs, Early Head Start programs, early intervention services under part C of the Individuals with Disabilities Education Act, and other preschool programs administered by the LEA. 42 U.S.C. §11432(g)(6)(A)(iii). The U.S. Department of Education emphasizes that “local liaisons should make every effort to enroll preschool-age homeless children in preschool if they are not already enrolled.” 2016 Guidance, N-2.

In order to be able to fulfill this requirement, the local liaison should make special efforts to identify preschool-aged homeless children, including by asking parents of school-age children if there are younger siblings in the household. Liaisons also can identify young homeless children by working closely with shelters, federally qualified health centers, social service agencies, and early childhood education providers. 2016 Guidance, N-1. In addition, liaisons should inform families of preschool opportunities for their children, and assist them to enroll, including by sending their information to preschool programs and departments as soon as an eligible child is identified. Since preschool enrollment often takes place months before the school year starts, it is critical to connect families to preschool programs as soon as possible, even if the child has not yet attained the age necessary for eligibility. Liaisons also should remind preschool program staff of how important preschool services are for homeless children and how waiting lists often create barriers for homeless families who wish to enroll their children. Some preschool programs keep slots open specifically for homeless children. 2016 Guidance, N-2.

122. Can LEAs use McKinney-Vento and Title I homeless set-aside funds to serve preschoolers experiencing homelessness?

A. Yes. Districts can use their McKinney-Vento subgrants and their Title I homeless set-asides to provide early childhood education programs for children in homeless situations, if such programs are not otherwise provided through Federal, State, or local funding. 42 U.S.C. §11433(d)(6).

123. Are children experiencing homelessness eligible to participate in Head Start and Early Head Start?

A: Yes. Homeless children are categorically eligible for Early/Head Start. 45 CFR §1302.12(c)(iii). This means that homeless status, rather than income, qualifies a family for Head Start. The Head Start Act uses the same definition of homelessness as public schools, which includes families living in motels and doubled-up situations, as well as other living arrangements included in the McKinney-Vento Act definition. 45 CFR §1305.2

A family can prove their eligibility for Head Start based on homelessness with 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. 45 CFR §1302.12(i)(3).

124. Are Head Start and Early Head Start programs required to follow any special policies or procedures regarding families and children experiencing homelessness?

A: Yes. The Head Start Act required the Office of Head Start (OHS) to issue regulations requiring programs to identify and prioritize homeless children for enrollment; to allow homeless families to enroll and attend Head Start programs while required documents are obtained; and to coordinate with efforts to implement the McKinney-Vento Act. In September of 2016, OHS issued those regulations in the form of new Head Start Performance Standards. The new Performance Standards permit Head Start programs to reserve one or more enrollment slots for pregnant women and children experiencing homelessness, when a vacancy occurs. No more than 3 percent of a program's funded enrollment slots may be reserved. If the reserved enrollment slot is not filled within 30 days, the enrollment slot becomes vacant and then must be filled within 30 days. 45 CFR §1302.15(c). This policy is very important, because lack of available slots during the program year is one of the most common barriers to Early/Head Start enrollment for children experiencing homelessness. Allowing programs to reserve slots for homeless children gives programs an opportunity to plan better for families' predictable mobility and ensure that Early/Head Start can reach children who are categorically eligible for services.

In addition, the new Performance Standards require Early/Head Start programs to: actively locate and recruit homeless children; allow homeless children to attend without immunization and other records for up to 90 days, or as long as allowed under state licensing requirements; make efforts to maintain the enrollment of homeless children if they move to a different service area; and utilize community resources, where possible, to provide transportation for homeless children if they are unable to attend classes regularly because the family does not have transportation. Head Start programs also must report how they are meeting the needs of homeless, foster, and other children, if they are proposing to serve over-income children. For a complete summary of Head Start Performance Standards children and families experiencing homelessness, see [http://www.naehcy.org/sites/default/files/dl/legis/Summary of Final Head Start Regulations Related to Homelessness FINAL.pdf](http://www.naehcy.org/sites/default/files/dl/legis/Summary%20of%20Final%20Head%20Start%20Regulations%20Related%20to%20Homelessness%20FINAL.pdf)

125. What can liaisons do to fulfill their duty to ensure that homeless families have access to and receive Head Start and Early Head Start?

A. Liaisons can assist homeless families to enroll in Head Start by providing documentation indicating the family's homeless status to Head Start programs; providing immunization and other records to the Head Start program; and helping families to fill out Head Start applications. In order to assist Head Start programs to reserve adequate slots for homeless children, liaisons should provide data to Head Start programs on homeless children in the service area; Head Start programs must include this data for their community needs assessments, which are the basis for reserving slots and developing selection criteria for Head Start programs. 45 CFR §1302.11(b)(1)(i); 45 CFR §1302.15(c).

126. Do any federal or state policies help families experiencing homelessness access child care?

A. Yes. The Child Care Development and Block Grant Act of 2014 contains several provisions to increase access and continuity for homeless children and families. The legislation and final regulations require States to:

- Use the definition of homelessness in the education subtitle of the McKinney-Vento Act.
- Prioritize children experiencing homelessness for child care services.
- Establish a grace period that allows children experiencing homelessness to receive child care while their families take action to comply with immunization and other health and safety requirements.
- Use funds for activities that improve access to child care services, including
 - procedures to permit enrollment of homeless children (after an initial eligibility determination) while required documentation is obtained,
 - training and technical assistance on identifying and serving homeless children and their families, and
 - specific outreach to homeless families.
- Coordinate services with early childhood programs serving children experiencing homelessness.
- Establish a sliding fee scale that is not a barrier to families receiving federal child care assistance.
- Collect and submit data on homeless children receiving federal child care assistance.

For more information, see <http://naehcy.org/educational-resources/early-childhood>.

Access to Higher Education

127. Can students experiencing homelessness request waivers of fees for SAT and ACT testing and college applications?

A: Yes. Students should be eligible for waivers for all of those fees, due to their income level and/or their homelessness. However, SAT and ACT waivers are available only when a student is enrolled in high school. School counselors should be familiar with the procedures for fee

waivers. More information is also available at <http://www.act.org/aap/pdf/feewaiver.pdf> and <http://www.collegeboard.com/student/testing/sat/calenefees/feewaivers.html>.

128. What must an LEA do to help prepare youth experiencing homelessness for college?

A. LEAs must ensure that counselors provide advice to McKinney-Vento youth to help prepare and improve their readiness for college. 42 U.S.C. 11432(g)(1)(K). The local liaison, along with guidance counselors and other LEA staff tasked with college preparation, should ensure that all high school students experiencing homelessness receive information and individualized counseling regarding college readiness, college selection, the application process, financial aid, and the availability of on-campus supports. 2016 Guidance, Q-1.

129. What must LEA liaisons do to assist unaccompanied homeless youth to apply for financial aid for post-secondary education?

A. Local liaisons must ensure that unaccompanied homeless youth are informed of their status as independent students for college financial aid. See Question 130. In addition, liaisons must assist youths to receive verification of their independent student status for federal student aid purposes. 42 U.S.C. 11432(g)(6)(A)(x)(III); 2016 Guidance, Q-2.

130. Can unaccompanied homeless youth apply for federal financial aid (through the Free Application for Federal Student Aid, or FAFSA) without providing information about their parents' income and their parents' signature?

A: Yes. Generally, youth under age 24 must provide parental information when completing the FAFSA. However, under the Higher Education Act, youth who are both (1) unaccompanied and (2) homeless (or self-supporting and at risk of homelessness) can apply for federal aid independently, without parental information or signature. Their eligibility must be verified, in the year in which the youth completes the FAFSA, by (1) a McKinney-Vento liaison; (2) a U.S. Department of Housing and Urban Development homeless assistance program director or his/her designee; (3) a Runaway and Homeless Youth Act program director or his/her designee; or (4) a financial aid administrator.

For youth who do not have, and cannot obtain, verification from their liaison or a shelter provider (for example, youth who have graduated from high school, were not identified as homeless in high schools, or did not stay in a shelter), the college financial aid administrator must make a determination of homelessness based on the legal definitions of "unaccompanied" and "homeless." In these instances, a financial aid administrator may make a determination of homeless status on the basis of a documented interview. U.S. Department of Education, *Federal Student Aid Application and Verification Guide*, 2016-2017. Financial aid administrators, McKinney-Vento liaisons and shelter staff should verify homelessness by consulting with and gathering information from the youth; they should not require the youth to provide extensive documentation "proving" homelessness. July 2015 Dear Colleague Letter from the U.S. Department of Education at <https://ifap.ed.gov/dpclatters/GEN1516.html>. More

information about helping unaccompanied youth apply for financial aid is available at http://www.naehcy.org/higher_ed.html.

131. Who can make a determination of homeless and unaccompanied status once a youth is no longer in high school?

A. A local liaison may continue to make a determination of a youth's status as either unaccompanied and homeless, or as self-supporting and at risk of being homeless, for federal student aid purposes for as long as the liaison has access to the information necessary to make such a determination for a particular youth. 2016 Guidance, Q-2. If a liaison does not have the information that is necessary to make the determination, either because the youth become homeless after high school, or because the liaison is no longer familiar with the youth's circumstances, the financial aid administrator must make the determination. A tool to assist financial aid administrators to make determinations of unaccompanied and homeless status is available at http://www.naehcy.org/higher_ed.html.

132. A student answered "yes" to the questions on the FAFSA about being a homeless unaccompanied youth. Now the financial aid office is asking the student for a determination of a student's homeless status from the McKinney-Vento liaison or shelter director. What kind of documentation must the liaison or shelter director (or designee) provide to satisfy this requirement?

A: There is no specific documentation that a liaison or a shelter provider must provide to a financial aid office. A sample template for this purpose is available on the NAEHCY web site at http://www.naehcy.org/higher_ed.html. Financial aid administrators, McKinney-Vento liaisons, and shelter directors should meet to establish an expeditious process, including standard forms.

133. Are there other circumstances in which a youth can apply for financial aid without parental signature or financial information?

A: Yes. Youth who meet the federal definition of "independent student" can fill out the FAFSA without their parents. Independent students include students who are 24 years of age or older, orphans, a youth who was in foster care at any time after the age of 13, a youth who was a ward or dependent of the court, emancipated youth, veterans, graduate students, and youth who are married, have children or other legal dependents that they support. A financial aid administrator at a college can also designate a student as independent for "other unusual circumstances", through a process known as a dependency override. Youth should contact the financial aid administrator at the college of their choice for more information about this process. 20 U.S.C. 1087vv(d)

134. What address should a youth experiencing homelessness use on the FAFSA and college applications?

A: By definition, students experiencing homelessness are likely to lack a stable address. For the FAFSA, college applications, and similar documents, homeless students should use a safe, reliable mailing address, where they will be able to retrieve mail on an on-going basis with a minimal risk of mail being lost or stolen. This can be the address of a relative or friend who has given them permission to use it, or it can be their school's address, as long as they have contacted the school for permission and instructions for insuring that mail they receive at the school reaches them. U.S. Department of Education, *Federal Student Aid Application and Verification Guide*, 2016-2017.

135. A student's FAFSA has been rejected. What should the student do?

A: There are many reasons a FAFSA may be rejected. The student should contact the Federal Student Aid Information Center at (800) 433-3243 to find out the specific problem with the student's FAFSA. The college financial aid administrator also may be able to help. FAFSA corrections can be made on-line via the federal financial aid website, which also contains detailed instructions and answers to Frequently Asked Questions. The site is: <http://www.fafsa.ed.gov/>.

136. Are there other college access programs from which youth experiencing homelessness might benefit?

A: Yes. The Federal TRIO programs consist of programs that support at-risk junior high and high school students to graduate from high school, enter college, and complete their degrees. These programs include Talent Search, Upward Bound, Student Support Services, Educational Opportunity Centers and Staff Development Activities. The Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) program also can support McKinney-Vento students. Students experiencing homelessness are at great risk of academic failure due to their extreme poverty and residential instability, and are now explicitly recognized as eligible populations in these federal programs.

Coordinating with HUD Homeless Assistance Programs

137. What is the difference between the definition of homelessness used by public schools and early childhood programs, and the definition of homelessness used by the U.S. Department of Housing and Urban Development (HUD)?

A. The HUD definition of homelessness is much narrower than the definition of homelessness used by public schools and early care programs. For the most part, it excludes families and youth who are staying with other people because they have nowhere else to go, as well as families and youth who are staying in motels that are not paid for by government agencies or charities. A chart explaining federal definitions of homelessness is available at <http://naehcy.org/educational-resources/housing>.

138. Can LEA liaisons determine whether a family or youth is homeless according to the HUD's definition of homelessness?

A. Yes. Local liaisons who have received training from the State Coordinator on the different federal definitions of homelessness are authorized to affirm whether children and youth meet the HUD's definition of homelessness, to qualify them for HUD homeless assistance programs. 42 U.S.C. 11432(g)(6)(D). Local liaisons 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 child, youth, or family that was verified by the local liaison. To determine to whom to address or send the letter, contact the Collaborative Applicant for the HUD Continuum of Care at <https://www.hudexchange.info/grantees/?granteesaction=main.searchresults&programid=3>.

139. Does meeting the HUD definition of homelessness mean that a family or youth will receive HUD homeless assistance housing or services?

A. No. Meeting the HUD definition of homeless does not necessarily mean that a family or youth is eligible for a locally-operated HUD-funded homeless assistance project. Many local projects funded by HUD have additional eligibility requirements aside from meeting the definition of homeless. 2016 Guidance, L-4 and L-5.

140. Are HUD-funded homeless assistance programs required to coordinate with LEAs to enroll homeless children and youth in schools and early childhood programs?

A. Yes. Continuum of Care (CoC) applicants are required to demonstrate that they are collaborating with LEAs to assist in the identification of homeless families, as well as informing these families and youth of their eligibility for McKinney-Vento education services. *See* 42 U.S.C. §11386a(b)(1)(B)(iii). In addition, CoC applicants must demonstrate that they are considering the educational needs of children when families are placed in emergency or transitional shelter and, to the maximum extent practicable, placing families with children as close as possible to their schools of origin so as not to disrupt the children's education. *See* 42 U.S.C. §11386(b)(7).

Project applicants must demonstrate that their programs are establishing policies and practices that are consistent with, and do not restrict the exercise of, rights provided by the education subtitle of the McKinney-Vento Act, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness. *See* 42 U.S.C. §11386(b)(4)(C). Lastly, project applicants must demonstrate that programs that provide housing or services to families are designating a staff person to ensure that children are enrolled in school and connected to the appropriate services within the community, including early childhood programs such as Head Start, Part C of the Individuals with Disabilities Education Act, and McKinney-Vento education services. *See* 42 U.S.C. §11386(b)(4)(D). For more information, see <http://naehcy.org/educational-resources/housing>

Resources

141. Where can I find information about pending federal legislation related to the education of children and youth in homeless situations?

A: The National Association for the Education of Homeless Children and Youth (NAEHCY) provides updates on pending legislation, as well as many other publications and services geared toward educators specializing in the education of children and youth in homeless situations. Legislative updates are available at <http://www.naehcy.org/>.

142. What is the federal government doing to help schools comply with the McKinney-Vento Act?

A: The U.S. Department of Education (ED) has established a technical assistance center on the McKinney-Vento Act and its implementation, at the National Center for Homeless Education (<http://www.serve.org/nche>). NCHE can provide technical assistance documents, trainings, posters, manuals, outreach materials, Webinars, online professional development communities, Helpline technical assistance (800-308-2145), and other support. ED sponsors annual meetings for McKinney-Vento State Coordinators and the Federal McKinney-Vento Coordinator participates in an annual conference of educators who work with the McKinney-Vento Act. ED also conducts document reviews and on-site compliance monitoring across the country.

143. Is there any data on high school graduation rates for homeless students?

A: Currently, only five states publish disaggregated graduation rates for homeless students.¹⁶ However, starting in the 2017-2018 school year, State report cards must include disaggregated information on the graduation rates and academic achievement of homeless children and youth. 20 U.S.C. §6311(h)(1)(C)(ii) and (iii). A recent national study found that 42% of homeless youth surveyed dropped out of school at least once, while 60% said it was hard to stay in school while they were homeless. For more information, see *Hidden in Plain Sight: Homeless Students in America's Public Schools* at <http://www.gradnation.org/homeless>.

144. Where can one find national statistics on homelessness, especially on children?

A: Some sources of statistics include:

- *National Association for the Education of Homeless Children and Youth*
<http://www.naehcy.org/>
- *National Center for Homeless Education, Data and Statistics on Homelessness*
http://www.serve.org/nche/ibt/sc_data.php
http://www.serve.org/nche/ibt/aw_statistics.php
- *National Coalition for the Homeless fact sheets*

¹⁶ <http://www.icphusa.org/index.asp?page=26&blog=91>

<http://www.nationalhomeless.org/facts.html>

- *National Law Center on Homelessness & Poverty*
<http://www.nlchp.org/>
- *National Low Income Housing Coalition, Out of Reach Surveys*
<http://www.nlihc.org/>
- *National Network for Youth*
<https://www.nn4youth.org/>
- *Toward Understanding Homelessness: The 2007 National Symposium on Homelessness Research.* Washington, DC: U.S. Dept. of Health and Human Services.
<http://aspe.hhs.gov/hsp/homelessness/symposium07/index.htm>
- *U.S. Conference of Mayors, Hunger and Homelessness Surveys*
<http://www.usmayors.org/>
- *U.S. Department of Education, ED Data Express*
<http://eddataexpress.ed.gov/>

145. Where can I find research on the effects of school mobility on academic achievement?

A: There is a growing body of research on this topic. The National Center for Homeless Education (NCHE) has conducted a review of the literature on this topic. A comprehensive research bibliography is available at:

http://www.serve.org/nche/downloads/nche_mobil_biblio.doc. Additional research related to homelessness and education is available at: <http://www.serve.org/nche/ibt/research.php>.

Glossary of Terms

LEA – Local Education Agency

FAFSA – Free Application for Federal Student Aid

HUD – United States Department of Housing and Urban Development

ESSA – Every Student Succeeds Act

GED – General Education Development

FERPA – The Family Educational Rights and Privacy Act

IDEA – Individuals with Disabilities Education Act

CPS – Child Protective Services

SEA – State Education Agency

IEP – Individualized Education Plan

RTI – Response to Intervention

Complete List of Questions

Definitions/Identification

1. Do local educational agencies (LEAs) have the responsibility to identify children and youth experiencing homelessness?
2. Is there any guidance on what “fixed, regular, and adequate nighttime residence” means?
3. Is there a time limit on how long a child or youth can be considered homeless?
4. What criteria should be used to determine if housing is “substandard”?
5. Are children and youth who live in trailer homes or trailer parks covered by the Act?
6. Are children and youth who move in with relatives, friends, or other people covered by the Act?
7. Can children or youth be considered homeless if their parents have sent them to live with other people because the parents are too poor to provide a regular and adequate home? Is the answer the same if the parents do not live in the United States?
8. In the event that a parent is urgently hospitalized for illness or surgery and the child moves temporarily with a relative in another town, should we consider the child to be homeless?
9. If parents send their children to live with friends or relatives because they want their children to go to another school, do we treat the children as homeless?
10. Are transitional housing programs considered a homeless situation?
11. Are children in foster care covered by the McKinney-Vento Act?
12. Do child welfare agencies have responsibilities for the school enrollment, attendance, and stability of all children and youth in foster care?
13. Do incarcerated youth qualify for McKinney-Vento protection and services?
14. Does the family’s/youth’s income affect whether they are covered by the Act?
15. Are students displaced by a disaster covered by the McKinney-Vento Act?
16. What are some identification strategies to locate displaced children and youth?
17. Are migrant students covered by the McKinney-Vento Act?
18. Are immigrant students covered by the McKinney-Vento Act?
19. What ages does the McKinney-Vento Act cover?
20. What are a LEA’s responsibilities for advising families and youth about their rights if they do not identify or consider themselves as homeless?
21. Is there any procedure in place to prevent families who have permanent housing from claiming to be homeless just to obtain McKinney-Vento services?

22. Does the McKinney-Vento Act's definition of homelessness in the education provisions (Education for Homeless Children and Youths) also qualify the family or youth to access services from other agencies (i.e. housing, food assistance, etc.)?

Liaisons

23. Does every LEA have to have a liaison?
24. What are the liaison's duties?
25. How can an LEA ensure that the liaison is "able to carry out" his or her duties?

School Selection

26. What is meant by the term "school of origin?"
27. What factors should be considered for keeping children at their school of origin?
28. Are there additional factors that should be considered for keeping preschool aged children at their preschool of origin?
29. How long can a student attend his or her school of origin?
30. What is the school of origin for a student who becomes homeless, enrolls in a new school near the temporary housing, and then moves again to a third attendance area?
31. In the event that a child's temporary housing is located in a different LEA from the school of origin, which district is financially responsible for the child's education?
32. If a student finds temporary housing across state lines from the school of origin, does the McKinney-Vento Act still apply?
33. If a student is out of school for an extended period of time, does the student still have the right to go to the school of origin?
34. Are SEA and LEA-run GED programs covered by McKinney-Vento? Can a GED program be considered a "school of origin"?
35. Sometimes a student in a homeless situation will enroll in a new school, because the parent, guardian, or unaccompanied youth was not informed of the student's right to remain in the school of origin. In that case, does the student still have the right to go back to the school of origin?
36. What if placing a student in a school the parent requests would violate a school desegregation order?
37. If a student becomes homeless and wants to enroll in a school for which other students living in the same attendance area are eligible under a school choice program, can the student enroll there? Is transportation required? What about other services?

38. If a family with more than one child becomes homeless, and the children would like to attend school in different LEAs (i.e. one child would like to return to the school of origin, and the other child would like to enroll in the local school) does the family have that right?
39. Can a distance learning course be considered a school of origin?

Transportation

40. Under what circumstances must an LEA provide adequate and appropriate transportation to school for students experiencing homelessness?
41. How far is too far to travel to the school of origin? What if my state has established a general limit on all school transportation of one hour or 30 miles, for example?
42. Is transportation required if the school of origin is in another LEA?
43. If a student is crossing district lines to remain at the school of origin, which district has primary responsibility to arrange and fund the transportation?
44. When two states are involved in a dispute regarding provision of transportation and either state refuses to pay any of the cost, is there a provision for a federally-enforced resolution?
45. Can an LEA reimburse parents to transport their children? Can an LEA reimburse youth who are transporting themselves?
46. Does providing or arranging for transportation mean door-to-door transportation, similar to transportation for students receiving special education services?
47. Does providing access to public transportation qualify as providing transportation?
48. If a district doesn't offer transportation to summer school for any students, does it have to provide summer school transportation for students in homeless situations?
49. Is transportation required while a dispute is being resolved?
50. If a student's temporary housing is across state lines from the school of origin, is transportation still required?
51. How does the McKinney-Vento Act interact with state or local transportation policies related to safety, inter-district transportation, and other issues?

Immediate Enrollment and Attendance

52. How "immediate" is immediate enrollment?
53. Can schools require verification or proof of residency, such as seeing a lease in the case where a family is hosting a student who is not a family member?
54. How can schools verify age for enrollment in kindergarten without a birth certificate?

55. If we enroll a student who is homeless without requiring proof of immunizations, aren't we putting the entire school at risk?
56. If we enroll a student who is homeless without requiring school records, how do we know the child was not suspended or expelled from the previous school?
57. Can the previous school transfer records to the new school without a parent's signature?
58. Can a previous school refuse to send records due to fees owed for textbooks, etc.?
59. How can a school determine what classes or services to provide a student if there are no school records?
60. If a state or LEA has zero tolerance rules for absences (for example, requiring students with 10 absences to be referred to juvenile court, or to fail classes automatically), how do those rules apply to students in homeless situations?
61. If a student in a homeless situation seeks enrollment in a magnet or alternative school, but the enrollment deadline for that school has passed, what may the McKinney-Vento liaison do to ensure that the student receives appropriate services?
62. How should a school handle the enrollment of a youth in a homeless situation who was recently involved in a criminal act?
63. What if a child has been abducted? If the enrolling school does not require proof of guardianship, how will abducted children be found?
64. Must LEAs publicize information about the McKinney-Vento Act?
65. Does the McKinney-Vento Act define the term "enroll" or "enrollment"?

Issues Facing Youth

66. How does the McKinney-Vento Act define "unaccompanied youth"? Is there an age range?
67. Is there an age limit on serving secondary students?
68. Must schools enroll youth in school without proof of guardianship?
69. Can a school require a caregiver to get legal guardianship to enroll a student in school?
70. Who can make educational decisions for an unaccompanied youth?
71. Do schools have to contact the police when enrolling unaccompanied youth?
72. What if an unaccompanied youth gets injured in school? How will the child receive medical care without a parent? Will the school be liable?
73. If runaway youth would just follow their parents' rules, they could live at home; why should we encourage their bad behavior?

74. How can schools minimize unaccompanied youth's contact with the juvenile and criminal justice systems?
75. What steps should SEAs and LEAs take to revise the laws and policies in their communities that serve as barriers to the identification, enrollment, attendance, and success of homeless students?
76. How can the Runaway and Homeless Youth Act help unaccompanied youth?

Supporting Academic Success

77. Does the requirement for immediate enrollment include enrollment in optional enrichment programs, extended-day programs, and other supplemental services?
78. Should students in homeless situations be exempt from residency and attendance rules for participating in school sports (for example rules requiring school residency or attendance for a semester before being eligible for sports at that school)?
79. What if children experiencing homelessness cannot pay fees associated with extra-curricular activities, such as club dues, sports uniforms, etc.?
80. If a youth has not been in a school and tries to enroll mid-semester, what obligation does the school have to enroll the student and give him/her credit for the work they do in the remainder of the semester? If the youth has been attending another school, what obligation does the enrolling school have to give him/her credit for partial coursework completed at the prior school?
81. Is there any obligation to provide education services to a student who is homeless and is expelled from school due to behavior?
82. Can students who are homeless receive free school meals without documenting income? What about students with an outstanding balance of unpaid school meal fees?
83. To what extent should services for dental, medical, and other such needs be provided for children experiencing homelessness?

Private Schools and Charter Schools

84. What obligations do private schools have under the McKinney-Vento Act? If the school of origin is a private school, must the student be allowed to continue attending?
85. Does the McKinney-Vento Act apply to charter schools?
86. If a McKinney-Vento student wishes to enroll in a charter school after the deadline or lottery has passed, and the applicable class in the school is now full, does the school have to go over its legal enrollment limit to enroll the student?

Integration

87. In a situation where students stay at a shelter for only a short period of time, can a district provide a teacher to teach at the shelter?
88. The McKinney-Vento Act says that its funds can be used to provide services to children experiencing homelessness in a separate setting within a public school, only “as necessary for short periods of time for health and safety emergencies.” How is “health and safety emergencies” defined?

Disputes and Enforcement

89. Does the McKinney-Vento Act contain procedures for resolving disputes?
90. Does the McKinney-Vento liaison have to be the person listening to the grievance procedure?
91. Does the state need to be involved in resolving disputes?
92. Must school districts provide transportation during disputes?
93. Does the McKinney-Vento Act apply to LEAs that are not receiving its funding?
94. Does the McKinney-Vento Act supersede state and local laws to the extent they conflict with federal law?
95. If an LEA does not follow the law, is there a penalty?

Students Receiving Special Education and Related Services

96. Do special education laws explicitly refer to students experiencing homelessness?
97. Do students receiving special education who are homeless have the right to remain in their school of origin?
98. If a student receiving special education services becomes homeless and elects to remain in the school of origin, who pays for transportation?
99. Must schools immediately enroll students receiving special education who are homeless?
100. Must schools provide special education services immediately to students experiencing homelessness who have IEPs from another school district or state?
101. How can a school determine what services to provide a student receiving special education, if there are no school records?
102. If a student changes LEAs while special education evaluations are underway, must the new LEA continue the evaluation process?
103. If an unaccompanied youth is under 18, who signs for special education services?
104. If a student’s poor academic achievement may be attributable to his or her homelessness, does that mean that an LEA should not evaluate for special education?

